CITY OF WHEATLAND

PLANNING COMMISSION MEETING STAFF REPORT

October 3, 2023

SUBJECT: Consideration to recommend City Council approval of the 1973 State Route 65 Annexation Project.

PREPARED BY: Tim Raney, Community Development Director

Recommendation

Staff recommends that the Wheatland Planning Commission hold the public hearing on the proposed 1973 State Route (SR) 65 Annexation Project, and upon close of the public hearing:

- Adopt a Resolution recommending City Council approve the 1973 SR 65 Project Initial Study/Mitigated Negative Declaration (IS/MND) and the 1973 SR 65 Project Mitigation Monitoring and Reporting Program (MMRP) (see Attachment 2);
- Adopt a Resolution recommending City Council approve the annexation of 1.8 acres into the City of Wheatland (see Attachment 3);
- Adopt a Resolution recommending City Council approve the General Plan Map Amendment for the 1.8-acre project site from Medium Density Residential (MDR) to Commercial (C) (see Attachment 4); and
- Adopt a Resolution recommending the City Council approve the proposed Ordinance Prezoning the 1.8-acre project area to Heavy Commercial (C-3) (see Attachment 5).

Background

The City received an application from Timothy Giblair with Surveyors Group, Inc. ("the applicant") on May 4, 2022 requesting the annexation of 1.8-acre project site. The project area currently consists of scattered trees. The project site is generally bound by Walker Telecomm to the north, Union Pacific Railroad (UPRR) tracks to the north and east, the remainder of the parcel to the south, and SR 65 to the west.

Discussion

The project site consists of a 1.8-acre portion of a 3.84-acre parcel located at 1973 SR 65 in the City of Wheatland, California, and is identified by Assessor's Parcel Numbers (APNs) 015-260-004-000 and 015-273-001-000. It should be noted that although the project site is identified by two APNs, the project site consists of one parcel. The project site is currently undeveloped and contains scattered trees throughout the property. The site is located in the unincorporated area

of Yuba County and currently has a Yuba County Zoning Designation of Agricultural Exclusive (AE-40). The site is located in the City of Wheatland's Sphere of Influence (SOI) and has a current General Plan Land Use Designation of MDR.

The proposed project includes the request for a General Plan Map Amendment to change the land use designation for the site from MDR to Commercial and prezoning to the C-3 district. Pursuant to the Wheatland General Plan, the Commercial land use provides for neighborhood and locally-oriented retail and service uses, retail and service uses, restaurants, banks, entertainment uses, professional and administrative offices, public and quasi-public uses, and similar and compatible uses. Similarly, pursuant to Chapter 18.36 of the Wheatland Municipal Code, the purpose of the C-3 district is to provide for retail, wholesale, highway and heavy commercial uses.

It should be noted that development is not currently proposed as part of this project. Any future development would be subject to entitlement review by the City which would also include project specific California Environmental Quality Act (CEQA) analysis.

If the proposed annexation is approved by City Council, the City of Wheatland would then submit an application for annexation to the Yuba Local Agency Formation Commission (LAFCo), who has approval authority for all proposed annexations in Yuba County.

Environmental Review

The proposed project does not include any development at this time. Therefore, in accordance with CEQA, the City has prepared a program-level Initial Study/Mitigated Negative Declaration (IS/MND) of the environmental impacts associated with the proposed annexation, General Plan Amendment, and prezoning of the 1.8-acre project site. The IS/MND determined all potentially significant environmental impacts resulting from the proposed project would be mitigated to a less-than-significant level with incorporation of mitigation (see Attachment 2, Exhibit A). As a result, an MMRP was prepared for the proposed project (see Attachment 2, Exhibit B). It should be noted that the IS/MND has been prepared to address Yuba LAFCo issues such that LAFCo can rely on this IS/MND for their review of the proposed annexation.

In compliance with Public Resources Code Section 21080.3.1, known as Assembly Bill (AB) 52, (Public Resources Code [PRC] Section 21080.3.1), a project notification letter was distributed to the United Auburn Indian Community of the Auburn Rancheria (UAIC) and the Enterprise Rancheria on May 16, 2023. The City received an email from a representative from the UAIC on June 7, 2023. The email was to advise that a potentially sensitive resource is located in the project vicinity and tribal consultation would be required if there were to be any ground disturbance. A response was sent on June 27, 2023, providing more information regarding the proposed project, including the required mitigation measures related to tribal cultural resources. The City did not receive a response and further consultation was not requested.

Furthermore, pursuant to CEQA, the IS/MND was published for a 30-day public review period from June 30, 2023 to July 31, 2023 to solicit comments and input from the public. The City received one comment letter from the Central Valley Regional Water Quality Control Board (CVRWQCB). The CVRWQCB comment letter provides background information regarding applicable regulations and required permits. Compliance with such regulations is discussed throughout Section X, Hydrology and Water Quality, of the IS/MND. The comment letter does not address the adequacy of the IS/MND and has been noted for the record.

Fiscal Impact

None, all project costs have been paid by the applicant.

Conclusion

Based upon the information included in this staff report, staff recommends that the Wheatland Planning Commission:

- Adopt a Resolution recommending City Council approve the 1973 SR 65 Project IS/MND and the 1973 SR 65 Project MMRP (see Attachment 2);
- Adopt a Resolution recommending City Council approve the annexation of 1.8 acres into the City of Wheatland (see Attachment 3);
- Adopt a Resolution recommending City Council approve the General Plan Map Amendment for the 1.8-acre project site from MDR to Commercial (see Attachment 4); and
- Adopt a Resolution recommending the City Council approve the proposed Ordinance Prezoning the 1.8-acre project site to C-3 (see Attachment 5).,

Attachments

1. Proposed Annexation Area Exhibit.
2. Resolution recommending City Council approve the 1973 SR 65 Project IS/MND and the 1973 SR 65 MMRP.
   - Exhibit A – 1973 SR 65 Initial Study Mitigated Negative Declaration
   - Exhibit B – 1973 SR 65 Mitigation Monitoring and Reporting Program
3. Resolution recommending City Council approve the annexation of 1.8 acres into the City of Wheatland.
4. Resolution recommending City Council approve the General Plan Map Amendment for the 1.8-acre project site from MDR to C.
5. Resolution recommending the City Council approve the proposed Ordinance Prezoning the 1.8-acre project area to C-3.
   - Exhibit A – City Council Prezoning Ordinance

Attachment 1

Proposed Annexation Area Exhibit

Attachment 2

WHEATLAND PLANNING COMMISSION
RESOLUTION NO. 2023-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND RECOMMENDING CITY COUNCIL APPROVL OF THE 1973 STATE ROUTE 65 PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND THE 1973 STATE ROUTE 65 PROJECT MITIGATION MONITORING PROGRAM

WHEREAS, the City of Wheatland ("City") received an application from Timothy Giblair with Surveyors Group, Inc. for the annexation of the approximately 1.8-acre site located east of State Route 65 in the City of Wheatland (APNs 015-260-004-000 and 015-273-001-000) ("Project"); and

WHEREAS, the City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the IS/MND concluded that the Project, with the implementation of the mitigation measures recommended in the Initial Study, will not have a significant effect on the environment; and

WHEREAS, the City therefore proposed a CEQA Mitigated Negative Declaration for the Project, and a notice of intent to adopt a mitigated negative declaration was circulated for a 30-day review period from June 30, 2023 to July 31, 2023 in accordance with CEQA; and

WHEREAS the Planning Commission gave notice of public hearing as required by law; and on September 5, 2023, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, recommending City Council approval of the IS/MND and MMRP. The Final IS/MND and MMRP are attached as Exhibit A and Exhibit B to this Resolution respectively.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission does hereby make the following findings for recommendation to the City Council approval of the IS/MND:

1. The foregoing recitals are true and correct.

2. The Planning Commission of the City of Wheatland hereby FINDS, on the basis of the whole record before it (including the Initial Study and all comments received) that:

    a. The City of Wheatland exercised overall control and direction over the CEQA review for the project, including the preparation of the Final IS/MND, and independently reviewed the Final IS/MND and MMRP; and,

    b. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed and assuming approval of the General Plan Map Amendment and Prezone; and

c. The Final IS/MND and MMRP reflect the City's independent judgment and analysis.

3. The Planning Commission hereby recommends the City Council APPROVE AND ADOPT the Final IS/MND and MMRP for the Project.

* * * * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the City of Wheatland Planning Commission, at a regular meeting thereof, held on the 3rd day of October, 2023 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____

Planning Commission Chairperson

ATTEST:

_____

City Clerk

City of Wheatland
Community Development Department

1973 State Route 65 Project

Initial Study/Mitigated Negative Declaration

June 2023

Prepared by

RANEY PLANNING & MANAGEMENT, INC. | 20 years
1501 Sports Drive, Suite A, Sacramento, CA 95834

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INITIAL STUDY

June 2023

A. BACKGROUND

1.	Project Title:	1973 State Route 65 Project
2.	Lead Agency Name and Address:	City of Wheatland Community Development Department 111 C Street Wheatland, CA 95692
3.	Contact Person and Phone Number:	Kevin Valente Senior Planner (916) 372-6100
4.	Project Location:	1973 State Route (SR) 65, east of SR 65 and north of 1st Street Wheatland, CA 95692 APNs: 015-260-004 and 015-273-001
5.	Project Sponsors' Names and Addresses:	Timothy Giblair, Surveyors Group Inc. 9001 Foothills Boulevard, Suite 170 Roseville, CA 95747
6.	Existing General Plan Designation:	Medium Density Residential (MDR) Natural Resources – Yuba County
7.	Existing Zoning:	Agriculture (AE-40) – Yuba County
8.	Proposed General Plan Designation:	Commercial
9.	Proposed Pre-Zoning:	Heavy Commercial (C-3)
10.	Required Approvals from Other Public Agencies:	Annexation – Yuba County Local Agency Formation Commission (LAFCo)

11. Surrounding Land Uses and Setting:

The project site consists of a 1.8-acre portion of a 3.84-acre parcel located at 1973 SR 65 in the City of Wheatland, California, and is identified by Assessor's Parcel Numbers (APNs) 015-260-004-000 and 015-273-001-000. It should be noted that although the project site is identified by two APNs, the project site consists of one parcel. The project site is currently undeveloped and contains scattered trees throughout the property. The project site is generally bound by Walker Telecomm to the north, Union Pacific Railroad (UPRR) tracks to the north and east, the remainder of the parcel to the south, and SR 65 to the west. Other surrounding existing uses include Tom Abe Park, Wheatland City Hall,

Wheatland Community Center, and single-family residences to the east, across the UPRR tracks; 1st Street and a single-family residence to the south, with commercial uses across 1st Street; an apartment complex to the north, across the UPRR tracks; and Wheatland Elementary School to the west, across SR 65.

The project site is located outside of the Wheatland city limits; however, the site is included in the Wheatland Sphere of Influence (SOI) and the Wheatland General Plan. The City of Wheatland General Plan designates the project site as Medium Density Residential (MDR). Because the project site is not within the City of Wheatland, the site does not have a City zoning designation. The Yuba County General Plan designates the site as Natural Resources and the site is zoned Agriculture (AE-40) by the County.

12. Project Description Summary:

The proposed project consists of the annexation of the project site into the City of Wheatland. Annexation is ultimately subject to approval by Yuba Local Agency Formation Commission (LAFCo). The proposed project would require approval to amend the General Plan land use designation of the project site from MDR to Commercial, and Pre-Zone the project site with a City zoning designation of C-3. The proposed project would not include any development at this time.

13. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

In compliance with Assembly Bill (AB) 52 (Public Resources Code [PRC] Section 21080.3.1), a project notification letter was distributed to the United Auburn Indian Community of the Auburn Rancheria (UAIC) and the Enterprise Rancheria on May 16, 2023. On June 7, 2023, a representative from the UAIC submitted a comment regarding a potentially sensitive tribal cultural resource within the project vicinity. After receiving additional project information, further consultation was not requested. Other requests to consult were not received during the required consultation period.

B. SOURCES

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

1. CalEPA. *Cortese List Data Resources.* Available at: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed May 2023.
2. California Air Pollution Control Officers Association. *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* [pg. 70]. December 2021.
3. California Department of Conservation. *California Important Farmland Finder.* Available at: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed May 2023.
4. California Department of Forestry and Fire Protection. *FHSZ Viewer.* Available at: https://egis.fire.ca.gov/FHSZ/. Accessed May 2023.
5. California Energy Commission. *Renewables Portfolio Standard – RPS.* Available at: https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard. Accessed December 2022.
6. CalRecycle. *SWIS Facility/Site Activity Details, Recology Ostrom Road LF Inc. (58-AA-0011).* Available at:

https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/733?siteID=4075. Accessed May 2023.
7. Caltrans. *Scenic Highways*. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed May 2023.
8. City of Wheatland. *City of Wheatland General Plan Update Draft Environmental Impact Report*. December 2005.
9. Cordua Irrigation District, Yuba Water Agency, City of Marysville. *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan*. December 2019.
10. Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese)*. Available at: https://www.envirostor.dtsc.ca.gov/public/. Accessed May 2023.
11. Sacramento Area Council of Governments. *Beale Air Force Base Land Use Compatibility Plan*. Approved March 2011.
12. State Water Resources Control Board. *GeoTracker*. Available at: https://geotracker.waterboards.ca.gov/map/?myaddress=California&from=header&cqid=8858350455. Accessed May 2023.
13. U.S. Census Bureau. *American Community Survey 5-year estimates*. Available at: http://censusreporter.org/profiles/16000US0685012-wheatland-ca/. Accessed June 2023
14. U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Available at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/. Accessed May 2023.
15. Yuba County. *Final Yuba County 2030 General Plan Environmental Impact Report*. May 2011.

C. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less-Than-Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ **Aesthetics**	☐ **Agriculture and Forest Resources**	✖ **Air Quality**
✖ **Biological Resources**	✖ **Cultural Resources**	☐ **Energy**
✖ **Geology and Soils**	☐ **Greenhouse Gas Emissions**	☐ **Hazards and Hazardous Materials**
☐ **Hydrology and Water Quality**	☐ **Land Use and Planning**	☐ **Mineral Resources**
✖ **Noise**	☐ **Population and Housing**	☐ **Public Services**
☐ **Recreation**	☐ **Transportation**	✖ **Tribal Cultural Resources**
☐ **Utilities and Service Systems**	☐ **Wildfire**	☐ **Mandatory Findings of Significance**

D. DETERMINATION

On the basis of this initial study:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

× I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Kevin Valente, Senior Planner	City of Wheatland
Printed Name	For

E. BACKGROUND AND INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. Where the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures are prescribed.

The mitigation measures prescribed for environmental effects described in this IS/MND would be implemented in conjunction with the project, as required by CEQA. The mitigation measures would be incorporated into the project through project conditions of approval. The City would adopt findings and a Mitigation Monitoring and Reporting Program for the project in conjunction with approval of the project.

In 2006, the City of Wheatland adopted the City's General Plan and adopted an Environmental Impact Report (EIR) for the General Plan. The General Plan EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations [CCR] Sections 15000 et seq.). The General Plan EIR analyzed full implementation of the General Plan and identified measures to mitigate the significant adverse impacts associated with the General Plan. Consistent with Section 15150 of the CEQA Guidelines, applicable portions of the General Plan and General Plan EIR are incorporated by reference as part of this IS/MND.

F. PROJECT DESCRIPTION

The following provides a description of the project site's current location and setting, as well as the proposed project components and the discretionary actions required for the project.

Project Location and Setting

The project site consists of a 1.8-acre portion of a 3.84-acre parcel located at 1973 SR 65 and identified by APN 015-260-004-000. The northern portion of the 3.84-acre parcel (including the project site) is located in unincorporated Yuba County, and the southern portion of the parcel is located within Wheatland, California (see Figure 1 and Figure 2).

The project site is currently undeveloped and contains scattered trees throughout the property. The project site is generally bound by Walker Telecomm to the north, UPRR tracks to the north and east, the remainder of the parcel to the south, and SR 65 to the west. Other surrounding existing uses include Tom Abe Park, Wheatland City Hall, Wheatland Community Center, and single-family residences to the east, across the UPRR tracks; commercial uses to the south, across 1st Street; an apartment complex to the north, across the UPRR tracks; and Wheatland Elementary School to the west, across SR 65. Although the project site is located outside of, and directly north of, the Wheatland City limits, the project site is included in the City of Wheatland General Plan and SOI. The City of Wheatland General Plan designates the site as MDR. Because the project site is not within the City of Wheatland, the site does not have a City zoning designation. The Yuba County General Plan designates the site as Natural Resources and the site is zoned AE-40 by the County.

Project Components

The proposed project consists of the annexation of the project site (1.8 acres total) into the City of Wheatland. Annexation is ultimately subject to approval by Yuba LAFCo.

Figure 1
Regional Location Map

Figure 2
Project Site Boundaries Map

Project site boundaries are approximate.

Annexation of the project site would require approval to amend the General Plan land use designation from MDR to Commercial, and Pre-Zone the project site with a City zoning designation of C-3. According to the City's General Plan, the Commercial designation provides for neighborhood and locally-oriented retail and service uses, retail and service uses, restaurants, banks, entertainment uses, professional and administrative offices, public and quasi-public uses, and similar and compatible uses, with a floor-area-ratio (FAR) not exceeding 0.50. Similarly, according to Chapter 18.36 of the City's Municipal Code, the purpose of the C-3 district is to provide for retail, wholesale, highway and heavy commercial uses, along with amusement, transient residential, warehousing and distribution, maintenance, repair and servicing activities. Therefore, based on the proposed land use and Pre-Zoning designations of the project site, the proposed project could allow for a maximum of 17,533 sf of commercial uses, such as: automotive services, commercial recreational facilities, convenience markets, foodstores, motels, offices, plan nurseries, restaurants, retail shops, or warehousing.

It should be noted that pursuant to Section 18.36.030 of the Wheatland Municipal Code, residential uses with the density and setback requirements of the Multifamily Residential (R-3) zone are conditionally permitted in the C-3 zone. As such, residential development may occur on the project site with Planning Commission approval of a Conditional Use Permit (CUP). Projects requiring a CUP are also subject to Site Plan and Design Review. The R-3 zone allows for a maximum density of 30 dwelling units per acre. Therefore, should the project site be developed with residential uses pursuant to the R-3 zoning standards, up to 54 dwelling units may be developed within the project site.

The proposed project would not include any development at this time. Thus, this IS/MND includes a program-level analysis of the environmental impacts associated with annexation and Pre-Zoning of the 1.8-acre site, as well as a General Plan Amendment for the land use designation, as described above. This IS/MND does not include a project-level analysis of future development for which additional discretionary entitlements (i.e., Site Plan Design Review, Tentative Subdivision Map, Use Permit, etc.) could potentially be required; rather, such development would be subject to future CEQA analysis when project-level information is available. However, the program-level analysis included herein assumes development of the site with the maximum allowed uses, as permitted by the proposed land use and Pre-Zoning designation described above.

Discretionary Actions

The proposed project would require the following approvals from the City of Wheatland:

- Adoption of the IS/MND;
- Approval of a Mitigation Monitoring and Reporting Program;
- Annexation from Yuba County into the City of Wheatland;
- General Plan Amendment from MDR to Commercial; and
- Pre-Zone from AE-40 to C-3.

Annexation is ultimately subject to approval by Yuba LAFCo. The City Council would be responsible for approving a resolution authorizing the City to submit an application for annexation to Yuba LAFCo. Coordination with Yuba LAFCo would be a separate process and is not included in this scope of work. However, this IS/MND is prepared to address Yuba LAFCo issues such that LAFCo can rely on this IS/MND as a Responsible Agency.

G. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

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

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	✖
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	✖
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	✖	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	✖	☐

Discussion

a,b. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other areas designated for the express purpose of viewing and sightseeing. In general, a project's impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. The City's General Plan does not designate official scenic view corridors. While Yuba County General Plan Policy NR9.1 requires new development near Yuba, Bear, and Feather rivers to be designed and located in a way that retains or enhances scenic views, the Yuba County General Plan does not officially designate specific scenic vistas.

According to the Caltrans State Scenic Highways Program, the City of Wheatland is not located near any officially designated State scenic highways.[1] The nearest State highway eligible for designation is a stretch of SR 49, located approximately 17.5 miles to the east of the project site, and the nearest officially designated State scenic highways are located even further from the proposed project site. In addition, scenic resources, such as rock outcroppings or historically significant buildings, do not exist within the project site.

Based on the above, the proposed project would not have a substantial adverse effect on a scenic vista and would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. Therefore, the project would result in ***no impact***.

c. The site is bound by SR 65 to the west and UPRR to the east. Generally, surrounding existing uses include Walker Telecomm and an apartment complex to the north; Tom Abe Park, Wheatland City Hall, Wheatland Community Center, and single-family residences to the east, across the UPRR tracks; commercial uses to the south, across 1st Street; and a single-family residence and 1st Street to the south. Given the relatively urban nature of the project area, the relevant threshold for the purposes of the analysis provided below is whether, in an urbanized area, the proposed project would conflict with applicable zoning and other regulations governing scenic quality. The proposed project does not include any site-specific development plans, designs, or proposals. The proposed project would

[1] Caltrans. *Scenic Highways*. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed May 2023.

include a General Plan Amendment to change the land use designation from MDR to Commercial, and Pre-Zoning of the site from AE-40 to C-3.

According to the City's General Plan, the Commercial designation allows for a mix of commercial uses. The General Plan envisions the expansion of regional commercial services adjacent to the proposed SR 65 bypass, the Downtown, and the northeastern portion of the City. As discussed above, the proposed project would allow for the future development of a maximum of 17,533 sf of commercial uses, or 54 dwelling units with approval of a CUP. As such, future development facilitated by the proposed project would have the potential to change the existing visual character or quality of public views of the project area. However, future development facilitated by the proposed project would be subject to the applicable development standards for the C-3 zoning district included in Chapter 18.36 of the City's Municipal Code, such as maximum lot coverage and setback standards. Compliance with such standards would reduce potential impacts to the visual character of the project area due to future development. Furthermore, any future development facilitated by the proposed project would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards.

Therefore, the proposed project would not substantially degrade the existing visual character or quality of public views of the project site, and a ***less-than-significant*** impact would occur.

d. The proposed project does not include any site-specific development plans, designs, or proposals. Therefore, the proposed project would not involve new sources of light and glare within the project site. However, future development within the project site facilitated by the proposed project has the potential to result in new sources of light and glare associated with lighting fixtures within future buildings and parking areas, as well as headlights from vehicles driving within the project site. The project site is currently undeveloped and does not contain any existing sources of light. Therefore, such sources of light and glare could be more intensive than what currently occurs within the majority of the surrounding area.

However, future development would be required to comply with the City's Community Design Standards document, which includes goals, objectives, and standards to guide the design of new projects within the City, as well as all General Plan policies related to light and glare. For example, COM Standard 4.3.6 of the Community Design Standards requires commercial light fixtures to be the appropriate scale, location, and shielded to avoid spillover or glare into surrounding areas. Thus, compliance with applicable policies, regulations, and standards would ensure that all new sources of light and glare indirectly facilitated by the proposed project are minimized to the extent feasible. Furthermore, future development facilitated by the proposed project would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, which would ensure that potential impacts related to light and glare are evaluated prior to project approval, and if necessary, mitigated to the extent feasible.

Given the general consistency of the proposed project with surrounding development and compliance with City requirements related to lighting, implementation of the proposed project would result in a ***less-than-significant*** impact related to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	✖	☐
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	✖	☐
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	✖
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	✖
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	✖	☐

Discussion

a,e. Currently, the project site is undeveloped with scattered trees. According to the California Department of Conservation Important Farmland Finder, the project site is identified as Urban and Built-Up Land.[2] The project site does not contain, and is not located adjacent to, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. In addition, the City's General Plan designates the project site for development. Therefore, the proposed project's impacts to the conversion of farmland would be ***less-than-significant***.

b. The project site is currently designated MDR by the Wheatland General Plan and, thus, development of the site with non-agricultural uses has been previously anticipated by the City. The project site is zoned as AE-40 by Yuba County; however, as discussed above, the project is located within the City's SOI and has been designated for development by the City's General Plan. Additionally, Yuba County does not participate in the Williamson Act program. Therefore, the County, as well as, the City of Wheatland do not contain any land under a Williamson Act contract, and the proposed project would not conflict with a Williamson Act contract. Therefore, a ***less-than-significant*** would occur related to conflict with a Williamson Act contract or existing zoning for agricultural use.

c,d. The project site is not considered forest land (as defined in PRC section 12220[g]), timberland (as defined by PRC section 4526) and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would have ***no impact*** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

[2] California Department of Conservation. *California Important Farmland Finder.* Available at: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed May 2023.

III. AIR QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	✖	☐	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	✖	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	✖	☐	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	✖	☐

Discussion

a-c. Wheatland is located within the Feather River Air Quality Management District (FRAQMD). The FRAQMD is part of the Sacramento Valley Air Basin (SVAB) that includes Butte, Colusa, Glen, Tehama, Shasta, Yolo, Sacramento, Yuba, Sutter, and parts of Placer and Solano counties. California and the federal government have established air quality standards for various pollutants. The standards are used to determine attainment of State and federal air quality goals and plans. Generally, State regulations are more strict standards than federal regulations. Air quality standards are set at concentrations that provide a sufficient margin of safety to protect public health and welfare. FRAQMD has adopted thresholds of significance for various pollutants intended to maintain attainment of federal and State air quality standards.

While the proposed project would allow for the future development of commercial or residential uses within the project site, the proposed project does not include any site-specific development plans, designs, or proposals at this time. As such, implementation of the proposed project would not contribute to local emissions in the area.

Any future development facilitated by the proposed project would be required to adhere to General Plan goals and policies related to air quality, as well as federal, State, and regional air quality plans. Specifically, General Plan Policy 8.E.3 requires new development to submit an air quality analysis to the City for review and approval. Furthermore, future on-site development, and the construction of any off-site extension of any necessary utilities, would be required to comply with all FRAQMD rules and regulations, including Rule 3.0 related to visible emissions and Rule 3.2 related to particulate matter concentration, as well as the following Standard Construction Mitigation Measures provided in the FRAQMD's Indirect Source Review Guidelines:

1. Implement the Fugitive Dust Control Plan.
2. Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
3. The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of on-site operation.
4. Limiting idling time to five minutes.
5. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.

6. Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
7. Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (CARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the CARB or FRAQMD to determine registration and permitting requirements prior to equipment operation at the site.

It should be noted that because the project site currently contains scattered trees, construction of any future development facilitated by the proposed project is anticipated to result in the removal of a substantial amount of vegetative material. However, according to the FRAQMD rules and regulations for new development, open burning of vegetative waste is prohibited. Rather, vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood.

Based on the above, compliance with the aforementioned requirements, including General Plan Policy 8.E.3, would ensure that future development facilitated by the proposed project would not conflict with or obstruct implementation of the applicable air quality plan, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, or expose sensitive receptors to substantial pollutant concentrations. However, without verification to confirm that all of the aforementioned requirements are implemented, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

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

III-1 *In conjunction with submittal for Site Plan and Design Review, a detailed air quality analysis shall be conducted to determine the emissions associated with all activities related to the development (e.g., demolition and removal of all trees and structures, construction, operations, etc.). The analysis shall be completed in accordance with the FRAQMD's Indirect Source Review Guidelines and shall present the modeled emissions in comparison to the FRAQMD thresholds of significance in place at the time of preparation. If the modeled emissions are below the applicable FRAQMD thresholds of significance, then further mitigation is not required. If the modeled emissions exceed the FRAQMD thresholds, then the air quality analysis shall include recommendations sufficient to reduce the emissions to below the applicable FRAQMD thresholds of significance and provide evidence of the reduction through calculations. Acceptable options for reducing emissions may include, but are not limited to, the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, increased renewable energy usage, restriction of natural gas infrastructure, and/or other options as they*

become available. The air quality analysis shall be submitted to the City of Wheatland Community Development Department for review and approval.

d. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. Such uses would not be permitted uses within the project site under the proposed General Plan and zoning designations. In addition, the proposed project does not include any site-specific development plans, designs, or proposals at this time. Any future development on the project site would be subject to the FRAQMD's Standard Construction Mitigation Measures, as well as General Plan Policy 8.E.3, as presented above, which would ensure construction-related dust does not adversely affect a substantial number of people. Thus, a ***less-than-significant*** impact related to resulting in other emissions (such as those leading to odors) adversely affecting a substantial number of people would occur.

IV. BIOLOGICAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	✖	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	✖	☐
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	✖	☐
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	✖	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	✖
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	✖

Discussion

a. Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal and State Endangered Species Acts. Both acts afford protection to listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, sensitive species included in USFWS Recovery Plans, and CDFW special-status invertebrates are all considered special-status species. Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal. In addition, plant species on California Native Plant Society (CNPS) Lists 1 and 2 are considered special-status plant species and are protected under CEQA.

Currently, the project site contains scattered trees and ruderal vegetation. The proposed project does not include any site-specific development plans, designs, or proposals at this time. Any future development within the project site would be required to be consistent with all applicable policies, regulations, and standards related to the preservation of biological resources, including those set forth in the City's General Plan and Municipal Code, as well as those required by the federal government and the State.

In order to determine the likelihood for special-status species to occur on the project site, a search of the California Natural Diversity Database (CNDDB) was conducted for the project site's quadrangle and the eight quadrangles surrounding the project site. The intent of the database review was to identify documented occurrences of special-status species in the vicinity of the project area, to determine their locations relative to the project site, and to evaluate whether the site meets the habitat requirements of such species. Based on the results of the CNDDB search, several special-status plant and wildlife species are known to occur within the project region. However, the majority of species are not expected to occur on-site due to the lack of suitable habitat. The potential for special-status species to occur on the project site is discussed in further detail below.

Special-Status Plants

Special-status plants generally occur in relatively undisturbed areas within vegetation communities such as vernal pools, marshes and swamps, chenopod scrub, seasonal wetlands, riparian scrub, chaparral, alkali playa, dunes, and areas with unusual soil characteristics, such as the serpentine soils. While the CNDDB search identified several special-status plant species that are known to occur within the project region, the nearest documented occurrence of a special-status plant species (*dwarf downinga*) was identified approximately 3.4 miles from the site.

Nonetheless, given that the proposed project does not include site-specific development plans, designs, or proposals at this time, potential disturbance areas on-site are currently unknown. Therefore, prior to any ground disturbance associated with future development on-site, protocol-level surveys would be required to confirm the presence or absence of special-status plant species within the project site. Without the completion of such surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.

Special-Status Wildlife

The CNDDB search determined that one special-status species, Swainson's hawk, has the potential to occur on the project site and warrants further discussion.

Swainson's Hawk

The Swainson's hawk is a State-listed threatened species. The Swainson's hawk is generally a summer visitor to California; however, a small population of Swainson's hawks remain residents in California year-round. The Swainson's hawk inhabits open to semi-open areas at low to middle elevations in valleys, dry meadows, foothills, and level uplands. The species nests almost exclusively in trees and will nest in almost any tree species that is at least 10 feet tall. Swainson's hawks also occasionally nest in shrubs, on telephone poles, and on the ground. Foraging habitats include alfalfa fields, fallow fields, beet, tomato, and other low-growing row or field crops, dry-land and irrigated pasture, and rice land when not flooded. In addition, agricultural practices allow for access to prey, and very likely increases foraging success of Swainson's hawks when farm equipment flushes prey during harvesting.

According to the CNDDB, documented occurrences of Swainson's hawk have been identified 1.1 mile west of the site. Trees growing within and adjacent to the project site provide suitable nesting habitat. Therefore, protocol-level surveys would be required to confirm the presence or absence of Swainson's hawk within the project site prior to any

ground disturbance associated with future development. Without the completion of the aforementioned surveys, future development facilitated by the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk.

Nesting Raptors and Migratory Birds

The project site contains existing trees that could be used by raptors and migratory birds protected by the MBTA for nesting. Construction activities that adversely affect the nesting success of raptors and migratory birds (i.e., lead to the abandonment of active nests) or result in mortality of individual birds constitute a violation of State and federal laws. Thus, in the event that such species occur on-site during the breeding season, construction activities associated with future development of the project site could result in an adverse effect to species protected under the MBTA.

Conclusion

Based on the above, future development facilitated by the proposed project could have an adverse effect, either directly or through habitat modifications, on special-status plant or wildlife species identified in local or regional plans, policies, or regulations, or by the CDFW or the USFWS. Thus, a ***potentially significant*** impact could result.

Mitigation Measure(s)

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

Special-Status Plants

IV-1 *Prior to approval of any improvement plans for future development within the project site, focused surveys shall be performed by a qualified botanist in order to determine the presence or absence of dwarf downingia. Furthermore, should additional plants having the potential to occur on-site be given special-status in the future, the qualified botanist shall also determine the presence/absence of such species. The survey(s) shall be conducted during the identification period (bloom periods) for dwarf downingia. If the special-status plant species are not found to be present during the focused survey(s), then no further action is required. The results of the focused surveys shall be submitted to the Wheatland Community Development Department.*

If any special-status plant species are found, a mitigation plan shall be prepared in consultation with the Wheatland Community Development Department. The plan shall detail the various mitigation approaches to ensure no net loss of the special-status plant(s). Mitigation could include, but would not be limited to, avoidance of the plant species, salvage of plant materials where possible, acquisition of credits at an approved mitigation bank, or acquisition and preservation of property that supports the plant species.

Swainson's Hawk

IV-2(a) *Prior to approval of any improvement plans for future development within the project site and/or maintenance activities during the nesting season for Swainson's hawk (between February 15 and September 1) a targeted*

Swainson's hawk nest survey shall be conducted of all accessible areas within 0.25 mile of the proposed construction area. If active Swainson's hawk nests are found within 0.25 mile of a construction site, construction shall cease within 0.25 mile of the nest until a qualified biologist determines that the young have fledged or the determination is made that the nesting attempt has failed. If the applicant desires to work within 0.25 mile of the nest, the applicant shall consult with CDFW and the City to determine if the nest buffer can be reduced. The project applicant, the project biologist, the City, and CDFW shall collectively determine the nest avoidance buffer, and what (if any) nest monitoring is necessary. If an active Swainson's hawk nest is found within the project site prior to construction and is in a tree that is proposed for removal, then the project applicant shall either wait until fledging is complete (with agreed-upon construction buffers in place) or obtain an Incidental Take Permit. The results of the survey shall be submitted to the Wheatland Community Development Department and CDFW.

IV-2(b) *Prior to initiation of ground disturbing activity for the project, a qualified biologist shall conduct a review of Swainson's hawk nest data available in the CNDDB and contact the CDFW to determine the most up-to-date Swainson's hawk nesting information for the project area. If desired by the project applicant, the biologist may further conduct a survey of the identified nests to determine the presence or absence of Swainson's hawks. The biologist shall provide the City with a summary of findings of Swainson's hawk nesting activity within 10 miles of the Project Area. If the biologist determines that the project site is within 10 miles of an active Swainson's hawk nest (where an active nest is defined as a nest with documented Swainson's hawk uses within the past five years), the applicant shall mitigate for the loss of suitable Swainson's hawk foraging habitat by implementing one of the following measures as applicable:*

- *If an active nest is identified within one mile of the project site: One acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.*
- *If an active nest is identified within five miles (but greater than one mile) of the project site: 0.75 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.*
- *If an active nest is identified within 10 miles (but greater than five miles) of the project site: 0.5 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.*

Results of the nesting survey, as well as proof of purchase of mitigation credits as required per the above mitigation options, shall be provided to the Wheatland Community Development Department for review and

approval prior to initiation of ground disturbance for any portion of the project site.

Migratory Birds and Raptors

IV-3 *If ground-disturbing activities occur during the breeding season (generally February 1 through September 15), preconstruction surveys for active nests shall be conducted by a qualified biologist no more than 10 days prior to start of activities. Preconstruction nesting surveys shall be conducted for nesting migratory avian and raptor species in the project site and buffer area. Preconstruction biological surveys shall occur prior to the proposed project implementation, and during the appropriate survey periods for nesting activities for individual avian species. Surveys shall follow required CDFW and USFWS protocols, where applicable. A qualified biologist shall survey suitable habitat for the presence of the species. If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area shall be established to avoid impacts to the active nest site. Identified nests shall be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If nesting avian species are not found, project activities may proceed, and no further mitigation shall be required. The results of the surveys shall be submitted to the Wheatland Community Development Department.*

If active nesting sites are found, the following exclusion buffers shall be established, and project activities shall not occur within the buffer zones until young birds have fledged and are not reliant upon the nest or parental care for survival:

- *Minimum non-disturbance buffer of 250 feet around active nest of non-listed bird species and 250-foot non-disturbance buffer around migratory birds;*
- *Minimum non-disturbance buffer of 500 feet around active nest of non-listed raptor species and 0.5-mile non-disturbance buffer around listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are not reliant upon the nest or parental care for survival;*
- *Once work commences, all nests shall be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change shall cease and the appropriate regulatory agencies (i.e., CDFW, USFWS, etc.) shall be consulted for additional mitigation; and*
- *A variance from the foregoing non-disturbance buffers may be implemented when compelling biological or ecological reasons exist to do so, such as when the project area would be concealed from a nest site by topography. Any variance from the foregoing buffers shall be supported by a qualified wildlife biologist. CDFW and USFWS shall be notified in advance of implementation of a non-disturbance buffer variance.*

b,c. According to the National Wetlands Inventory, the project site does not contain riparian habitat or wetlands.[3] Additionally, the Wheatland General Plan EIR identifies the project site as crop/orchard land, and does not identify any pond, riverine, or wetland habitat within the project vicinity.[4] Therefore, future development facilitated by the proposed project would not have a substantial adverse effect on riparian habitat or another sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS, or on State- and federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.). Thus, a ***less-than-significant*** impact would occur.

d. Movement corridors or landscape linkages are usually linear habitats that connect two or more habitat patches, providing assumed benefits to wildlife species by reducing inbreeding depression and increasing the potential for recolonization of habitat patches.

Generally, surrounding existing uses include Walker Telecomm and an apartment complex to the north; Tom Abe Park, Wheatland City Hall, Wheatland Community Center, and single-family residences to the east, across the UPRR tracks; commercial uses to the south, across 1st Street; and a single-family residence and 1st Street to the south. SR 65 bounds the site to the west and UPRR tracks bound the site to the east, and would essentially block any movement from those directions. Thus, the project site is not anticipated to support a substantial wildlife movement corridor. Additionally, the site does not contain any waterways that could function as wildlife movement corridors.

Therefore, a ***less-than-significant*** impact could occur related to the project interfering substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impeding the use of wildlife nursery sites.

e,f. The City's Municipal Code does not contain specific policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Yuba County is currently in the process of drafting a Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) with Sutter County. However, the HCP/NCCP has not yet been adopted and the City of Wheatland is not a participant. In addition, although development of the project site facilitated by the proposed project would likely result in removal of the existing trees, Wheatland does not have an adopted tree preservation ordinance. Therefore, the proposed project would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan, and ***no impact*** would occur.

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[3] U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Available at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/. Accessed May 2023.

[4] City of Wheatland. *City of Wheatland General Plan Update Draft Environmental Impact Report* [pg. 4.4-26]. December 2005.

V. CULTURAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	✖	☐
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	✖	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	☐	✖	☐	☐

Discussion

a. Section 15064.5 of the CEQA Guidelines provides instructions for a lead agency to consider the effects of projects on historical resources. A historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (PRC Section 21084.1), a resource included in a local register of historical resources (PRC Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (PRC Section 15064.5[a][3]).

Resources eligible for listing include buildings, sites, structures, objects, or historic districts that retain historical integrity and are historically significant at the local, state, or national level under one or more of the following four criteria:

1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2) It is associated with the lives of persons important to local, California, or national history;
3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to having significance, resources must have integrity for the period of significance. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance.

Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics. Pursuant to the National Register of Historic Places (NRHP) eligibility criteria, a resource must be at least 50 years old in order to be considered historic, except in exceptional circumstances.

As stated in the Wheatland General Plan EIR, a number of historical resources have either been formally designated as properties listed on the NRHP, State Historic Landmark (SHL), California Points of Historical Interest, and/or CRHR. However, a comprehensive historic resources inventory has not been prepared for either the City of Wheatland or the

surrounding planning area and a high probability of additional unrecorded historic properties exists.

According historical imagery accessed from Google Earth, since 1993, the project site has not been developed or used for agriculture. As such, the project site is not likely to contain a historical resource pursuant to Section 15064.5. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource, and a ***less-than-significant*** impact would occur.

b,c. According to the City's General Plan EIR, development facilitated by buildout of the General Plan, such as road improvements, utility corridors, and excavation associated with residential or business development, could result in the destruction or damage of unknown archeological resources. Only a portion of the General Plan study area has been culturally surveyed. As such, unknown significant archeological resources could be disturbed, particularly in areas along springs, creeks, and rivers as ground disturbance occurs in accordance with development of proposed land uses and circulation.

Future development proposed within the project site would be required to adhere to federal and State regulations associated with protection of cultural resources and implement General Plan goals and policies associated with cultural resources. However, future ground-disturbing activities within the project site may have the potential to uncover buried cultural deposits. As a result, the proposed project could potentially disturb archaeological resources, should they be located within the project footprint. With respect to potential impacts involving human remains, given the project vicinity's history of Nisenan occupation, ground-disturbing construction activities, including the off-site extension of any necessary utilities, could inadvertently damage and disturb buried human remains.

Based on the above, future development facilitated by the proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and/or disturb human remains, including those interred outside of formal cemeteries, if any such resources are encountered during construction. Consequently, impacts could be considered ***potentially significant***.

Mitigation Measure(s)

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

V-1 *The following requirements shall be included through a notation on all project improvement plans prior to the issuance of grading permits and shall be implemented during project construction, to the satisfaction of the City Engineer:*

> *In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment.*

The following notifications shall apply, depending on the nature of the find:

- *If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.*
- *If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Wheatland and applicable landowner. The Office of Historic Preservation (OHP) shall be consulted on a finding of eligibility and appropriate treatment measures shall be implemented, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Appropriate treatment measures that preserve or restore the character and integrity of a find may be, but are not limited to, processing materials for reburial, minimizing handling of historical objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts. Work shall not resume within the no-work radius until the determination is made through consultation, as appropriate, that the site either: 1) is not a historical resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the City's satisfaction.*
- *If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the City of Wheatland and the Yuba County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the Native American Heritage Commission (NAHC), which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate*

information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yuba County (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.

VI. ENERGY. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	✖	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	✖	☐

Discussion

a,b. The proposed project consists of an annexation, General Plan Amendment, and Pre-Zoning, and does not include site-specific development plans, designs, or proposals at this time. While the proposed project would not directly result in increased energy use relative to existing conditions, approval of the proposed project could result in reasonably foreseeable future development within the site, and additional energy use may occur. However, the lack of site-specific development applications, including the design and location of specific improvements, makes the quantification of the project's energy usage highly speculative at this time.

The main forms of available energy supply are electricity, natural gas, and oil. The following provides a discussion regarding the project's potential effects related to energy demand during construction and operation.

Construction Energy Use

Construction of any future development facilitated by the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. However, future construction activities, including the off-site extension of any necessary utilities would not involve the use of natural gas appliances or equipment.

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

Based on the above, the temporary increase in energy use during construction of future development facilitated by the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. Future development would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

Operational Energy Use

Energy use associated with operation of any future development facilitated by the proposed project would be typical of commercial uses, requiring electricity for interior and exterior building lighting, security systems, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, future on-site development would result in transportation energy use associated with vehicle trips generated by employee commutes, customers, and the movement of goods.

Any future development would be subject to all relevant provisions of the most recent update of the California Building Standards Code (CBSC) (CCR, Title 24), including the Building Energy Efficiency Standards. Adherence to the most recent California Green Building Standards Code (CALGreen Code) and Building Energy Efficiency Standards would ensure that future development within the project site would consume energy efficiently. As such, required compliance with the CBSC would ensure that the building energy use associated with future permitted uses on-site would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to future on-site buildings would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 60 percent of total procurement by 2030.[5] Thus, a portion of the energy consumed during operations would originate from renewable sources. With regard to transportation energy use, future development would be required to comply with all applicable regulations associated with vehicle efficiency and fuel economy.

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

[5] California Energy Commission. *Renewables Portfolio Standard – RPS*. Available at: https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard. Accessed December 2022.

VII. GEOLOGY AND SOILS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	✖	☐
ii. Strong seismic ground shaking?	☐	☐	✖	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	✖	☐
iv. Landslides?	☐	☐	✖	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	✖	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	✖	☐
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	✖	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	✖
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	✖	☐	☐

Discussion

a.i-iv, c. According to the City's General Plan EIR, active faults have not been identified in the region surrounding the City, and historical records verify the lack of earth movement in the area. From 1900 to 1976, five events with a Richter magnitude of five or greater occurred in the region, but structural damage was not observed in any event. In addition, surface faulting and rupture exposure in the area appears remote by virtue of the absence of identified faults and depth of alluvial deposits above bedrock-like material. Ground shaking, both in terms of recurrence and severity, appears to be similarly low, due to the distance from the relatively few moderate or greater earthquakes experienced within the past 75 years. The majority of significant, historic faulting (and ground shaking) within the City has been generated along distant faults, within a 100-mile radius of the City limits. The City, located within the northeastern portion of the Sacramento Valley within the Great Valley geomorphic province, is not located within an Alquist-Priolo Earthquake Fault Zone. The closest Alquist-Priolo fault zone is the Bangor Quadrangle, located approximately 27 miles north of the City limits. The City is located in an area rated as a low-intensity earthquake zone (Seismic Zone II), defined by the U.S. Geological Survey (USGS) as an area likely to experience an earthquake measuring a maximum of 5.0 to 5.9 in magnitude on the Richter scale, and a maximum intensity of VII or VIII on the Modified Mercalli scale. However, the City requires that all construction comply with applicable provisions of the California Building Code (CBC) (Title 24, Part 2 CBSC), which ensures that seismically induced ground shaking would not have an adverse effect on development. Through

compliance with all applicable design standards and regulations, the City's General Plan EIR concluded development associated with buildout of the General Plan would not expose people or structures to potential seismic events and ground shaking and a less-than-significant impact would occur. Similarly, after citing the relatively low seismic activity in the region and the required compliance with the CBC, with which projects would be subject, the County's General Plan EIR concluded buildout of the County General Plan would not expose people or structures to seismic ground shaking and a less-than-significant impact would occur.

Liquefaction, settlement, ground lurching, ground displacement along the fault line, and landslides are often the secondary effects of earthquakes. Areas found throughout the City of Wheatland may be more susceptible to liquefaction during seismic events if perched groundwater conditions are present. The degree of liquefaction would in part depend on groundwater conditions at specific sites. In addition, the Wheatland General Plan Background Report states that a portion of the County, which includes the Wheatland area, is potentially susceptible to liquefaction, because the area is underlain by unconsolidated sands and finer grained materials. Water-saturated, clay-free sediments in the most recent Holocene unit are generally expected to have a high susceptibility to liquefaction.

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. The project site is relatively level, and the site is not located on or near any slopes.

The proposed project does not include any site-specific development, designs, or proposals at this time, and, thus, would not impact the geology or soils on the project site. While the proposed project would allow for future development within the project site, all future development would be required to comply with the goals and policies set forth in the City's General Plan relating to seismic and geologic hazards, including liquefaction, as well as all other applicable federal and State policies and standards, including the CBSC, as discussed above. The CBSC provides minimum standards to ensure that future structures would be designed using sound engineering practices and appropriate engineering standards for the seismic area in which the project site is located. Projects designed in accordance with the CBSC should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage, but with some non-structural damage; and 3) resist major earthquakes without collapse, but with some structural, as well as non-structural, damage. Although conformance with the CBSC does not guarantee that substantial structural damage would not occur in the event of a maximum magnitude earthquake, conformance with the CBSC can reasonably be assumed to ensure that the future on-site structures would be survivable, allowing occupants to safely evacuate in the event of a major earthquake.

Based on the above, the proposed project would result in a ***less-than-significant*** impact related to directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and landslides, or being located on a geologic unit or soil that is unstable, or that would become unstable as

a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

b. Issues related to erosion and loss of topsoil are discussed in Section X, Hydrology and Water Quality, of this IS/MND. As noted therein, the proposed project would not result in substantial soil erosion or the loss of topsoil. Thus, a ***less-than-significant*** impact would occur.

d. Expansive soils can undergo significant volume change with changes in moisture content. Specifically, such soils shrink and harden when dried and expand and soften when wetted. Expansive soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundation. Building damage due to volume changes associated with expansive soil can be reduced by a variety of solutions. If structures are underlain by expansive soils, foundation systems must be capable of tolerating or resisting any potentially damaging soil movements, and building foundation areas must be properly drained. Exposed soils must be kept moist prior to placement of concrete for foundation construction.

As stated in the City's General Plan EIR, impacts related to expansive soils in parts of the planning area may be eliminated when specific development projects are proposed by conducting engineering tests to determine the proper design criteria. Roadways and sidewalks can be designed in areas of clayey soils to accept the estimated degree of soil contraction, expansion, and settlement potential determined from on-site soils testing, according to standards provided by the CBSC. Overall, the City's General Plan EIR concluded that with implementation of applicable General Plan Policies, including Policy 9.B.1, 9.B.2, and 9.B.3, which require the preparation of a soils engineering and geologic-seismic analysis prior to permitting development in areas prone to geological or seismic hazards, submission of a preliminary soils report, prepared by a registered civil (geotechnical) engineer and based upon adequate test borings, for every major subdivision, and that new structures and alterations to existing structures comply with the current edition of the CBC, impacts would be less than significant.

Based on the above, compliance with all federal, State, and local regulations related to expansive soils, including the aforementioned General Plan policies, would ensure that a ***less-than-significant*** impact would occur related to proposed structures being located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, thereby creating substantial direct or indirect risks to life or property.

e. Future development on-site facilitated by the proposed project would not include the use of septic tanks or alternative wastewater disposal systems. Rather, once annexed, any development within the site would be required to connect to the City's existing sewer system. Therefore, ***no impact*** would result.

f. Paleontological resources (fossils) are the remains or traces of prehistoric animals and plants. The potential paleontological importance of a site can be assessed by identifying the paleontological importance of exposed rock units within an area. According to the City's General Plan EIR, because only a portion of the City's General Plan study area has been surveyed, unknown significant paleontological resources could be disturbed as future ground disturbance occurs in accordance with future development of the General

Plan's proposed land uses.[6] In addition, according to the Yuba County General Plan EIR, while results of an online paleontological records search at the University of California Museum of Paleontology indicated that recorded vertebrate fossil sites have not been identified within the County, Pleistocene-age vertebrate fossils, from the epoch known as the "great ice age", have been recorded from several locations in Sutter County, located just west of Yuba County.[7] As such, the County's General Plan EIR found that vertebrate fossil sites could occur in areas of the County where surveys have not taken place. Considering that the project site is located in an area where surveys have not taken place, future development facilitated by the proposed project could potentially result in impacts to unidentified paleontological resources during ground-disturbing activities.

Based on the above information, the proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature if such features are encountered during construction activities, including the off-site extension of any necessary utilities. Thus, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

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

VII-1 *Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. The City of Wheatland Community Development Department shall be notified and a qualified paleontologist shall be retained to inspect the discovery. If deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP]), where the discovery would be properly curated and preserved for the benefit of current and future generations. Construction may continue in areas outside of the buffer zone. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Wheatland Community Development Department for the proposed project, where ground-disturbing work would be required.*

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6 City of Wheatland. *City of Wheatland General Plan Draft Environmental Impact Report* [pg. 4.5-25]. December 2005.

7 Yuba County. *Final Yuba County 2030 General Plan Environmental Impact Report* [pg. 4.6-33]. May 2011.

VIII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	✖	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	✖	☐

Discussion

a,b. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Future development facilitated by the proposed project would cumulatively contribute to increases of GHG emissions. GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The primary source of GHG emissions for any future development on the project site would likely be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e$/yr).

On December 11, 2018, the City of Wheatland City Council adopted a Climate Action Plan (CAP). The City's CAP provides a planning framework that ensures that emissions within the City are controlled in compliance with the legislative goals of AB 32 and Senate Bill (SB) 32. The CAP includes Emissions Reduction Strategies that target emissions from specific sectors, such as transportation, energy consumption, water use, and solid waste disposal.

Any future development would be required to complete the Sustainability Checklist mandated by the City's CAP. The CAP intended that Sustainability Checklists be integrated into the City's development review process. Consequently, as any development proposals for the project site are brought forward, the proposed developments would be required to demonstrate consistency with the City's CAP. By maintaining consistency with the City's CAP, future development would comply with all existing regulations related to the reduction of GHG emissions.

Consequently, future development within the project site would be required to comply with all relevant standards within the City's CAP and Sustainability Checklist, and the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and would not conflict with applicable plans,

policies, and regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, a ***less-than-significant*** impact would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	✖	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	✖	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	✖	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	✖
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	✖	☐
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	✖	☐
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	☐	☐	✖	☐

Discussion

a. The proposed project does not include any site-specific development, designs, or proposals at this time, and, thus, would not directly involve the routine transport, use, or disposal of hazardous materials. However, the proposed project could allow for future commercial or residential development on the project site.

With regard to the potential future commercial uses within the project site, because the proposed project does not include site-specific development plans, designs, or proposals at this time, the eventual tenant at the site is not currently known. However, operations associated with future commercial uses are anticipated to be typical of other commercial uses in the C-3 zone, and would be governed by the uses permitted for the site as established by the City's Municipal Code and General Plan. In addition, the use, handling, and storage of hazardous materials is regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. At the local level, the Yuba County Environmental Health Department regulates hazardous materials within the County, including chemical storage containers, businesses that use hazardous materials, and hazardous waste management. Therefore, in the event that future commercial operations on the project site would involve the routine use, transport, or disposal of hazardous materials, such materials would be managed in accordance with the applicable regulations such as the regulations set forth by 22 CCR Section 66263, Standards Applicable to Transporters of Hazardous Waste, which requires transporters of hazardous materials to ensure that releases of hazardous

wastes into the environment would not occur, including the discharge of hazardous wastes into soils, drainage systems, and surface and groundwater systems. In addition, 22 CCR Section 66263.31 requires transporters of hazardous materials to clean up any hazardous waste discharge that occurs during transportation to the extent that hazardous waste discharge no longer presents a hazard to human health or the environment. Compliance with such measures would ensure that, if hazardous materials are used on-site in the future, such materials would not present a significant hazard.

In addition, residential uses are not typically associated with the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. Maintenance and operation of the future residential uses may use common household cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing use of such products and the amount anticipated to be used in conjunction with any future residential development on the project site, routine use of such products would not represent a substantial risk to public health or the environment.

Based on the above, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Thus, a ***less-than-significant*** impact would occur.

b. Construction activities, including the off-site extension of any necessary utilities, associated with future development of the project site would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project site and transported to and from the site during construction. However, the contractors would be required to comply with all California Health and Safety Codes and local City ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. In addition, should imported fill be required during construction of future development facilitated by the proposed project, the location selling the utilized fill would be required to comply with all applicable State regulations, thus ensuring that the imported soil is free of contamination. Thus, future construction activities, including the off-site extension of any necessary utilities, would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

The project site has been vacant for some years and does not contain known hazardous materials or conditions associated with past use. Nonetheless, the potential exists that an unknown hazardous condition exists on the project site. However, a Phase I Environment Site Assessment (ESA) would be conducted as a part of the development review process. A Phase I ESA would identify any potential hazardous materials or conditions present on the project site and, if hazardous conditions are found, recommend mitigation measures. The proposed project does not include development plans or site disturbance. Therefore, the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, and ***less-than-significant*** impact would occur.

c. The nearest school to the project site is the Wheatland Elementary School, which is located approximately 170 feet west from the western boundary of the project site. Thus, the proposed project would be developed within 0.25-mile of an elementary school.

However, as discussed under question 'a,' the proposed project would be subject to all California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials, which would ensure that the proposed project would result in a less-than-significant impact related to the transport, use, or disposal of hazardous materials during project construction. In addition, as discussed under question 'b,' because the proposed project does not include development plans or plans for site disturbance, the project would result in a less-than-significant impact related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Based on the above, while the proposed project would be developed within 0.25-mile of a of an elementary school, the project would not result in substantial adverse effects related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste. As such, the project would result in a ***less-than-significant*** impact.

d. The California Environmental Protection Agency (EPA) has compiled a list of data resources that provide information regarding the facilities or sites identified as meeting the "Cortese List" requirements, pursuant to Government Code 65962.5. The components of the Cortese List include the Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Site List,[8] the list of leaking underground storage tank (UST) sites from the State Water Resources Control Board (SWRCB's) GeoTracker database,[9] the list of solid waste disposal sites identified by the SWRCB, and the list of active Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from the SWRCB.[10] The project site is not included on the DTSC Hazardous Waste and Substances Site List. In addition, the project site is not listed on the SWRCB's list of solid waste disposal sites, list of leaking UST sites, or list of active CDO and CAO. Therefore, the proposed project would not create a significant hazard to the public or the environment related to being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and ***no impact*** would occur.

e. Beale Air Force Base is located approximately seven miles north of the project area. However, the site is located within the Beale Air Force Base Overflight Zone. Therefore, any future development on the site would be subject to certain development restrictions under the Land Use Compatibility Guidelines for Safety. According to the Beale Air Force Base Overflight Guidelines, the following types of development should be restricted within the overflight zone: chemical and allied products manufacturing; petroleum refining; rubber and plastics manufacturing; regional shopping centers; colleges and universities; hospitals; jails and detention centers; motion picture theater complexes; professional sport developments; stadiums and arenas; auditoriums; concert halls and amphitheaters; fairgrounds and expositions; racetracks; and theme parks. Such uses are not permitted

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8 Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese).* Available at: https://www.envirostor.dtsc.ca.gov/public/. Accessed May 2023.

9 State Water Resources Control Board. *GeoTracker.* Available at: https://geotracker.waterboards.ca.gov/map/?myaddress=California&from=header&cqid=8858350455. Accessed May 2023.

10 CalEPA. *Cortese List Data Resources.* Available at: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed May 2023.

uses within the C-3 zoning district proposed on the project site. The proposed project would not directly result in the development of any of the aforementioned uses. In addition, future buildout of the project site would adhere to federal and State regulations, as well as General Plan goals and policies, and relevant Municipal Code standards related to airport land use plans. Therefore, the proposed project would result in a ***less-than-significant*** impact related to a conflict with airport land use plans.

f. The City currently does not have an official emergency response plan or emergency evacuation plan. The proposed project does not include any site-specific development plans, designs, or proposals at this time. Any future development within the project site would be required to adhere to City regulations regarding emergency access. Therefore, the proposed project would not interfere with an emergency evacuation or response plan, and a ***less-than-significant*** impact would occur.

g. Issues related to wildfire hazards are discussed in Section XX, Wildfire, of this IS/MND. As noted therein, the project site is not located within or adjacent to a State Responsibility Area (SRA), or any Very High Fire Hazard Severity Zones.[11] The relatively flat terrain of the proposed study area also makes the danger of wildland fires less hazardous. As wildland fires resulting from either natural or manmade causes occur in forest, brush, or grasslands, Wheatland is among the most fire secure areas in Yuba County.[12] Therefore, the proposed project would not expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, and a ***less-than-significant*** impact would occur.

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[11] California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: https://egis.fire.ca.gov/FHSZ/. Accessed May 2023.

[12] City of Wheatland. *General Plan Update Draft Environmental Impact Report* [pg. 4.7-19]. December 2005.

X. HYDROLOGY AND WATER QUALITY. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	✖	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	✖	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	✖	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	✖	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	✖	☐
iv. Impede or redirect flood flows?	☐	☐	✖	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	✖	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	✖	☐

Discussion

a. The proposed project does not include any site-specific development, designs, or proposals at this time. However, the proposed project could allow for future development on the project site. Future construction activities, including the off-site extension of any necessary utilities, would likely include grading and vegetation removal, which may increase soil erosion rates and loss of topsoil on-site. Grading operations may impact the surface runoff by increasing the amount of silt and debris carried by runoff. In addition, refueling and parking of construction equipment and other vehicles on-site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the City's storm drains. Improper handling, storage, or disposal of fuels and materials or improper cleaning of machinery close to area waterways could cause water quality degradation. Nonetheless, any future on-site development requiring grading of one acre of land or more would be required to comply with the City's Site Development Code, drainage requirements, and Stormwater Pollution Prevention Program, as well as employ best management practices (BMPs) for the prevention of erosion and the control of loose soil and sediment, to ensure that construction does not result in the movement of unwanted material into waters within or outside that particular project site. In addition, compliance with General Plan Policy 5.E.5 would ensure that future on-site development would comply with applicable State and federal pollutant discharge requirements.

Pursuant to the aforementioned requirements, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared for any future development of more than one acre within the project site, which would include the site map, drainage patterns and stormwater collection and discharge points, BMPs, and a monitoring and reporting framework for implementation of BMPs, as necessary. In addition, Wheatland Municipal Code Section 15.05.160 requires that erosion control measures be implemented in accordance with applicable federal, State, and local regulations, which would include compliance with the National Pollutant Discharge Elimination System (NPDES) Program.

The NPDES Construction General Permit prohibits the discharge of materials other than stormwater and authorized non-stormwater discharges (such as irrigation and pipe flushing and testing). Non-stormwater BMPs tend to be management practices with the purpose of preventing stormwater from coming into contact with potential pollutants. Examples of non-stormwater BMPs include preventing illicit discharges, and implementing good practices for vehicle and equipment maintenance, cleaning, and fueling operations, such as using drip pans under vehicles. Waste and materials management BMPs include implementing practices and procedures to prevent pollution from materials used on construction sites. Examples of materials management BMPs include the following:

- Good housekeeping activities such as storing of materials covered and elevated off the ground, in a central location;
- Securely locating portable toilets away from the storm drainage system and performing routine maintenance;
- Providing a central location for concrete washout and performing routine maintenance;
- Providing several dumpsters and trash cans throughout the construction site for litter/floatable management; and
- Covering and/or containing stockpiled materials and overall good housekeeping on the site.

Final BMPs would be chosen in consultation with the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, and implemented by the future project contractor.

In accordance with the Construction General Permit, the project site would also be inspected during construction before and after storm events and every 24 hours during extended storm events in order to identify maintenance requirements for the implemented BMPs and to determine the effectiveness of the implemented BMPs. As a "living document," the site-specific SWPPP that would be prepared would be modified as construction activities progress. A Qualified SWPPP Practitioner (QSP) would ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The QSP for the project would amend the SWPPP and revise project BMPs, as determined necessary through field inspections, to protect against substantial erosion or siltation on- or off-site.

Compliance with the aforementioned local, State, and federal requirements would ensure that future development facilitated by the proposed project would not result in the violation of water quality standards or degradation of water quality. Therefore, a ***less-than-significant*** impact would occur.

b,e. The project site is situated within the South Yuba Subbasin which lies within the Sacramento Valley Groundwater Basin. The South Yuba Subbasin is bounded on the north by the Yuba River, which separates the South Yuba Subbasin from the North Yuba Subbasin, on the west by the Feather River, on the south by the Bear River, and on the east by the Sierra Nevada. The California Department of Water Resources Bulletin 118-80 documents that the South Yuba Subbasin is not considered to be in overdraft and that groundwater levels within the subbasin are continuing to increase to near historic high elevations due to increasing surface water irrigation supplies and reduced groundwater pumping.

Groundwater within the South Yuba Subbasin is managed by the *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan* (Yuba Subbasins GSP), a product of three Groundwater Sustainability Agencies (GSAs): the Cordua Irrigation District, the Yuba Water Agency, and the City of Marysville.[13] According to the Yuba Subbasins GSP, regional groundwater quality in the Yuba Subbasins is considered good to excellent for municipal, domestic, and agricultural uses and does not have a significant adverse impact on the beneficial uses of groundwater in the subbasins. According to the Yuba Subbasins GSP, while groundwater pumping may exceed sustainable yield during certain years, reduced pumping in other years generally ensures that the long-term average remains at or below the sustainable yield. Generally, the City has found that water supply is not a limiting factor for new development.

The proposed project consists of an annexation, a General Plan Amendment, and Pre-Zoning, and does not include any site-specific development proposals at this time. Thus, the proposed project would not directly result in the use of groundwater. However, the proposed project could allow for the future development of impervious surfaces on the project site, which would result in decreased percolation of stormwater within developed areas of the site. Nonetheless, the project site constitutes a relatively small area compared to the size of the groundwater basin, and, thus, does not constitute a substantial source of groundwater recharge. In addition, future development would be anticipated to allow for some continued infiltration on-site through unpaved/landscaped areas of the site. Therefore, the proposed project would not substantially interfere with groundwater recharge.

Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the South Yuba Subbasin. In addition, the project would not conflict with or obstruct implementation of the Yuba Subbasins GSP. Thus, a ***less-than-significant*** impact would occur.

c.i-iii. The proposed project would allow for potential future development on the project site. Such development would likely involve the creation of new impervious surfaces, which would alter the existing drainage patterns of the site. However, the proposed project does not involve any proposals for physical development at this time. In addition, all future development facilitated by the proposed project would be subject to General Plan policies and Municipal Code standards, such as General Plan Policy 5.E.5 and Municipal Code Section 15.05.160 (as discussed above) related to runoff management and low impact design, and would be subject to payment of the City's storm drainage development impact

[13] Cordua Irrigation District, Yuba Water Agency, City of Marysville. *Yuba Subbasins Water Management Plan: A Groundwater Sustainability Plan.* December 2019.

fee. In addition, a SWPPP would be prepared for any future development of more than one acre within the project site, and all future on-site development would be required to comply with all conditions included in the NPDES Construction General Permit.

Compliance with such regulations would ensure that future development would not substantially alter the existing drainage pattern of the City, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Consequently, the proposed project would result in a ***less-than-significant*** impact.

c.iv. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the project site, the project site is located within Zone X, identified as an Area of Reduced Flood Hazard Risk Due to Levee. As such, the proposed project would not substantially impede or redirect flood flows, and a ***less-than-significant*** impact would occur.

d. As discussed under question 'c.iv' above, the proposed project would not include development of any habitable structures within a Flood Hazard Zone. In addition, the project site is located inland, approximately 100 miles away from the coastline, and closed bodies of water are not located within the project vicinity. Therefore, the proposed project would not pose a risk related to the release of pollutants due to project inundation due to flooding, tsunami, or seiche, and a ***less-than-significant*** impact would occur.

XI. LAND USE AND PLANNING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	✖	☐
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	✖	☐

Discussion

a. A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community, or isolate an existing land use. The proposed project consists of an annexation, a General Plan Amendment, and Pre-Zoning, and does not include any site-specific development plans, designs, or proposals at this time. As such, the proposed project would not directly result in any impacts associated with physically dividing an established community.

Generally, surrounding existing uses include Walker Telecomm and an apartment complex to the north; Tom Abe Park, Wheatland City Hall, Wheatland Community Center, and single-family residences to the east, across the UPRR tracks; commercial uses to the south, across 1st Street; and a single-family residence and 1st Street to the south. Therefore, while the proposed project could result in the development of future commercial or residential uses on-site, the project would not alter the general development trends in the area nor isolate an existing land use. Furthermore, any future development on the project site facilitated by the proposed project would be required to comply with all applicable General Plan goals and policies, as well as all other federal, State, and local regulations, which would ensure that the physical arrangement of existing land uses within the City would not be disrupted. Future development facilitated by the proposed project would also be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards.

Based on the above, the proposed project would not physically divide an established community, and a ***less-than-significant*** impact would occur.

b. As discussed throughout this IS/MND, the proposed project would not result in any significant environmental effects that cannot be mitigated to a less-than-significant level by the mitigation measures provided herein or through compliance with standard local, State, and federal regulations. In addition, future development occurring pursuant to the proposed annexation, a General Plan Amendment, and Pre-Zoning would be required to be consistent with all applicable development standards established in the City's Municipal Code. Furthermore, the discussion in Table 2 evaluates the proposed project's consistency with relevant Yuba LAFCo policies and standards regarding annexation pursuant to Section II of the Yuba LAFCo Policy, Standards, and Procedures Manual. As demonstrated in Table 2, the proposed project is generally consistent with the standards set forth by Yuba LAFCo. Ultimately, annexation of the project site is a discretionary action by Yuba LAFCo.

It should be noted that pursuant to Section 18.36.030 of the Wheatland Municipal Code, residential uses with the density and setback requirements of the R-3 zone are

conditionally permitted in the C-3 zone. As such, residential development may occur on the project site with Planning Commission approval of a CUP. The R-3 zone allows for a maximum density of 30 dwelling units per acre. Therefore, should the project site be developed with residential uses pursuant to the R-3 zoning standards, up to 54 dwelling units may be developed. As such, the proposed rezone would not result in a net loss of developable housing units for Wheatland.

Therefore, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Thus, a ***less-than-significant*** impact would occur.

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
B. Urban Development: Yuba LAFCo will encourage proposals that promote urban development to include annexation to a city or district where it is reasonable to do so, and to discourage proposals for urban development without annexation. Yuba LAFCo will also encourage cities and districts to annex lands that have been developed to urban levels, particularly areas that receive city or district services. Urban Development includes development that utilizes either public water or sewer, and which involves industrial or commercial use, or residential use with density of at least one unit per 1.5 acres.	The proposed project would include annexation of the 1.805-acre project site to the City of Wheatland, with boundaries coterminous with Wheatland's existing city limits and with all public services and utilities being provided by the City of Wheatland, in order to allow for the future development of the site with commercial or residential uses. As such, the proposed project would be generally consistent with Policy B of LAFCo's General Standards.
C. Discouraging Urban Sprawl: Yuba LAFCo will discourage urban sprawl, and the Commission will make findings and deny proposals that can reasonably be expected to result in sprawl. Sprawl is characterized by irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at relatively low density and in a manner that precludes or hinders efficient delivery of municipal services, especially roads, public sewer and public water.	The proposed project consists of an annexation, a General Plan Amendment, and Pre-Zoning, and does not include any site-specific development plans, designs, or proposals at this time. While the proposed project could result in future development of the site with commercial or residential uses, as discussed above, the project site boundaries are coterminous with Wheatland's existing city limits, and all public services and utilities would be provided by the City of Wheatland following annexation. Based on the above, compliance with all applicable standards would ensure that the project would not include irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at relatively low densities that hinders efficient delivery of municipal services.
D. Environmental Consequences (CEQA): LAFCO shall operate in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 and the Guidelines for implementation of the California	This IS/MND is a program-level IS/MND that evaluates the full range of potential environmental impacts of the proposed project, pursuant to Appendix G of the CEQA Guidelines. LAFCo, as a responsible agency, will review and consider this IS/MND for its actions.

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
Environmental Quality Act. Like other public agencies, LAFCO is required to comply with the California Environmental Quality Act and consider the environmental consequences of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decisions. LAFCO is frequently a "responsible agency" and reviews and considers the environmental document prepared for the project by another agency (a city, the county, or a special district). Occasionally LAFCO will be the "lead agency" and may be required to prepare and certify a Negative Declaration or Environmental Impact Report (EIR) for a proposal. If a city, the county, or a special district is the proponent of a proposal, it is usually the lead agency. One of the following determinations must be made by the lead agency after the appropriate environmental review: a) The project is exempt and a Notice of Exemption is prepared. b) A Negative Declaration is prepared, circulated for public review and certified by the governing body after an initial study finds that no significant impact to the environment will occur. The lead agency is required to consult with LAFCO staff during the review process. c) An EIR is prepared, circulated, and certified by the governing body if a project may have significant impacts on the environment. The lead agency must consult with LAFCO staff during the process.	
E. Balancing Jobs And Housing: Yuba LAFCo will encourage applications which improve the regional balance between jobs and housing. Yuba LAFCo will consider the impact of a proposal on the regional supply of residential housing for all income levels. The agency that is the subject of the proposal must demonstrate to the Commission that any adverse impacts of the proposal on the	The proposed project consists of an annexation, a General Plan Amendment, and Pre-Zoning, and does not include any site-specific development plans, designs, or proposals at this time. Future on-site development facilitated by the proposed project would include commercial or residential uses on the project site. The future development of commercial uses at the project site would increase the amount of job

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
regional affordable housing supply will be mitigated.	opportunities within the City. In addition, the Commercial land use designation and C-3 zoning would allow for the project site to be developed with residential uses consistent with the R-3 zoning standards with approval of a CUP by the Wheatland Planning Commission. Overall, the proposed project is not expected to result in any adverse impacts related to the jobs-to-housing balance within the City of Wheatland.
F. Disadvantaged Unincorporated Communities: For the purposes of implementing SB244 and §56375(a)(8)(A), the Commission shall not approve an annexation to a City of any territory greater than ten acres (10.00) acres, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the city has been filed with the executive officer within the preceding five (5) years provided the Commission does not find, based on written evidence, that a majority of the registered voters within the disadvantaged community oppose annexation.	Disadvantaged unincorporated communities do not exist within the project area. Therefore, the proposed annexation would not result in any impacts to such communities.
G. Compact Urban Form and Infill Development Encouraged: When reviewing proposals that result in urban development, LAFCo will consider whether the proposed development is timely, compact in form and contiguous to existing urbanized areas. LAFCo will favor development of vacant or under-utilized parcels already within a city or other urbanized area prior to annexation of new territory.	The proposed project is contiguous to existing urbanized areas, such as the single-family residential neighborhood to the east and commercial uses to the south, and is located adjacent to the existing City of Wheatland city limits to the west, south, and east. The proposed project does not include any site-specific development plans, designs, or proposals at this time. While the proposed project could result in future development with commercial or residential uses, future development facilitated by the proposed project would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval, to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards. In addition, future residential development under the C-3 zoning designations would be constructed at typical multifamily residential densities and would not include any large-lot

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
	development. Furthermore, the project site is located within a strip of County land near the core of the City, and the project site is surrounded by existing development to the west, east, and south beyond the remainder of the parcel. Therefore, development of the project site would not result in fringe development.
I. Adequate Services: Yuba LAFCo will consider the ability of an agency to deliver adequate, reliable and sustainable services and water resources, and will not approve a proposal that has significant potential to diminish the level of service in the agency's current jurisdiction. The agency must provide satisfactory documentation of capacity to provide service within a reasonable amount of time.	As discussed throughout this IS/MND, adequate services related to waste disposal and recycling, electricity, school and park facilities, and law enforcement and fire protection exist to serve the proposed project. Mitigation Measures XIX-1 and XIX-2 have been included in Section XIX, Utilities and Service Systems, of this IS/MND to ensure that the City of Wheatland water supply and wastewater utilities would be sufficient to accommodate future development of the proposed project, while at the same time not being adversely affected so as to compromise the City's ability to adequately serve existing residents and businesses. Therefore, with implementation of the mitigation measures included in this IS/MND, the proposed annexation would be consistent with Policy I of LAFCo's General Standards.
K. Community Impacts: Yuba LAFCo will consider the impacts of a proposal and any alternative proposals on adjacent areas, on mutual social and economic interests, and on the local government structure. The Commission may deny a proposal if adverse impacts are not mitigated to an acceptable level.	As discussed throughout this IS/MND, the proposed project would not result in any significant environmental effects that cannot be mitigated to a less-than-significant level by the mitigation measures provided herein or through compliance with standard local, State, and federal regulations.
L. Conformance With General And Specific Plans: 1. Consistency with General and Specific Plans. Yuba LAFCo will approve changes of organization or reorganization only if the proposal is consistent with the General Plan and relevant Specific Plans of the applicable planning jurisdiction. 2. Planning Jurisdiction. The applicable planning jurisdiction is as follows: a) For areas within a city's sphere of influence, the city is the applicable planning jurisdiction. b) For areas outside a city's sphere of influence, Yuba	The proposed project consists of an annexation, General Plan Amendment, and Pre-Zoning, and does not include any site-specific development plans, designs, or proposals at this time. While the proposed project would include a General Plan Amendment, the project site is located within the City's SOI and has a General Plan land use designation. Therefore, the City has generally anticipated that the site would be developed with urban uses. Future development facilitated by the proposed project would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval, to ensure development is compatible with the surrounding area and the City of Wheatland's Community Design Standards. In addition, future

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
County is the applicable planning jurisdiction. 3. Notification of Consistency. Prior to consideration of the application and proposal by Yuba LAFCo, the applicable planning jurisdiction shall advise Yuba LAFCo in writing whether the proposal meets all applicable consistency requirements of state law, including internal consistency. If the applicable planning jurisdiction is also applying to Yuba LAFCo by Resolution of Application, such findings may be included in the Resolution. Yuba LAFCo shall retain independent discretion to determine consistency and may require additional information if necessary, particularly where the proposal involves an amendment to the general plan of the applicable planning jurisdiction 4. Consistency Found Adequate. For purposes of this standard, the proposal shall be deemed consistent if the proposed use is: a) Consistent with the applicable General Plan designation and text; b) The applicable general plan is legally adequate and internally consistent; and c) The anticipated types of services to be provided are appropriate to the land use designated for the area. 5. Prezoning or Planning. All territory proposed for annexation must be specifically planned and/or prezoned by the planning agency. The prezoning or zoning of the territory must be consistent with its general plan designation and sufficiently specific to determine the likely intended use of the property. State law permits no subsequent change to the zoning by a city for a period of two years after annexation under most circumstances.	development would be required to adhere to all applicable development standards included in the City's General Plan and Municipal Code for the proposed land use and zoning designations of the project site. It should also be noted that annexation is ultimately subject to approval by Yuba LAFCo. The City Council would be responsible for approving a resolution authorizing the City to submit an application for annexation to Yuba LAFCo, which would be subject to approval by Yuba LAFCo, as a Responsible Agency.
M. Boundaries	As shown in Figure 2 of this IS/MND, the approximately 3.84-acre project parcel consists of two areas: the approximately 1.8-acre project

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
1. Definite Boundaries Required. Yuba LAFCo will not accept as complete any application for a proposal unless it includes boundaries that are definite, certain, and fully described. 2. Boundary Criteria. Yuba LAFCo will normally favor applications with boundaries that do the following: a) Create logical boundaries within the affected agency's Sphere of Influence, and where possible, eliminate previously existing islands or other illogical boundaries. b) Follow natural or man-made features and include logical service areas, where appropriate. 3. Boundary Adjustments. Yuba LAFCo will request that applicants amend their proposals if boundaries: a) Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social or economic identity. b) Result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause distorted, or further distort, boundaries. c) Are drawn for the primary purpose of encompassing revenue producing territories. d) Create areas where it is difficult to provide services. 4. Boundary Disapprovals. If Yuba LAFCo cannot suitably adjust the boundaries of a proposal to meet the criteria established in item 2 above, it will normally deny the proposal.	site (identified by APN 015-260-004-000) and the remaining approximately 2.04-acre southern portion of the parcel (identified by APN 015-273-001-000). The project site is located outside of, and directly east, north, and west of, the existing Wheatland City limits; however, the project site is included in the City of Wheatland SOI. Although the project parcel is identified by two APNs, the project parcel consists of only one legal parcel, with the city limits running though the parcel. The annexation of the project site also serves as a corrective measure so that the city limits do not cut through a parcel.
N. Levee Maintenance And Flood Planning: LAFCo will normally deny changes of organization that do not include adequate provisions for levee buffers and maintenance nor comply with flood planning and insuring requirements established by FEMA and DWR. Levee	As discussed in Section X, Hydrology and Water Quality, the project site is located in Zone X, identified as an Area of Reduced Flood Hazard Risk Due to Levee. Therefore, the future development facilitated by the proposed project would not be exposed to risks associated with flood hazards.

Table 1
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Policy	Project Consistency
maintenance buffers of a minimum of fifty (50) feet from the base of the levee to a development area shall be required.	
P. Prime Agricultural And Open Space Land Conservation: A primary goal of Yuba LAFCo is the preservation of open space and prime agricultural lands. Yuba LAFCo will exercise its powers to preserve prime agricultural ("ag") land as defined in Section 56064 of the Government Code, and open space land as defined in Section 65560 of the Government Code pursuant to the following standards: 1. Conditions for Approval of Prime Ag/Open Space Land Conversion. Yuba LAFCo will apply a heightened level of review when considering proposals for changes of organization or reorganization which are likely to result in the conversion of prime ag/open space land use to other uses, and will approve such proposals only when the Commission finds that the proposal will lead to planned, orderly, and efficient development. For purposes of this standard, a proposal leads to planned, orderly, and efficient development only if all of the following criteria are met: a) The land subject to the change of organization or reorganization either is contiguous to lands developed with an urban use or lands which have received all discretionary approvals for urban development. b) The proposed development of the subject lands is consistent with the Spheres of Influence Plan, including the municipal services review of the affected agency or agencies and the land subject to the change of organization is within the sphere of influence boundary as established by Yuba LAFCo.	As discussed in Section II, Agriculture and Forestry Resources, of this IS/MND, according to the Department of Conservation's FMMP, the site is identified as Urban and Built-Up Land. The project site does not contain, and is not located adjacent to, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. In addition, the City's General Plan designates the project site for development. Furthermore, the project site is included within the City's Sphere of Influence. The project site is located directly north, east, and west of the Wheatland City limits. The project site is located within a strip of County land near the core of the City, and the project site is surrounded by existing development to the west, east, and south beyond the remainder of the parcel. Therefore, development of the project site would not result in fringe development.

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
c) The land subject to the change of organization is likely to be developed within 5 years. In the case of very large developments, annexation should be phased wherever feasible. If the Commission finds that phasing is not feasible for specific reasons, it may approve annexation if all or a substantial portion of the subject land is likely to develop within a reasonable period. D) Insufficient vacant non-prime or open space land exists within the existing agency boundaries or applicable sphere of influence that is planned and developable for the same general type of use. e) The proposal will have no significant adverse effect on the physical and economic integrity of other adjacent or nearby ag/open space lands. 2. Approved Sphere of Influence Plan Required. Yuba LAFCo will not make the affirmative findings that the proposed development of the subject lands is consistent with the Spheres of Influence in the absence of an approved Spheres of Influence Plan, containing all of the elements required by Section III.B, below. 3. Finding with Respect to Alternative Sites. Yuba LAFCo will not make the affirmative findings that insufficient vacant non-prime or open space land exists within the Spheres of Influence plan unless the applicable jurisdiction has: a) Identified within its Sphere of Influence all "prime agricultural land" and "open space land". b) Enacted measures to preserve prime ag/open	

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
space land identified within its Sphere of Influence for agricultural or open space use. c) Adopted as part of its General Plan specific measures to facilitate and encourage in-fill development as an alternative to the development of prime ag/open space lands. 4. Determining Impact on Adjacent Ag/Open Space Lands. In making the determination, whether conversion will adversely impact adjoining prime agricultural or open space lands, Yuba LAFCo will consider the following factors: a) The prime ag/open space significance of the subject and adjacent areas relative to other ag/open space lands in the region. b) The use of the subject and the adjacent areas. c) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby prime ag/open space land, or will be extended through or adjacent to any other prime ag/open space lands which lie between the project site and existing facilities. D) Whether natural or man-made barriers serve to buffer adjacent or nearby prime ag/open space land from the effects of the proposed development. e) Applicable provisions of the General Plan open space and land use elements, applicable growth-management policies, or other statutory provisions designed to protect	

Table 1
Yuba LAFCo Policy Discussion

Policy	Project Consistency
agriculture or open space land. 5. Comments on Prime Ag/Open Space Projects. Yuba LAFCo will comment upon, whenever feasible, a Notice of Preparation for Environmental Impact Reports for projects which involve the development of large tracts of open space or agricultural land. 6. Agricultural Buffer Policy. LAFCO will normally disapprove an annexation of territory to a City or District or the formation of a district that will facilitate urban development where the territory to be annexed or formed is adjacent to agricultural lands unless adequate protections are included in the proposal to protect agricultural activities on nearby agricultural lands. Adequate protection shall normally be provided for an open space buffer of adequate width along the boundary (for example, 300 feet in width) so as to protect adjacent agricultural lands and activities. The Commission will consider other methods after making a finding, based on thorough environmental analysis and substantial evidence in the record, or that a buffer of reduced width and (or) an alternative are equally effective in protecting adjacent agricultural land and activities. Any protections shall be in the form of long-term legally enforceable restrictions such as a restrictive covenant or open space easement enforceable by the public as well as the annexing or forming agency.	

XII. MINERAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	✖
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	✖

Discussion

a,b. According to the Yuba County General Plan Environmental Setting and Background Report (ESBR), mineral resources present in the County include precious metals, copper, zinc, Fullers earth, sand and gravel, and crushed stone. However, the City of Wheatland is located outside of the recognized Mineral Land Classification Area as identified in the Yuba County General Plan ESBR. Therefore, ***no impact*** related to mineral resources would occur with implementation of the proposed project.

XIII. NOISE. *Would the project result in:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	✖	☐	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	✖	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	✖	☐

Discussion

a. The following sections include a discussion of noise standards and criteria applicable to various land uses, the existing noise-sensitive land uses in the project vicinity, and potential traffic noise and non-transportation noise sources associated with construction and operation of the proposed project. The following terms are referenced in the sections below:

- Decibel (dB): A unit of sound energy intensity. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. All references to decibels (dB) in this section will be A-weighted unless noted otherwise;
- Day-Night Average Level (DNL or L_{dn}): The average sound level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours;
- Average or Equivalent Sound Level (L_{eq}): L_{eq} is the average sound level over the period of measurement.

City of Wheatland Noise Standards and Criteria

General Plan Policy 9.G.2 requires noise created by new non-transportation sources to be mitigated so as not to exceed the noise level standards in Table 3, as measured immediately within the property line of lands designated for noise-sensitive uses.

Table 2
City of Wheatland General Plan Noise Level Standards New Projects Affected by or Including Non-Transportation Sources*

Noise Level Descriptor	Daytime (7:00 AM-10:00 PM)	Nighttime (10:00 PM-7:00 AM)
Hourly L_{eq}, dB	50	45
Maximum Level, dB	70	65

* The City defines transportation noise sources as traffic on public roadways, railroad line operations, and aircraft in flight. Control of noise from such sources is preempted by federal and State regulations. Other noise sources are presumed to be subject to local regulations. Non-transportation noise sources include industrial operations, outdoor recreation facilities, HVAC units, and loading docks.

Section 8.04.030(H) of the City's Municipal Code pertaining to prohibited noises includes provisions related to the construction or repairing of buildings. As detailed therein, the erection (including excavation), demolition, alteration, or repair of any building is generally prohibited, other than between the hours of 7:00 AM and 10:00 PM on weekdays, except in case of urgent necessity in the interest of the public health and safety. In such cases, construction and/or repair may be conducted within prohibited hours only with a permit from the building inspector, which may be granted for a period not to exceed three days. The permit may be renewed in the event emergency conditions continue.

Sensitive Noise Receptors

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. The nearest existing sensitive receptor is a single-family residence located approximately 160 feet from the site's eastern border and Wheatland Elementary School 170 feet west of the project site.

The project site is bound by UPRR to the east and SR 65 to the west, which are typically sources of elevated noise levels. However, impacts of the environment on a project (as opposed to impacts of a project on the environment) are beyond the scope of required CEQA review.[14]

Construction Noise

Heavy equipment could be used for future grading, excavation, paving, and building construction, associated with potential future development facilitated by the proposed project, which would increase ambient noise levels when in use. However, noise levels would vary depending on the type of equipment used, how the equipment is operated, and how well the equipment is maintained. In addition, noise exposure at any single point outside the project area would vary depending on the proximity of construction activities to that point. Furthermore, Section 8.04.030(H) of the City of Wheatland's Municipal Code restricts construction activities to between the hours of 7:00 AM and 10:00 PM on weekdays. Future construction activities, including the off-site extension of any necessary utilities, would be required to comply with all applicable standards and regulations set forth by the City, and are anticipated to be relatively short-term. Therefore, impacts resulting in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance would be less than significant.

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14 "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Ballona Wetlands Land Trust v. Town of Los Angeles,* (2011) 201 Cal.App.4th 455, 473 (Ballona).) The California Supreme Court also held that "CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents. What CEQA does mandate... is an analysis of how a project might exacerbate existing environmental hazards." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 197 ["identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes"], quoting *Ballona, supra*, 201 Cal.App.4th at p. 474.) In the case of the proposed project, the impact of placing sensitive receptors near SR 65 and UPRR tracks is considered an existing environmental condition.

Operational Noise

The proposed project does not include any site-specific development plans, designs, or proposals at this time. Thus, implementation of the proposed project would not directly result in the generation of increased noise levels within the City, and would not expose sensitive receptors to excess noise levels. However, the proposed project would allow for the future development of commercial or residential uses within the project site.

Generally, the primary noise source associated with commercial or residential development is traffic noise. The primary non-transportation noise sources associated with commercial uses are typically machinery noise, alarms, radios, and parking lot activity. Given that site-specific development plans, designs, or proposals have not been prepared for the project site, the potential exists that such noise sources could result in the generation of a substantial permanent increase in ambient noise levels in excess of standards established in the City's General Plan and the Municipal Code.

Conclusion

Based on the above, development of the project site with commercial uses has the potential to result in substantial noise increases in the project area during operations. Thus, a ***potentially significant*** impact could occur.

Mitigation Measure(s)

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

XIII-1 *In conjunction with submittal for a Site Plan and Design Review, a project-level noise assessment shall be prepared by a qualified acoustic engineer demonstrating that the proposed development would meet the applicable City of Wheatland exterior noise standards, and, if necessary, provide recommended mitigation measures, that may include, but shall not be limited to, the use of sound walls or other noise reducing measures at the project site. The noise assessment shall be submitted to the City of Wheatland Community Development Department for review and approval, and the recommendations shall be shown on all project plans, subject to review and approval by the City Engineer.*

b. Similar to noise, vibration involves a source, a transmission path, and a receiver. However, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration is measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. According to Caltrans, the threshold for architectural damage to structures is 0.20 in/sec PPV and continuous vibrations of 0.10 in/sec PPV, or greater, would likely cause annoyance to sensitive receptors.

As discussed above, the proposed project does not include any site-specific development plans, designs, or proposals at this time. Thus, implementation of the proposed project would not directly result in the generation of increased vibration levels within the City, and would not expose sensitive receptors to excess noise levels.

Noise and vibration associated with the construction of future development facilitated by the proposed project would add to the noise environment in the immediate project vicinity; however, construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours. Because the proposed project would not cause continuous, long-term vibrations, the project would not be expected to result in extended annoyance to sensitive receptors located in proximity to the project site.

The primary vibration-generating activities associated with the proposed project would likely occur during grading, placement of utilities (including off-site utility connections), and construction of buildings. Typical vibration levels produced by construction equipment at 50 feet are generally below Caltrans' threshold for damage to residential structures (0.20 in/sec PPV) or Caltrans' threshold for annoyance (0.1 in/sec PPV). The nearest sensitive receptors within the project area are located approximately 160 feet from the nearest project site boundary. Therefore, sensitive receptors would be located farther than 50 feet away from any construction activities that would occur within the project site, ensuring that any future construction does not exceed Caltrans' threshold for damage to residential structures (0.20 in/sec PPV) or Caltrans' threshold for annoyance (0.1 in/sec PPV).

Therefore, the proposed project would not result in the generation of excessive groundborne vibration or groundborne noise levels, and a ***less-than-significant*** impact would occur.

c. The nearest airport to the City of Wheatland is the Beale Air Force Base, located approximately seven miles north of the project site. According to the Beale Air Force Base Land Use Compatibility Plan (LUCP), the project site is located within the Airport Influence Area associated with the airstrip, within Review Area 2.[15] According to the Beale Air Force Base LUCP, Review Area 2 includes locations where airspace protection and/or overflight are compatibility concerns, but not noise or safety. In addition, the entirety of the project site is located outside of all noise impact zones identified in Map 2 of the Beale Air Force Base LUCP. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels, and a ***less-than-significant*** impact would occur.

[15] Sacramento Area Council of Governments. *Beale Air Force Base Land Use Compatibility Plan*. Approved March 2011.

XIV. POPULATION AND HOUSING. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	✖	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	✖

Discussion

a. The proposed project consists of an annexation, a General Plan Amendment, and Pre-Zoning of the project site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly induce substantial unplanned population growth.

Development of commercial uses within the project site would not result in direct population growth. Because future commercial development could include the hiring of new employees, the project may indirectly contribute to an influx of new residents. However, many of the employees to be hired are anticipated to be existing residents of the City of Wheatland, and, thus, substantial population growth would not occur.

It should be noted that pursuant to Section 18.36.030 of the Wheatland Municipal Code, residential uses with the density and setback requirements of the R-3 zone are conditionally permitted in the C-3 zone. As such, residential development may occur on the project site with Planning Commission approval of a CUP. The R-3 zone allows for a maximum density of 30 dwelling units per acre. Therefore, should the project site be developed with residential uses pursuant to the R-3 zoning standards, up to 54 dwelling units may be developed on the project site. The General Plan EIR assumed an average population per household on 2.4 persons. Therefore, the development of the project site with residential uses may result in increase in population of up to 130 residents (54 dwelling units x 2.4 persons per household = 129.6). Wheatland currently has a population of 3,715 residents.[16] An increase of 130 residents would constitute a 3.5 percent increase in population. However, Planning Commission approval of a CUP and Site Plan and Design Review would be required to develop the project site with residential uses. Impacts of potential future development have been analyzed in this IS/MND and are found to be less than significant with implementation of mitigation.

Based on the above, the proposed project would not induce substantial unplanned population growth in an area, and a ***less-than-significant*** impact would occur.

b. Development of the project site with commercial or residential uses would not result in the destruction of any permanent or temporary residences because the project site is currently vacant and undeveloped. As such, future commercial or residential development of the site would not displace a substantial number of existing housing or people and would not

[16] U.S. Census Bureau. *American Community Survey 5-year estimates*. Available at: http://censusreporter.org/profiles/16000US0685012-wheatland-ca/. Accessed June 2023.

necessitate the construction of replacement housing elsewhere. Therefore, ***no impact*** would occur.

XV. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	✖	☐
b. Police protection?	☐	☐	✖	☐
c. Schools?	☐	☐	✖	☐
d. Parks?	☐	☐	✖	☐
e. Other Public Facilities?	☐	☐	✖	☐

Discussion

a-e. The proposed project consists of annexation, a General Plan Amendment, and Pre-Zoning of the project site, and a General Plan Amendment for the project site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly increase demand for public services. Nonetheless, following annexation, the entirety of the project site would be serviced by the City's public service providers. However, existing development within the city limits surrounds the project site on three sides and, thus, the area, including the remainder of the parcel, is already served by existing City services and facilities.

Fire protection services are already currently provided to the project site by the Wheatland Fire Authority (WFA). The WFA provides fire protection services through a Joint Powers Agency comprised of the City of Wheatland and the Plumas Brophy Fire Protection District. The WFA's service area encompasses approximately 78 square miles, extending to the Yuba County line and Placer County to the south, to the Yuba County line and Nevada County to the east, to Beale Air Force Base and Erle Road to the north, and to roughly Powerline Road and State Highway 70 to the west. The Wheatland Fire Department is located approximately 0.25-mile east of the project site, and the Plumas Brophy Fire Department is located approximately 1.7 miles north of the site. Fire protection services would continue to be provided to the project site by the WFA following annexation. Any on-site future development would be constructed in accordance with the fire protection requirements of the most recent California Fire Code, which require built-in fire protections such as fire sprinkler systems. Compliance with such would help to reduce initial fire losses and the time required to suppress the fire. Operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for fire protection services from what currently occurs in the project area. Thus, the proposed project would not cause a need for new or physically altered fire protection facilities in order to adequately serve the project.

Police protection services are already currently provided to the site by the Wheatland Police Department. Wheatland currently receives police service 24 hours a day, seven days a week. The Police Department is staffed by one administrative assistant, one code enforcement officer, six patrol officers, one sergeant and the Chief. Supplemental police services are provided by three on-call level-one reserve officers who are paid an hourly wage and are considered part-time employees. As noted above, the proposed project does not include development plans, but implementation of the proposed project may

result in future commercial or residential development of the project site. Future commercial development on the project site would be required to be constructed in compliance with the Wheatland Community Design Standards, including COM Objective 4.3, which requires lighting fixtures to contribute to the safety and security of commercial buildings. Future residential development would necessitate approval a CUP, which would require subsequent environmental review and Planning Commission approval. Furthermore, future commercial or residential development would require Site Plan and Design Review approval, which would include review of the project plans by the Wheatland Police Department to ensure the site plan and design promote safety. Operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for police protection services from what currently occurs in the project area. Thus, the proposed project would not cause a need for new or physically altered police protection facilities in order to adequately serve the project.

Wheatland is served by the Wheatland School District and the Wheatland Union High School District. The Wheatland School District operates two schools within the City and one school at Beale Air Force Base. Wheatland Union High School District operates Wheatland High School, which is located on Wheatland Road at the western edge of the City. Future development of the project site with commercial uses would not result in direct population growth that could result in increased demand for existing schools. However, if the project site is developed with residential uses consistent with R-3 zoning standards, up to 54 units could occur on the site, which would result in direct population growth. However, the project site is currently designated as MDR by the Wheatland General Plan and, thus, anticipated for development with residential uses. Under the existing MDR designation, a maximum of 14 dwelling units could be constructed on the project site. The proposed pre-zone would zone the site as C-3. Pursuant to Section 18.36.030 of the Wheatland Municipal Code, residential uses consistent with the R-3 zoning standards are permitted in the C-3 zone with Planning Commission approval of a CUP. The R-3 zoning standards would allow the project site to be developed with up to 54 dwelling units. Therefore, if developed with R-3 uses, the proposed project could increase the maximum allowed dwelling units to be developed on the project site by 40 units. However, development of the project site with residential uses would require approval of a CUP, as well as Site Plan and Design Review, and, thus, would be subject to subsequent environmental review and Planning Commission approval.

In addition, future development would be subject to payment of school impact fees collected by the Wheatland Elementary School District and the Wheatland High School District. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act...involving ...the planning, use, or development of real property" (Government Code 65996[b]). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." Therefore, operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for school services from what currently occurs in the project area. Thus, the provision of new or physically altered school facilities would not be required in order to adequately serve the project.

Parks and recreational amenities within Wheatland are operated by the Wheatland Recreation Department. The City of Wheatland has four public parks. City Park, also known as Tom Abe Park, and Front Street Park are located in downtown Wheatland in the

SR 65/UPRR corridor, while the two other parks are located in the northeast area of the City. City Park is located approximately 100 feet east of the project site, beyond the UPRR. City Park is 3.8 acres and features the Tom Abe field for little league baseball, as well as a playground and restrooms. Commercial development of the project site would not result in direct population growth that could result in increased demand for existing park facilities. Residential development of the project site, consistent with R-3 zoning standards, could result in the development of up to 54 units and result in population growth, which would increase the maximum allowed dwelling units to be developed on the project site by 40 from what could occur pursuant to the site's current MDR designation. However, development of the project site with R-3 uses would require approval of a CUP, and, thus, would be subject to subsequent environmental review and Planning Commission approval. In addition, development would be subject to development impact fees pursuant to Chapter 3.26 of the Municipal Code. Therefore, operation of future commercial or residential uses would not be anticipated to involve activities that would lead to a significant increase in the demand for park facilities from what currently occurs in the project area. Thus, the provision of new or physically altered park facilities would not be required in order to adequately serve the project.

As discussed above, the project site was previously anticipated for development by the General Plan. As such, while an increase in demand is not anticipated, any potential increase that could occur would not be such that new or altered facilities would be necessary.

Based on the above, the proposed project would have a ***less-than-significant*** impact related to the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts.

XVI. RECREATION. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	✖	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	✖	☐

Discussion

a,b. The proposed project consists of the annexation, a General Plan Amendment, and Pre-Zoning of the project site, and a General Plan Amendment for the project site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly increase demand for recreational facilities. However, the proposed project would allow for the future development of the project site with commercial or residential uses.

The standard requirement in the Wheatland General Plan is five acres of parkland per 1,000 residents. Future development of commercial uses within the project site would not result in population growth that could result in increased demand on existing recreational facilities or cause the construction or expansion of recreational facilities.

As discussed previously, residential development consistent with the R-3 zoning standards is conditionally permitted in the C-3 zone, with Planning Commission approval of a CUP. Should the project site be developed with residential uses, a maximum of 54 units could be constructed and an approximate population increase 130 residents would occur. Therefore, 0.75-acre of parkland would be required for the potential residential development, or the developer would be subject to the City's in-lieu parkland fees pursuant to Chapter 17.09.110 of the Municipal Code. In addition, future development would be subject to payment of the City's Parkland Facilities Fee, which is used to fund the construction of new park and recreation facilities within the City. Thus, a ***less-than-significant*** impact would occur with regard to recreation facilities.

XVII. TRANSPORTATION. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	✖	☐
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	✖	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	✖	☐
d. Result in inadequate emergency access?	☐	☐	✖	☐

Discussion

a. Level of Service (LOS) is still currently used by the City for purposes of determining consistency with adopted General Plan goals and policies related to LOS. However, the law has changed with respect to how transportation-related impacts may be addressed under CEQA. Therefore, pursuant to SB 743, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts, and LOS is no longer used for determining significant impacts under CEQA.

Please refer to Question "b" for a discussion of VMT.

Transit, Pedestrian, and Bicycle Facilities

Transit services are provided to the Wheatland area by Yuba-Sutter Transit. Yuba-Sutter Transit offers regular fixed route service to the communities of Yuba City, Marysville, Olivehurst, and Linda. Limited route deviation service is provided to the Yuba County foothills and to the cities of Live Oak and Wheatland. The Wheatland Route offers two roundtrips into Marysville and Linda on Tuesdays and Thursdays under a reimbursable contract to the City. Transfers to routes serving Sacramento and Yuba City are available. Currently the following five designated stops exist on the Wheatland Route:

- Spruce Avenue/Evergreen Drive;
- SR 65/3rd Street;
- Main Street/C Street;
- Anderson Way/McCurry Street; and
- Donner Trail Manor (121 C Street).

Future development facilitated by the proposed project has the potential to increase demand for transit services within the City. However, Yuba-Sutter Transit would likely scale up services within the City in response to such increases in demand. The proposed project does not include any site-specific development proposals that would conflict with existing transit services at this time.

With regard to pedestrian and bicycle facilities, considering the proposed commercial or residential land use, extensive pedestrian and bicycle transportation is not anticipated to occur, or be warranted, with development of the project site. In addition, any future development facilitated by the proposed project within the project site would be subject to Site Plan and Design Review, as established by Wheatland Municipal Code Chapter 18.67, prior to approval to ensure development is compatible with the surrounding area

and the City of Wheatland's Community Design Standards. Furthermore, according to the Wheatland Bikeway Master Plan, a bike lane is proposed to be constructed along SR 65, near the western boundary of the project site. Therefore, the proposed project would not conflict with any existing or planned transit, bicycle, or pedestrian facilities, and a less-than-significant impact would occur.

Conclusion

Based on the above, the proposed project would not result in new conflicts with applicable City standards related to roadway, transit, bicycle, or pedestrian facilities. Thus, a ***less-than-significant*** impact would occur.

b. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts. However, the City has not yet established any standards or thresholds regarding VMT.

Pursuant to Section 15064.3(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. While changes to driving conditions that increase LOS times are an important consideration for traffic operations and management, the method of analysis does not fully describe environmental effects associated with fuel consumption, emissions, and public health. Section 15064.3(3) changes the focus of transportation impact analysis in CEQA from measuring impact to drivers to measuring the impact of driving.

The proposed project consists of the annexation, a General Plan Amendment, and Pre-Zoning of the project site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly result in increased VMT within the project region. However, the proposed project would allow for the future development of the project site with commercial or residential uses.

The Governor's Office of Planning and Research (OPR) provides screening threshold recommendations that are intended to identify when a project can be determined to cause a less-than-significant impact without conducting a detailed VMT evaluation. The OPR screening threshold recommendations are based on project size, maps, transit availability, and provision of affordable housing. One such recommendation is that local-serving retail developments (considered to be less than 50,000 sf in size) may be assumed to cause a less-than-significant impact on VMT. In accordance with the zoning regulations for the C-3 district, the project site could be developed with up to 17,533 sf of commercial uses, and therefore would be below the threshold of 50,000 sf. Thus, a substantial increase in VMT associated with future commercial development would not occur.

As discussed previously, while the proposed General Plan Amendment and Prezoning would allow for an increased amount of future residential development with approval of a Use Permit, the site has been previously anticipated for development with residential uses by the City. According to the California Air Pollution Control Officers Association (CAPCOA), higher density residential uses are generally associated with lower per capita VMT compared to low-density uses.[17] In addition, as noted previously, the project site

[17] California Air Pollution Control Officers Association. *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* [pg. 70]. December 2021.

surrounded by existing development, thereby potentially reducing distances between future housing and workplaces, retail businesses, and other amenities and destinations. Thus, the proposed project would help to further the State's goals of reducing VMT.

Based on the above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a ***less-than-significant*** impact would occur.

c,d. As discussed above, the proposed project consists of the annexation, a General Plan Amendment, and Pre-Zoning of the project site, and a General Plan Amendment, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly result in increased traffic hazards or inadequate emergency access.

With regard to future development of the project site with light commercial uses, in accordance with all appropriate provisions within the City of Wheatland General Plan and Municipal Code, intersections and street sections in the project vicinity, would be reviewed by the City of Wheatland and the fire department to ensure the streets are designed to provide adequate emergency access and comply with City standards. In addition, any drive aisles proposed within future on-site parking areas would be required to be sufficiently sized to accommodate emergency vehicle access throughout the site.

Based on the above, the proposed project would not substantially increase hazards due to design features or incompatible uses, or result in inadequate emergency access. Therefore, the project would result in a ***less-than-significant*** impact.

XVIII. TRIBAL CULTURAL RESOURCES. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	☐	✖	☐	☐
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	✖	☐	☐

Discussion

a,b. The proposed project consists of the annexation, a General Plan Amendment, and Pre-Zoning of the project site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly result in a substantial adverse change in the significance of a tribal cultural resource. In addition, future development facilitated by the proposed project would be required to adhere to federal and State regulations associated with protection of tribal cultural resources and implement General Plan goals and policies associated with tribal cultural resources.

However, as discussed in Section V Cultural Resources of this IS/MND, only a portion of the General Plan study area has been culturally surveyed. As such, unknown significant archeological resources could be disturbed, particularly in areas along springs, creeks, and rivers as ground disturbance occurs in accordance with development of proposed land uses and circulation. In addition, given the project vicinity's history of Nisenan occupation, ground-disturbing construction activities could inadvertently damage and disturb buried tribal cultural resources.

In compliance with SB 18, project notification letters were distributed on May 16, 2023 to a list of tribes that were identified by the NAHC as being culturally or traditionally affiliated with the project area. In addition, in compliance with AB 52, a project notification letter was distributed to the UAIC and the Enterprise Rancheria on May 16, 2023. On June 7, 2023, a representative from the UAIC submitted a comment regarding a potentially sensitive tribal cultural resource within the project vicinity. After receiving additional project information, further consultation was not requested. Other requests to consult were not received during the required consultation period.

Based on the above, the possibility exists that construction of future on-site development facilitated by the proposed project could result in a substantial adverse change in the significance of a tribal cultural resource if previously unknown tribal cultural resources are

uncovered during grading or other ground-disturbing activities. Thus, a ***potentially significant*** impact to tribal cultural resources could occur.

Mitigation Measure(s)

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

XVIII-1 *Prior to initiation of construction, all construction crew members, consultants, and other personnel involved in project implementation shall receive project-specific tribal cultural resource awareness training. The training shall be conducted in coordination with qualified cultural resource specialists and representatives from culturally affiliated Native American Tribes. The training will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any find of significance to culturally affiliated Native Americans Tribes. All personnel required to receive the training shall also be required to sign a form that acknowledges receipt of the training, which shall be submitted to the City of Wheatland Community Development Department for review and approval.*

As a component of the training, a brochure will be distributed to all personnel associated with project implementation. At a minimum the brochure shall discuss the following topics in clear and straightforward language:

- *Field indicators of potential archaeological or cultural resources (i.e., what to look for; for example: archaeological artifacts, exotic or non-native rock, unusually large amounts of shell or bone, significant soil color variation, etc.);*
- *Regulations governing archaeological resources and tribal cultural resources;*
- *Consequences of disregarding or violating laws protecting archaeological or tribal cultural resources; and*
- *Steps to take if a worker encounters a possible resource.*

The training shall include project-specific guidance for on-site personnel including agreed upon protocols for resource avoidance, when to stop work, and who to contact if potential archaeological or tribal cultural resources are identified. The training shall also direct work to stop, and contact with the County Coroner and the NAHC to occur immediately, in the event that potential human remains are identified. NAHC will assign a Most Likely Descendant if the remains are determined by the Coroner to be Native American in origin.

XVIII-2 *The following language shall be noted on project Improvement Plans, subject to review and approval by the City of Wheatland Community Development Department, and shall be implemented during project construction:*

If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are

discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources). Examples of potential cultural materials include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.

A qualified cultural resources specialist and Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts. The UAIC does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe.

If articulated or disarticulated human remains are discovered during construction activities, the County Coroner and Native American Heritage Commission shall be contacted immediately. Upon determination by the County Coroner that the find is Native American in origin, the NAHC will assign the Most Likely Descendant(s) who will work with the project proponent to define appropriate treatment and disposition of the burials.

Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative will be documented in the project record. Any recommendations made by these experts that are not implemented, must be documented and explained in the project record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the City of Wheatland Community Development Department following coordination with cultural resources experts and tribal representatives as appropriate.

XIX. UTILITIES AND SERVICE SYSTEMS. *Would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	✖	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	✖	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	✖	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	✖	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	✖	☐

Discussion

a. The proposed project consists of an annexation, General Plan Amendment, and Pre-Zoning of the project site, and does not include any site-specific development proposals at this time. Thus, the proposed project would not directly result in the relocation or construction of new or expanded utilities.

Future development facilitated by the proposed project would connect to the City's existing utility lines in the project area. All proposed infrastructure would be sized and designed in accordance with all applicable local standards and regulations. Physical impacts associated with installation of such infrastructure are addressed throughout this IS/MND. While the proposed project would result in the future development of commercial or residential uses on the project site, operation of the proposed commercial uses would be typical of other commercial uses that currently exist within the City of Wheatland, and would not be anticipated to involve activities that would require or result in the relocation or construction of new or expanded utilities beyond what was anticipated and analyzed within this IS/MND.

In addition, according to Chapter 3.26 of the Municipal Code, Development Impact Fees are imposed on new development within the City, and used for acquisition, installation, and construction of public facilities. Development Impact Fees can include, but are not limited to, storm drainage development, water development, wastewater collection development, and wastewater treatment development fees. Furthermore, future development proposals would be reviewed by the appropriate service agencies as part of the development application review process in order to ensure that sufficient capacity would be available to maintain desired service levels.

The project site is currently undeveloped and is not provided any utility services. However, the project site is surrounded by existing developed within the city limits on three sides of the project site, which are currently provided utility services including electricity and natural gas from PG&E; water and wastewater services by the Wheatland Public Works Department; and solid waste collection by Recology Yuba-Sutter. Therefore, because existing utilities and infrastructure are located in the immediate project vicinity, development of the site would not require substantial new or extensions of infrastructure in order to serve the project site. Furthermore, the project site has been anticipated for medium density residential development by the General Plan. Development of the project site with commercial or residential uses would not result in a substantial increase such that new or expanded facilities would be required, beyond what was previously anticipated in the General Plan.

Based on the above, the proposed project would result in a ***less-than-significant*** impact related to the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b. Water supplies within the City of Wheatland are provided by the City of Wheatland Public Works Department. Water supplies are provided solely through groundwater sources; specifically, the South Yuba Subbasin. According to the Yuba Subbasins GSP, regional groundwater quality in the Yuba Subbasins is considered good to excellent for municipal, domestic, and agricultural uses and does not have a significant adverse impact on the beneficial uses of groundwater in the subbasins. In addition, groundwater extraction in the Yuba Subbasins does not exceed sustainable yield. The proposed project consists of the annexation, General Plan Amendment, and Pre-Zoning of the project site, and does not include any site-specific development proposals at this time. Thus, the proposed project would not directly result in the use of groundwater.

According to the Wheatland General Plan EIR, an average demand for one acre of Commercial land uses is 2,500 gallons per day (gpd), while the average demand per single-family dwelling unit is 500 gpd, and 300 gpd per multifamily dwelling unit.[18] The site's current land use designation of MDR provides for single-family detached and attached homes, and secondary residential units, with a density range of 6.1 to 8.0 du/ac. Under the existing MDR designation, a maximum of 14 dwelling units could be constructed on the project site. Thus, the General Plan EIR accounted for the use of 7,000 gpd (500 gpd x 14 units = 7,000 gpd) for the project site. With approval of the proposed prezoning, the 1.8-acre site could be developed with commercial uses, resulting a demand of 4,500 gpd (1.8 acres x 2,500 gpd = 4,500). Therefore, future development of the site with commercial uses would result a reduced demand for water supply than what is currently anticipated associated with buildout of the site by the City's General Plan.

Development of the project site with the maximum allowable density according to the R-3 zoning standards would result in a water demand of 16,200 gpd (54 units x 300 gpd per multifamily unit = 16,200 gpd). Although future development of the project site with residential uses would result in a 9,200 gpd increase in demand for water supplies relative to what has been previously anticipated by the City, such increases would not be expected to adversely affect groundwater management efforts for the overall South Yuba Subbasin. In addition, according to Section 18.36.040 of the Wheatland Municipal Code, residential

[18] City of Wheatland. *General Plan Update Draft Environmental Impact Report* [pg. 4.16-6]. December 2005.

development consistent with the R-3 zoning standards is permitted in the C-3 zone with approval of a CUP. Approval of a CUP would require subsequent environmental review and Planning Commission approval. Furthermore, Site Plan and Design Review would also be required for any future development, and would include further analysis of the project's compliance with applicable regulations and design standards. According to the Yuba Subbasins GSP, while groundwater pumping may exceed sustainable yield during certain years, balanced by other years with reduced pumping generally ensures that the long-term average remains at or below the sustainable yield. Generally, the City has found that water supply is not a limiting factor for new residential development.

In addition, as discussed above, Chapter 3.26 of the Municipal Code requires that Development Impact Fees be imposed on new development within the City, and used for acquisition, installation, and construction of public facilities. Payment of fees would help to ensure that sufficient water supplies are available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

The proposed project could result in the future development of a maximum of 17,533 sf of commercial uses and 54 residential units. Given that site-specific development plans, designs, or proposals have not been prepared for the project site, the potential exists that future on-site development could result in the generation of a substantial increase in water demand, as sufficient water supplies cannot be ensured for the future development of the project site. However, as described above, development of the project site with commercial or residential uses would not result in a substantial increase in water supply demand.

Based on the above, a ***less-than-significant*** impact would occur related to the City's ability to have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years

c. The City of Wheatland Public Works Department currently operates the City's sanitary sewer collection and Wastewater Treatment Plant (WWTP) system. Waste Discharge Requirements (WDRs) issued by the California Regional Water Quality Control Board-Central Valley Region (RWQCB) permit the WWTP to discharge an average dry weather flow (ADWF) of 0.62 mgd. Currently, the City generates average dry weather flow of 0.35 million gallons per day (MGD). The existing WWTP is designed to treat wastewater at a secondary level, which is not consistent with the current State standards of tertiary treatment. In addition, the WWTPs infiltration basins are subject to flood damage, and the plant suffers from a lack of redundancy, sludge drying bed constraints, and general repair needs.

Over the past 15 years, the City and several local agencies, including Olivehurst Public Utility District (OPUD), Linda County Water District (LCWD), Beale Air Force Base (Beale), and the City of Lincoln, have participated in several efforts exploring options for a regional wastewater conveyance, treatment, and disposal/reuse system for South Yuba County. Based on studies conducted to evaluate all of the City's wastewater treatment and disposal alternatives, the City recently approved update the sanitary sewer collection and WWTP system on February 28, 2023. The system update includes the construction of an approximately eight-mile pipeline and three associated pump stations to convey all current and future wastewater into a regional sewer system serving south Yuba County. The pipeline will connect to OPUD's force main (currently under design) near Rancho Road and SR 65. OPUD would convey the flow to OPUD's WWTP, where the flows would be

treated to a tertiary level and discharged into a tributary to the Feather River. After construction of the pipeline and pump stations, the City's existing WWTP is anticipated to be decommissioned, though the possibility exists for the WWTP to remain in operation for an interim period. The sewer pipeline that would connect to OPUD's WWTP is designed to accommodate 1.5 MGD average dry weather flow from the City of Wheatland. The update to the City's sanitary sewer collection and WWTP system is currently in process.

The proposed project consists of the annexation, a General Plan Amendment, and Pre-Zoning of the project site, and does not include any specific development proposals at this time. Thus, the proposed project would not directly result in the need for sanitary sewer service. Furthermore, future development on-site would be subject to payment of the City's development fees which are used to fund the acquisition, installation, and construction of public facilities, including the City's sewer system.

As discussed above, the proposed project would include a General Plan Amendment, which could result in the future development of a maximum of 17,533 sf of commercial uses on-site or up to 54 residential units. According to the Wheatland General Plan EIR, an average of 1,750 gpd of wastewater is generated for each acre of commercial development, 350 gpd is generated for each single-family unit, and 250 gpd is generated for every multifamily unit. As such, the General Plan anticipated the project site would have an associated average wastewater generation of 4,900 gpd (14 single-family units x 350 gpd = 4,900 gpd). Development of the project site with commercial uses would generate an average of 3,150 gpd of wastewater (1.8 acres of commercial x 1,750 gpd = 3,150 gpd). Therefore, development of the project site with commercial uses would generate less wastewater than what is currently anticipated associated with buildout of the site by the City's General Plan.

Development of the project site with residential uses pursuant to the R-3 zoning standards would result in an average generation of 13,500 gpd of wastewater (54 multifamily units x 250 gpd = 13,500 gpd). Thus, development of the proposed project with R-3 uses would result in an 8,600 gpd increase in wastewater generation relative to what has been previously anticipated by the City. However, future residential development on the project site would require approval of a CUP and Site Plan and Design Review, which would require subsequent environmental review. As part of the CUP and Site Plan and Design Review process, the City Engineer would review the development plans and confirm that adequate wastewater treatment and sewer collection system capacity exists to accommodate the project. Furthermore, as discussed above, the City is in the process of expanding and updating its sewer system and future development on the site would be subject to development impact fees.

Based on the above, the City would have adequate capacity to serve the wastewater demand associated with future construction of commercial or residential development in addition to the City's existing commitments, and a ***less-than-significant*** impact would occur.

d,e. The City of Wheatland is served by the Recology Ostrom Road Landfill. The Recology Ostrom Road Landfill has a maximum permitted daily throughput of 3,000 tons, with a remaining capacity of 39,223,000 cubic yards (approximately 90 percent of the maximum

permitted capacity of 43,467,231 cubic yards). The anticipated closure date for the landfill is 2066.[19]

The proposed project consists of an annexation, a General Plan Amendment, and Pre-Zoning of the project site, and does not include any site-specific development plans, designs, or proposals at this time. Therefore, implementation of the proposed project would not directly result in the generation of solid waste. In addition, due to the substantial amount of available capacity remaining at the landfill serving the City, sufficient capacity is anticipated to be available to accommodate the solid waste disposal needs of any future on-site development. Furthermore, pursuant to the CALGreen Code, at least 65 percent diversion of construction waste is required for projects permitted after January 1, 2017.

Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, a ***less-than-significant*** impact related to solid waste would occur as a result of the proposed project.

[19] CalRecycle. *SWIS Facility/Site Activity Details, Recology Ostrom Road LF Inc. (58-AA-0011).* Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/733?siteID=4075. Accessed May 2023.

XX. WILDFIRE. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	✖	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	✖	☐
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	✖	☐
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	✖	☐

Discussion

a-d. According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, the project site is not located within or adjacent to an SRA, or any Very High Fire Hazard Severity Zones.[20] In addition, the relatively flat terrain of the proposed study area also makes the danger of wildland fires less hazardous. As wildland fires resulting from either natural or manmade causes occur in forest, brush, or grasslands, Wheatland is among the most fire secure areas in Yuba County.[21] Furthermore, while not located in an area of high wildfire risk, future development occurring pursuant to the proposed project would include fire sprinklers, as required by State law. Therefore, the proposed project would not be expected to be subject to or result in substantial adverse effects related to wildfires, and a ***less-than-significant*** impact would occur.

[20] California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: https://egis.fire.ca.gov/FHSZ/. Accessed May 2023.

[21] City of Wheatland. *General Plan Update Draft Environmental Impact Report* [pg. 4.7-19]. December 2005.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	✖	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	✖	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	✖	☐

Discussion

a. The proposed project does not include any specific development proposals at this time, and would not have the potential to degrade the quality of the environment. Additionally, as discussed in Section IV, Biological Resources, of this IS/MND, while the potential exists for special-status species to occur within the project site, Mitigation Measure IV-1 would ensure that impacts to special-status species associated with any future development facilitated by the proposed project would be less than significant. In addition, while the potential exists for the project site to contain previously undiscovered archaeological resources, Mitigation Measure V-1 would ensure that in the event that historic or prehistoric resources are discovered within the site during any future construction activities, including the off-site extension of any necessary utilities, such resources are protected in compliance with the requirements of CEQA.

Considering the above, the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory. Therefore, a ***less-than-significant*** impact would occur.

b. The proposed project in conjunction with other development within the City of Wheatland could incrementally contribute to cumulative impacts in the area. However, as demonstrated in this IS/MND, all potential environmental impacts that could occur as a result of project implementation would be reduced to a less-than-significant level through compliance with the mitigation measures included in this IS/MND, as well as applicable General Plan policies, Municipal Code standards, and other applicable local and State regulations. Therefore, when viewed in conjunction with other closely related past, present, or reasonably foreseeable future projects, the proposed project would not result in a cumulatively considerable contribution to cumulative impacts in the City of Wheatland,

and the project's incremental contribution to cumulative impacts would be ***less than significant***.

c. As described in this IS/MND, future development facilitated by approval of the proposed project would comply with all applicable General Plan policies, Municipal Code standards, applicable local and State regulations, and mitigation measures included herein. In addition, as discussed in the Air Quality, Geology and Soils, Hazards and Hazardous Materials, Greenhouse Gas Emissions, and Noise sections of this IS/MND, the proposed project would not cause substantial effects to human beings, which cannot be mitigated to less-than-significant levels, including effects related to exposure to air pollutants, geologic hazards, GHG emissions, hazardous materials, and excessive noise. Therefore, the proposed project's impact would be ***less than significant***.

1973 State Route 65 Project
Mitigation Monitoring and Reporting Program

– August 2023

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for 1973 State Route 65 Project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

MITIGATION MONITORING AND REPORTING PROGRAM
1973 STATE ROUTE 65 PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		Air Quality			
III. (a-c.)	Would the project conflict with or obstruct implementation of the applicable air quality plan; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; or expose sensitive receptors to substantial pollutant concentrations?	*III-1.* *In conjunction with submittal for Site Plan and Design Review, a detailed air quality analysis shall be conducted to determine the emissions associated with all activities related to the development (e.g., demolition and removal of all trees and structures, construction, operations, etc.). The analysis shall be completed in accordance with the FRAQMD's Indirect Source Review Guidelines and shall present the modeled emissions in comparison to the FRAQMD thresholds of significance in place at the time of preparation. If the modeled emissions are below the applicable FRAQMD thresholds of significance, then further mitigation is not required. If the modeled emissions exceed the FRAQMD thresholds, then the air quality analysis shall include recommendations sufficient to reduce the emissions to below the applicable FRAQMD thresholds of significance and provide evidence of the reduction through calculations. Acceptable options for reducing emissions may include, but are not limited to, the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology,*	City of Wheatland Community Development Department	In conjunction with submittal for Site Plan and Design Review	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		after-treatment products, increased renewable energy usage, restriction of natural gas infrastructure, and/or other options as they become available. The air quality analysis shall be submitted to the City of Wheatland Community Development Department for review and approval.			
		Biological Resources			
IV. (a.)	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	*Special-Status Plants* *IV-1. Prior to approval of any improvement plans for future development within the project site, focused surveys shall be performed by a qualified botanist in order to determine the presence or absence of dwarf downingia. Furthermore, should additional plants having the potential to occur on-site be given special-status in the future, the qualified botanist shall also determine the presence/absence of such species. The survey(s) shall be conducted during the identification period (bloom periods) for dwarf downingia. If the special-status plant species are not found to be present during the focused survey(s), then no further action is required. The results of the focused surveys shall be submitted to the Wheatland Community Development Department.*	City of Wheatland Community Development Department	Prior to approval of any improvement plans for future development within the project site	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		If any special-status plant species are found, a mitigation plan shall be prepared in consultation with the Wheatland Community Development Department. The plan shall detail the various mitigation approaches to ensure no net loss of the special-status plant(s). Mitigation could include, but would not be limited to, avoidance of the plant species, salvage of plant materials where possible, acquisition of credits at an approved mitigation bank, or acquisition and preservation of property that supports the plant species.			
		Swainson's Hawk			
		IV-2(a). Prior to approval of any improvement plans for future development within the project site and/or maintenance activities during the nesting season for Swainson's hawk (between February 15 and September 1) a targeted Swainson's hawk nest survey shall be conducted of all accessible areas within 0.25 mile of the proposed construction area. If active Swainson's hawk nests are found within 0.25 mile of a construction site, construction shall cease within 0.25 mile of the nest until a qualified biologist determines that the young have fledged or the	CDFW City of Wheatland Community Development Department	Prior to approval of any improvement plans for future development within the project site and/or maintenance activities during the nesting season for Swainson's hawk	

MITIGATION MONITORING AND REPORTING PROGRAM
1973 STATE ROUTE 65 PROJECT

Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			determination is made that the nesting attempt has failed. If the applicant desires to work within 0.25 mile of the nest, the applicant shall consult with the CDFW and the City to determine if the nest buffer can be reduced. The project applicant, the project biologist, the City, and CDFW shall collectively determine the nest avoidance buffer, and what (if any) nest monitoring is necessary. If an active Swainson's hawk nest is found within the project site prior to construction and is in a tree that is proposed for removal, then the project applicant shall either wait until fledging is complete (with agreed-upon construction buffers in place) or obtain an Incidental Take Permit. The results of the survey shall be submitted to the Wheatland Community Development Department and CDFW.		(between February 15 and September 1)	
		IV-2(b).	*Prior to initiation of ground disturbing activity for the project, a qualified biologist shall conduct a review of Swainson's hawk nest data available in the CNDDB and contact the CDFW to determine the most up-to-date Swainson's hawk nesting information for the project area. If desired by the project applicant, the biologist may further conduct a*	City of Wheatland Community Development Department	Prior to initiation of ground disturbing activity for the project	

MITIGATION MONITORING AND REPORTING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		survey of the identified nests to determine the presence or absence of Swainson's hawks. The biologist shall provide the City with a summary of findings of Swainson's hawk nesting activity within 10 miles of the Project Area. If the biologist determines that the project site is within 10 miles of an active Swainson's hawk nest (where an active nest is defined as a nest with documented Swainson's hawk uses within the past five years), the applicant shall mitigate for the loss of suitable Swainson's hawk foraging habitat by implementing one of the following measures as applicable: • *If an active nest is identified within one mile of the project site: One acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.* • *If an active nest is identified within five miles (but greater than one mile) of the project site: 0.75 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat*			

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City. • *If an active nest is identified within 10 miles (but greater than five miles) of the project site: 0.5 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.* *Results of the nesting survey, as well as proof of purchase of mitigation credits as required per the above mitigation options, shall be provided to the Wheatland Community Development Department for review and approval prior to initiation of ground disturbance for any portion of the project site.* *Migratory Birds and Raptors* *IV-3. If ground-disturbing activities occur during the breeding season (generally February 1 through September 15), preconstruction surveys for active nests shall be conducted by*	City of Wheatland Community Development	No more than 10 days prior to the start of ground-disturbing	

MITIGATION MONITORING AND REPORTING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		a qualified biologist no more than 10 days prior to start of activities. Preconstruction nesting surveys shall be conducted for nesting migratory avian and raptor species in the project site and buffer area. Preconstruction biological surveys shall occur prior to the proposed project implementation, and during the appropriate survey periods for nesting activities for individual avian species. Surveys shall follow required CDFW and USFWS protocols, where applicable. A qualified biologist shall survey suitable habitat for the presence of the species. If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area shall be established to avoid impacts to the active nest site. Identified nests shall be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If nesting avian species are not found, project activities may proceed, and no further mitigation shall be required. The results of the surveys shall be submitted to the Wheatland Community Development Department. *If active nesting sites are found, the following*	Department	activities if such activities occur during the breeding season (generally February 1 through September 15)	

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		exclusion buffers shall be established, and project activities shall not occur within the buffer zones until young birds have fledged and are not reliant upon the nest or parental care for survival: • *Minimum non-disturbance buffer of 250 feet around active nest of non-listed bird species and 250-foot non-disturbance buffer around migratory birds;* • *Minimum non-disturbance buffer of 500 feet around active nest of non-listed raptor species and 0.5-mile non-disturbance buffer around listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are not reliant upon the nest or parental care for survival;* • *Once work commences, all nests shall be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change shall cease and the appropriate regulatory agencies (i.e., CDFW,*			

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			USFWS, etc.) shall be consulted for additional mitigation; and • *A variance from the foregoing non-disturbance buffers may be implemented when compelling biological or ecological reasons exist to do so, such as when the project area would be concealed from a nest site by topography. Any variance from the foregoing buffers shall be supported by a qualified wildlife biologist. CDFW and USFWS shall be notified in advance of implementation of a non-disturbance buffer variance.*			
			Cultural Resources			
V. (b,c.)	Would the project a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5; or disturb any human remains, including those interred outside of dedicated cemeteries?	*V-1.*	*The following requirements shall be included through a notation on all project improvement plans prior to the issuance of grading permits and shall be implemented during project construction, to the satisfaction of the City Engineer:* *In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of*	City Engineer	Prior to the issuance of grading permits and during project construction	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		the Interior's Professional Qualification Standards for precontact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. *The following notifications shall apply, depending on the nature of the find:* • *If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.* • *If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City of Wheatland and applicable landowner. The Office of Historic Preservation (OHP) shall be consulted on a finding of eligibility and appropriate*			

MITIGATION MONITORING AND REPORTING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		treatment measures shall be implemented, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Appropriate treatment measures that preserve or restore the character and integrity of a find may be, but are not limited to, processing materials for reburial, minimizing handling of historical objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts. Work shall not resume within the no-work radius until the determination is made through consultation, as appropriate, that the site either: 1) is not a historical resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the			

MITIGATION MONITORING AND REPORTING PROGRAM
1973 STATE ROUTE 65 PROJECT

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		treatment measures have been completed to the City's satisfaction. • *If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the City of Wheatland and the Yuba County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the Native American Heritage Commission (NAHC), which then shall designate a Native American Most Likely Descendant (MLD)*			

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yuba County (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the			

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Impact Number	Impact	Mitigation Measure		Monitoring Agency	Implementation Schedule	Sign-off
			treatment measures have been completed to their satisfaction.			
		Geology and Soils				
VII. (f)	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	*VII-1.*	*Should paleontological resources be discovered during ground-disturbing activities, work shall be halted in the area within 50 feet of the find. The City of Wheatland Community Development Department shall be notified and a qualified paleontologist shall be retained to inspect the discovery. If deemed significant under criteria established by the Society for Vertebrate Paleontology with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology [UCMP]), where the discovery would be properly curated and preserved for the benefit of current and future generations. Construction may continue in areas outside of the buffer zone. The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans approved by the City of Wheatland Community Development Department for*	City of Wheatland Community Development Department	Should paleontological resources be discovered during ground-disturbing activities	

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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			the proposed project, where ground-disturbing work would be required.			
			Noise			
XIII. (a)	Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	*XIII-1.*	*In conjunction with submittal for a Site Plan and Design Review, a project-level noise assessment shall be prepared by a qualified acoustic engineer demonstrating that the proposed development would meet the applicable City of Wheatland exterior noise standards, and, if necessary, provide recommended mitigation measures, that may include, but shall not be limited to, the use of sound walls or other noise reducing measures at the project site. The noise assessment shall be submitted to the City of Wheatland Community Development Department for review and approval, and the recommendations shall be shown on all project plans, subject to review and approval by the City Engineer.*	City of Wheatland Community Development Department City Engineer	In conjunction with submittal for a Site Plan and Design Review	
			Tribal Cultural Resources			
XVIII. (a, b)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape,	*XVIII-1*	*Prior to initiation of construction, all construction crew members, consultants, and other personnel involved in project implementation shall receive project-specific tribal cultural resource awareness training. The training shall be conducted in coordination with qualified cultural*	City of Wheatland Community Development Department	Prior to initiation of construction	

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?	*resource specialists and representatives from culturally affiliated Native American Tribes. The training will emphasize the requirement for confidentiality and culturally appropriate, respectful treatment of any find of significance to culturally affiliated Native Americans Tribes. All personnel required to receive the training shall also be required to sign a form that acknowledges receipt of the training, which shall be submitted to the City of Wheatland Community Development Department for review and approval.* *As a component of the training, a brochure will be distributed to all personnel associated with project implementation. At a minimum the brochure shall discuss the following topics in clear and straightforward language:* • *Field indicators of potential archaeological or cultural resources (i.e., what to look for; for example: archaeological artifacts, exotic or non-native rock, unusually large amounts of shell or bone, significant soil color variation, etc.);*			

MITIGATION MONITORING AND REPORTING PROGRAM
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Impact Number	Impact		Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
			• *Regulations governing archaeological resources and tribal cultural resources;* • *Consequences of disregarding or violating laws protecting archaeological or tribal cultural resources; and* • *Steps to take if a worker encounters a possible resource.* *The training shall include project-specific guidance for on-site personnel including agreed upon protocols for resource avoidance, when to stop work, and who to contact if potential archaeological or tribal cultural resources are identified. The training shall also direct work to stop, and contact with the County Coroner and the NAHC to occur immediately, in the event that potential human remains are identified. NAHC will assign a Most Likely Descendant if the remains are determined by the Coroner to be Native American in origin.*			
		XVIII-2	*The following language shall be noted on project Improvement Plans, subject to review and approval by the City of*	City of Wheatland Community	Prior to approval of project improvement	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		Wheatland Community Development Department, and shall be implemented during project construction: *If potential tribal cultural resources, archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered during construction activities, all work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources). Examples of potential cultural materials include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.* *A qualified cultural resources specialist and Native American Representative from the traditionally and culturally affiliated Native American Tribe(s) will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment that preserves or restores the cultural character and integrity of a tribal cultural resource may be, but is not limited to, processing materials for*	Development Department County Coroner NAHC Native American Representative	plans and during project construction	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities by Tribal representatives of the traditionally and culturally affiliated Native American Tribe, and/or returning objects to a location within the project area where they will not be subject to future impacts. The UAIC does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe. *If articulated or disarticulated human remains are discovered during construction activities, the County Coroner and Native American Heritage Commission shall be contacted immediately. Upon determination by the County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendant(s) who will work with the project proponent to define appropriate treatment and disposition of the burials.*			

MITIGATION MONITORING AND REPORTING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist and the Native American Representative will be documented in the project record. Any recommendations made by these experts that are not implemented, must be documented and explained in the project record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the City of Wheatland Community Development Department following coordination with cultural resources experts and tribal representatives as appropriate.			

Attachment 3

WHEATLAND PLANNING COMMISSION
RESOLUTION NO. 2023-10

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND RECOMMENDING CITY COUNCIL APPROVAL OF THE ANNEXATION OF THE 1.8-ACRE 1973 STATE ROUTE 65 PROJECT INTO THE CITY OF WHEATLAND

WHEREAS, the City of Wheatland ("City") received an application from Timothy Giblair with Surveyors Group, Inc. ("the Applicant") for the annexation of the approximately 1.8-acre site located east of State Route 65 in the City of Wheatland (APNs 015-260-004-000 and 015-273-001-000) ("Project"); and

WHEREAS, the Applicant for the 1973 State Route 65 Project occurring on the property having Yuba County APNs. 15-260-004-000 and 015-273-001-000 has requested that the City Council adopt a resolution of annexation into the City of Wheatland and request that Yuba County Local Agency Formation Commission (LAFCo) approve that annexation; and

WHEREAS, the Project is within the sphere of influence of the City, as adopted by the Yuba County Local Agency Formation Commission, and is adjacent to the existing City limits; and

WHEREAS, Government Code section 56654, subdivision (a), authorizes the City to adopt a resolution of application for annexation of the Project into the City; and

WHEREAS, on September 5, 2023, the Planning Commission duly held a public hearing on an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the IS/MND concluded that the Project, with the implementation of the mitigation measures recommended in the Initial Study, will not have a significant effect on the environment; and

WHEREAS the Planning Commission gave notice of public hearing as required by law; and on September 5, 2023, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, regarding the proposed annexation request.

NOW THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission does hereby make the following findings for recommendation to the City Council approval of the Annexation:

1. The Planning Commission recommends the City Council approve the filing of an application for annexation of the 1973 State Route 65 Annexation Project with the Yuba County LAFCo in order to annex the Property to the City, pursuant to Government Code section 56654, subdivision (a). The following information is provided pursuant to Government Code sections 56654, subdivision (d), and 56700:

a. The City's application for annexation is made pursuant to Government Code section 56000, et seq.

b. The nature of the proposal is the proposed annexation of approximately 1.8 acres of real property. The Project and the proposed annexation are more particularly described in the IS/MND that was prepared for the proposed Annexation.

c. The proposed terms of the annexation shall include: (i) any terms regarding the prezoning of the Project, which would become effective after annexation; (ii) any terms that are included in the Master Tax Sharing Agreement between the City and Yuba County, which applies to tax revenues for the Project after annexation.

d. The annexation is being initiated by the approval of this resolution of application of the City Council. The City's contact person for this annexation is Tim Raney, Community Development Director, 111 C Street, Wheatland, CA 95692.

e. The City Council requests that formal proceedings be taken before Yuba County LAFCo on this resolution of application in accordance with Government Code sections 56000, et seq.

f. This proposal to annex the Project to the City is consistent with the City's sphere of influence and the Project is adjacent to the City's existing boundary.

2. City staff shall take all actions that may be necessary to process the proposed annexation with Yuba County LAFCo, which may include preparing and providing LAFCo with a plan of service for how the City will provide City services to the Project.

* * * * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the City of Wheatland Planning Commission, at a regular meeting thereof, held on the 3rd day of October, 2023 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____

Planning Commission Chairperson

ATTEST:

_____

City Clerk

Attachment 4

WHEATLAND PLANNING COMMISSION
RESOLUTION NO. 2023-11

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND RECOMMENDING CITY COUNCIL APPROVAL OF THE GENERAL PLAN MAP AMENDMENT AMENDING THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL FOR THE PROPERTY IDENTIFIED AS YUBA COUNTY ASSESSOR PARCEL NUMBER (APN) 015-260-004-000

WHEREAS, the City of Wheatland ("City") received an application from Timothy Giblair with Surveyors Group, Inc. ("the Applicant") for the annexation of the approximately 1.8-acre site located east of State Route 65 in the City of Wheatland (APNs 015-260-004-000) ("Project"); and

WHEREAS, on September 5, 2023, the Planning Commission duly held a public hearing on an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMP) to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the IS/MND concluded that the Project, with the implementation of the mitigation measures recommended in the Initial Study, will not have a significant effect on the environment; and

WHEREAS, on September 5, 2023, the Planning Commission duly held a public hearing on the annexation request and recommended the Wheatland City Council approve the annexation of the Project into the City; and

WHEREAS, the Applicant for the 1973 State Route 65 Project has requested that the City Council adopt a resolution amending the General Plan Land Use Designation for the project site from Medium Density Residential to Commercial; and

WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted General Plan; and

WHEREAS the Planning Commission gave notice of public hearing as required by law; and on September 5, 2023, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, regarding the proposed General Plan Map Amendment request.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission does hereby make the following findings for recommendation to the City Council approval of the General Plan Amendment:

1. The proposed project conforms to the provisions and standards of the General Plan because the proposed amendment is internally consistent with all other provisions of the General Plan and does not conflict with any of the previously adopted Goals, Policies and Programs of the General Plan;

2. The proposed Map Amendment is necessary to implement the goals and objectives of the General Plan because the project could provide additional jobs and sales taxes to the City;

3. The proposed Map Amendment will not be detrimental to the public interest, convenience, and general welfare of the City because the Map Amendment will result in a logical placement of land uses consistent with the overall intent of the General Plan; and

4. The proposed project will not cause environmental damage because the 1973 State Route 65 IS/MND determined that all potential environmental impacts would be less than significant with mitigations incorporated.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby recommends City Council amend the General Plan Land Use Designation for the 1973 State Route 65 Project site (APN 15-260-004-000) from Medium Density Residential to Commercial.

* * * * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the City of Wheatland Planning Commission, at a regular meeting thereof, held on the 3rd day of October, 2023 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____

Planning Commission Chairperson

ATTEST:

_____

City Clerk

Attachment 5

WHEATLAND PLANNING COMMISSION
RESOLUTION NO. 2023-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND RECOMMENDING CITY COUNCIL APPROVAL OF THE ORDINANCE PREZONING THE PROPERTY (APN) 015-260-004-000 TO HEAVY COMMERCIAL (C-3)

WHEREAS, the City of Wheatland ("City") received an application from Timothy Giblair with Surveyors Group, Inc. ("the Applicant") for the annexation of the approximately 1.8-acre site located east of State Route 65 in the City of Wheatland (APN 015-260-004-000) ("Project"); and

WHEREAS, on September 5, 2023, the Planning Commission duly held a public hearing on an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP), to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the IS/MND concluded that the Project, with the implementation of the mitigation measures recommended in the Initial Study, will not have a significant effect on the environment; and

WHEREAS, on September 5, 2023, the Wheatland Planning Commission duly held a public hearing on the annexation request and recommended the Wheatland City Council approve the annexation of the Project into the City; and

WHEREAS, on September 5, 2023, the Wheatland Planning Commission duly held a public hearing on the General Plan Map Amendment request and recommended City Council amend the project site's land use designation from Medium Density Residential to Commercial; and

WHEREAS, the Wheatland Planning Commission gave notice of public hearing as required by law, and on September 5, 2023, the Wheatland Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary regarding the proposed prezoning of the property identified as Yuba County APN 015-260-004-000 to Heavy Commercial (C-3).

NOW THEREFORE, BE IT RESOLVED that in recommending approval to the City Council of the ordinance prezoning the property to C-3 located east of State Route 65 in the City of Wheatland (APN 015-260-004-000), the Planning Commission makes the following findings, which are based on its review and consideration of the entire record, including the recitals above and any oral or written testimony provided at the hearing:

1. The 1973 State Route 65 Project Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) determined that the proposed Prezone Ordinance, with the implementation of the mitigation measures included in the IS/MND, will not have a significant effect on the environment.

2. The proposed Prezone Ordinance is consistent with the General Plan, as it carries out the purposes of the General Plan and is consistent with the land use and development designation in such plans.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance (Exhibit A) Prezone the property identified as Yuba County APN 015-260-004-000 to Heavy Commercial (C-3).

* * * * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the City of Wheatland Planning Commission, at a regular meeting thereof, held on the 3rd day of October, 2023 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____

Planning Commission Chairperson

ATTEST:

_____

City Clerk

Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND TO PREZONE THE PROPERTY (APN) 015-260-004-000 TO HEAVY COMMERCIAL (C-3).

The City Council of the City of Wheatland does ordain as follows:

SECTION 1:

The purpose of this ordinance is to approve the prezoning of the 1973 State Route 65 Annexation Project as Heavy Commercial (C-3), once the Yuba County Local Agency Formation Commission (LAFCo) approves the annexation of the properties into the City of Wheatland. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law

SECTION 2:

The City Council determined on _____, that, after full consideration of the 1973 State Route 65 Annexation Project:

A. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project. The IS/MND addressed all the subjects required pursuant to the California Environmental Quality Act (CEQA).

B. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in compliance with CEQA in order to ensure implementation of the mitigation measures outlined in the IS/MND.

C. The proposed prezoning to C-3 is consistent with and would implement the policies of the City of Wheatland General Plan.

D. The area is physically suited to the uses authorized in the proposed zone.

E. The proposed prezoning is compatible with the land uses existing and permitted on the properties in the vicinity.

F. The land use, density, and intensity allowed in the proposed zone is not likely to create serious health problems or create nuisances on properties in the vicinity.

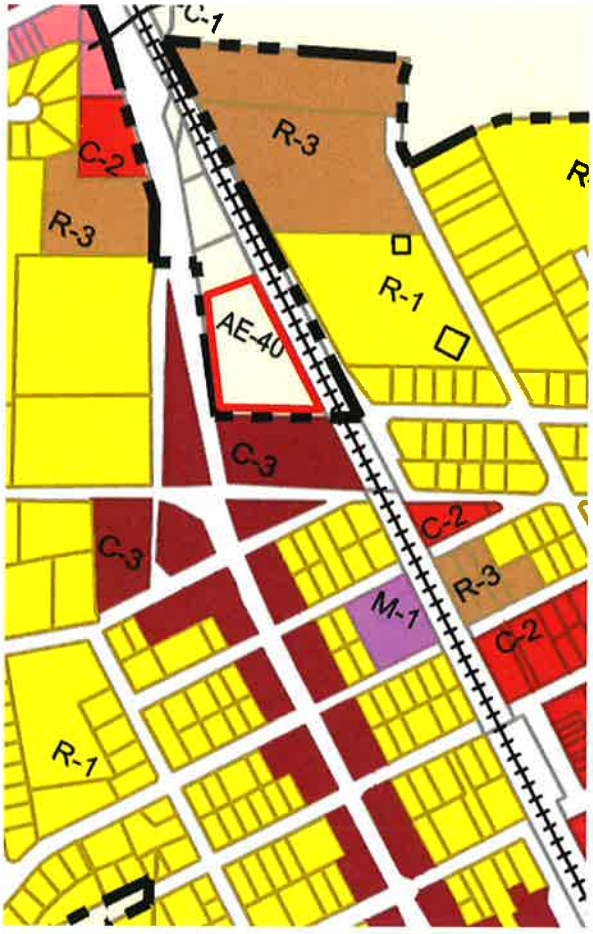
G. Government Code Section 65859 authorizes the City to prezone unincorporated territory to determine the City zoning that will apply to that territory upon annexation to the City.

SECTION 3:

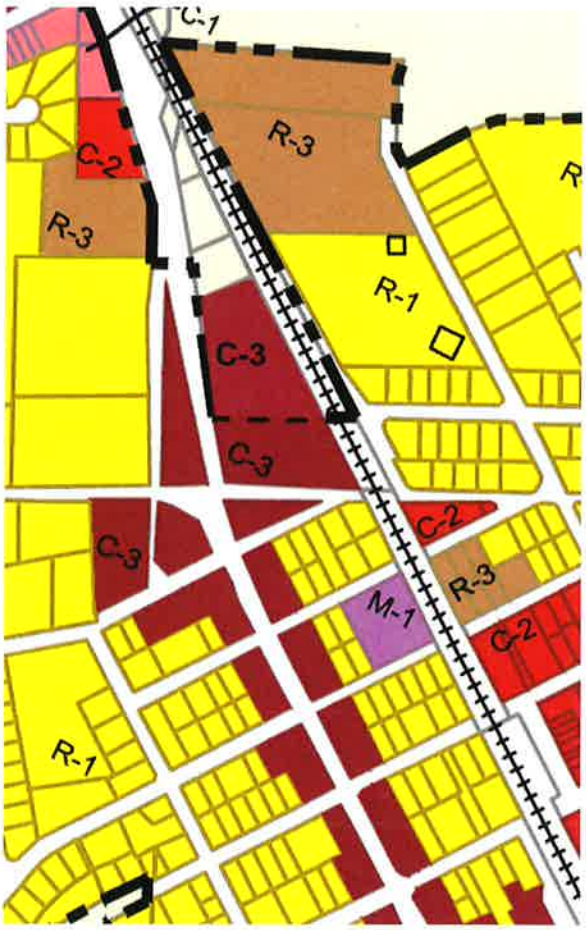
The Wheatland City Council hereby approves the proposed prezoning shown below, as Heavy Commercial (C-3). The prezoning shall become effective and be made a part of the City's Zoning Ordinance when the property is annexed to the City, which requires approval of the proposed annexation by the Yuba County LAFCo.

Proposed Zoning Map Amendment

Existing Zoning Map



Proposed Zoning Map



SECTION 4:

The City Council finds that if any part of this ordinance is held by a court of competent jurisdiction to be invalid or unenforceable, then such decision shall not affect the validity of the remaining parts, which shall remain in full force and effect.

SECTION 5:

This ordinance shall take effect and be enforced 30 days from and after the date of its adoption.

SECTION 6:

Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

* * * * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Wheatland, held on the _____ of _____, 2023, and passed and adopted at a regular meeting thereof, held on the _____ of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Wheatland

ATTEST:

_____
City Clerk of the City of Wheatland