PLANNING COMMISSION
STAFF REPORT

Hearing Date: July 15, 2020

Case Number: Conditional Use Permit CUP 2019-0009 (Bustard Communication Tower)

Request: A request to permit a 100 foot communications tower with 8 antennas and an associated equipment shelter with a generator patio on a 7.98 acre parcel.

Location: The project is located at 8455 Cumberland Lane (APN: 019-070-008), a short distance southwest of Cabrillo Way, approximately 0.7-miles southeast of Chuck Yeager Road, and approximately 2-miles south of the Smartsville community.

Applicant: Joe Bustard, 3860 Hammonton Smartsville Rd., Marysville, CA 95901

Recommendation: Adopt the attached Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Resolution approving Conditional Use Permit 2019-0009 (Bustard Communication Tower)

Background: The applicant, Joe Bustard, is requesting approval of a Conditional Use Permit to construct a permanent 100' tall monopole tower with 8 antennas and an associated equipment shelter with a generator patio situated on a concrete slab measuring 24' in length, and 16' in width. The project site is located at 8455 Cumberland Lane (APN: 019-070-008) on a 7.98 acre parcel which is located roughly two miles south of the community of Smartsville of Yuba County. The Yuba County General Plan identifies this area as within the Rural Community land use designation. The current zoning of the site is “RR-5” Rural Residential – 5 acre minimum parcel size. The “RR-5” zoning district allows for public utility facilities with the approval of a Major Conditional Use Permit. The proposed project is consistent with both the General Plan designation and the zoning district.

The applicant is seeking to improve internet service in the Smartsville area in Yuba County with the installation of the aforementioned monopole tower. The proposed location will provide necessary internet coverage and capacity with the ability to provide internet signal within a 42 mile
radius. The unmanned facility would provide extremely valuable service to those who live, travel, and do business with the growing volume of service in this area 24 hours a day, 7 days a week.

The project site contains an existing out building and water tank. The terrain contains tree coverage of a moderate density. The site plan for the Conditional Use Permit contains a proposed two bedroom single family residence. This proposed single family residence would be more 500 feet from the proposed internet tower, however, the neighboring property at 8446 Cumberland Lane (APN: 019-070-009) is approximately 250 feet from the tower. The area proposed to contain the 100’ tall monopole would be 24’x 16’ (384 square feet) in size and will be enclosed by a 6’ tall chain link fence with a locked access gate.

The Yuba County Development Code address cell towers under Section 11.32.290 Wireless Communications Facilities. Section 11.32.290(C)(4)(c) allows new wireless support structures in Residential, Rural Community, or Commercial and Mixed-Use Districts or Resource Preservation & Recreation, Planned Development or Planning Reserve zone districts with the approval of a Major Conditional Use Permit. The Rural Residential zoning designation falls under the Rural Community zoning districts and therefore a Conditional Use Permit is the required land use entitlement for the proposed project. Additionally, the project has been conditioned to meet all other requirements of Section 11.32.290 and, at time of building permit submittal; these requirements will be reviewed for consistency.

**General Plan/Zoning:** The project site is designated as Rural Community on the 2030 General Plan Land Use Map. The Rural Community land use classification allows for residential; a wide variety of agricultural uses, and other natural resource-oriented commercial uses; tourism uses; local retail and commercial services; institutional uses; community halls and other cultural and civic land uses; open space-oriented uses; and public facilities and infrastructure. The intent of the General Plan designation is to provide rural residential opportunities with supportive services and tourism-oriented uses. The project complies with the following General Plan Policies:

1. **Policy CD2.1:** The County will encourage infill development and redevelopment of vacant and underutilized properties within existing unincorporated communities.

   The proposed project is located on a vacant 7.98 acre parcel that is proposed to be developed with a single family residence, outbuildings, and the wireless support tower. The proposed tower will provide internet service to the proposed single family residence and neighbors in the immediate surrounding area.

2. **Policy CD9.1:** Foothill and mountain development projects shall be designed to preserve the existing rural character.

   The property is located in a Very High fire severity zone and therefore has a minimum setback of 30 foot from all property lines. For this reason, the proposed wireless support tower will be placed 30 feet from all property lines. In addition, it will be placed between mature trees and will not disturb existing biological and cultural resources.
3. **Policy CD9.2** Rural development should be located and designed to preserve and provide buffers around native oak trees and other healthy and attractive native vegetation, cultural resources, biological features, mineral deposits, active agricultural operations, unique landforms, historic structures and landscapes, and other natural resources.

A Mitigated Negative Declaration and a Mitigation Monitoring Plan was prepared to preserve the all potential environmental resources on the subject parcel. The tower and concrete pad will not disturb any existing trees, native vegetation, cultural resources, and etc.

4. **Policy CD9.4** The County will ensure an appropriate level of rural services and infrastructure, which could vary from urban service levels, considering appropriate densities, up front and long-term infrastructure costs, and environmental goals.

The installation of the wireless support tower in the area will provide internet service in the Smartsville area. The proposed location will provide internet coverage and capacity with the ability to provide internet signal within a 42 mile radius.

The purpose of the “RR-5” zoning district is intended to allow for the appropriate development of very low density, large-lot single-family homes and related uses in the rural community areas of the County. As discussed above, the “RR-5” zoning district permits cellular towers with approval of a Major Conditional Use Permit per section 11.32.290(C)(4)(c). The proposed use meets all requirements in section 11.32.290 Wireless Communications Facilities. The proposed project does not require screening since the property is located outside the Valley Growth Boundary and the proposed site is more than 100 feet from a public right of way.

**Surrounding Uses:**

<table>
<thead>
<tr>
<th>Subject Property</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>ZONING</th>
<th>EXISTING LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Natural Resources and Rural Community</td>
<td>RPR &amp; RR-5</td>
<td>Open space and Rural Residential</td>
</tr>
<tr>
<td>East</td>
<td>Rural Community</td>
<td>RR-5</td>
<td>Rural Residential</td>
</tr>
<tr>
<td>South</td>
<td>Rural Community</td>
<td>RR-5</td>
<td>Rural Residential</td>
</tr>
<tr>
<td>West</td>
<td>Rural Community</td>
<td>RR-5</td>
<td>Vacant and Rural Residential</td>
</tr>
</tbody>
</table>

Surrounding properties range in size from 10.0 to 20.0 acres in size and are utilized as rural residences and agricultural activities. The proposed wireless support tower will provide an urban service to the immediate rural area.

**Discussion:** Section 11.57.060 of the Yuba County Development Code requires that eight findings are made in order to approve or conditionally approve a Conditional Use Permit. The eight findings are listed below in *italics* and are followed by an evaluation of the request in relation to each finding.
1. The proposed use is allowed within the applicable zoning district or overlay district and complies with all applicable provisions of the Development Code and all other titles of the Yuba County Code.

The proposed project is allowed in the zoning district per Section 11.32.290 Wireless Communication Facilities, of the Development Code and the project has been conditioned to meet all the other requirements of the Development Code, California Building Code and the Federal Communication Commission.

2. The proposed use is consistent with the General Plan, and any applicable adopted community or specific plan.

The project site is located in the Rural Community 2030 General Plan land use designation that is intended to provide rural residential opportunities with supportive services and tourism-oriented uses. The proposed use is consistent with the Rural Community General Plan designation as public facilities and infrastructure is an allowed use. The project is not located in any adopted area of a community or specific plan.

3. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the surrounding area.

The proposed use at this particular site is desirable as the property is currently vacant and will provide internet service to the immediate property and properties within a 42 mile radius.

4. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

The proposed cell tower would be located on a 7.98-acre parcel and specifically on a 383 square feet concrete pad. Additionally, fencing will be provided to ensure that the cell tower and its associated facilities are adequately protected and kept secure from public access. The proposed tower will be constructed in compliance with all California building codes and FCC regulations. As discussed in the project’s environmental document, the project will not pose a significant risk in terms of emission of any electromagnetic radiation. The Federal Communications Commission (FCC) has produced a guide that ensures that antenna facilities (such as the one proposed) comply with safe limits of electromagnetic exposure for humans. To ensure compliance with the FCC guidelines, Joe Bustard obtained a report from Spartan International Inc., to evaluate the proposed project’s compliance with human exposure to radio frequency (RF) electromagnetic fields. The study determined that the RF Exposure is FCC compliant. Considering the extreme low risk of electromagnetic exposure and the required structural integrity of the tower, people living or working near the towers will not experience a decrease in their level of health, safety, and welfare.

5. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code.

The project has been conditioned to meet Yuba County Development Code Section 11.32.290, Wireless Communication Facilities. Staff has reviewed the location and siting, height requirements, design and screening, security and maintenance requirements, radio
frequency standards, noise, and fire prevention. Furthermore, 11.32.290(D)(9)(a) requires the decision-making authority to make the following findings in regards to design and development:

i. The proposed use conforms with the specific purposes of this article and any special standards applicable to the proposed facility;

The proposed project meets all requirements of Section 11.32.290 Wireless Communication Facilities, the California Building Code and the Federal Communication Commission.

ii. The proposed communication facility is a co-location or camouflage facility or the applicant has provided reasonable justification to demonstrate that a co-location or camouflage facility is not feasible and a new ground-mounted antenna, monopole, or lattice tower is needed;

The applicant has demonstrated that a new tower is needed in the area and is applying for the Major Conditional Use Permit to not camouflage the facility. The tower is surrounded by trees and vegetation, and is located 30 feet from all property lines.

iii. The proposed site and wireless communication facility has been designed to achieve compatibility with the surrounding community and limit environmental impacts to the extent reasonably feasible in accordance with the provisions of this Chapter.

As previously mentioned in the staff report, this area suffers from a lack cellular and network coverage. This site was specifically chosen to improve the service in the area and the lack of biological and environmental concerns at the site made it a suitable choice for placement of the proposed facility.

6. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and reasonably foreseeable future land uses in the vicinity.

The project design, location, size, and operating characteristics, as conditioned with the project conditions of approval, will be compatible with all existing and future rural development near the project. With the decline in dependence on landlines and the increase in internet use and networking, the proposed use will allow for better connectivity in an area that historically has had issues with internet coverage.

7. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed project site is 7.98 acres in size and is located in a hilly region of northeastern Yuba County. The project will be built on an area that is cleared and void of trees. Access to the project site is proposed off an existing driveway located off Cumberland Lane that is currently used by rural residences. Electrical service will be added to the project site. There are no physical restraints on the project site.

8. An environmental determination has been prepared in accordance with the California Environmental Quality Act.
A Mitigated Negative Declaration was prepared and noticed pursuant to all CEQA guidelines as part of the project processing. Notice of availability of the Mitigated Negative Declaration was sent to all neighbors within 1,000 feet of the project site and to all local and State agencies that might have interest in commenting on the project’s environmental document.

**Departmental and Agency Review:** The project was circulated to various agencies and County departments for review and comment during the early consultation phase and the environmental review stages of the project. The following is a summary of comments:

- **County Staff** – The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.

- **UAIC** – Tribal Cultural Resources; declined site visit.

**Environmental Review & Determination:** Staff has prepared a Mitigated Negative Declaration and Mitigation Monitoring Plan (Attachments 5 and 6) pursuant to the California Environmental Quality Act (CEQA) Section 15070 (b) (1).

During the initial study of the project, no potential impacts to the environment were identified that could not be reduced through mitigation measures to a level that is less than significant. The initial study discusses the following project impacts: Aesthetics (no light spillage), Air Quality (meet all FRAQMD standards), Cultural Resources (undiscovered cultural remains), and Hazards and Hazardous Materials (vegetation clearance). Therefore, a Mitigated Negative Declaration was prepared for the proposed project. The environmental document was circulated for the required 20-day review period and comments received to date are listed in the Department and Agency Review section of this staff report.

**Attachments:**

1. Resolution
2. Site Plan
3. Exhibits
4. Conditions of Approval
5. Initial Study/Mitigated Negative Declaration
6. Mitigation Monitoring Plan
7. Comment Letters
8. Photo Sims

Report Prepared By:  
Ciara Fisher  
Planner II  

Report Reviewed By:  
Kevin Perkins,  
Principal Planner
BEFORE THE COUNTY OF YUBA
PLANNING COMMISSION

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND APPROVING CUP 2019-0009; SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL

RESOLUTION NO.: ________

WHEREAS, The applicant, Joe Bustard, filed an application for a Conditional Use Permit 2019-0009, that would allow for the installation of a 100 foot communications tower with 8 antennas and an associated equipment shelter with a generator patio on a 7.98 acre parcel. The project site is located at 8455 Cumberland Lane (APN: 019-070-008), a short distance southwest of Cabrillo Way, approximately 0.7-miles southeast of Chuck Yeager Road, and approximately 2-miles south of the Smartsville community, within Yuba County, California. The property is zoned Rural Residential, 5 Acres Minimum (KR-5) and is designated on the General Plan Land Use Diagram as Rural Community; and

WHEREAS, the Community Development and Services Agency of the County of Yuba has conducted an Initial Study for the proposed project and concluded that the project would not result in any significant adverse environmental impacts provided the mitigation measures that are incorporated into the Mitigation Monitoring Plan and Conditions of Approval are implemented; and

WHEREAS, the Community Development and Services Agency of the County of Yuba has provided due notice of a public hearing before the Planning Commission of the County of Yuba and the intent to recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan for the proposed project in accordance with the California Environmental Quality Act; and

WHEREAS, a public hearing was held before the Yuba County Planning Commission on June 17, 2020, to allow the public and interested parties to testify and submit evidence in favor of, or against, the adoption of the mitigated negative declaration and mitigation monitoring plan and the approval of the conditional use permit.;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.

2. The Planning Commission finds that the proposed project is consistent with the Land
Use Element and other applicable elements of the Yuba County General Plan, as well as with the Yuba County Development Code and Zoning Map.

3. The Planning Commission finds that the project site is physically suitable for the proposed type of development and the proposed density of development.

4. The Planning Commission finds that the proposed project and the conditions under which it would be developed or maintained will promote, protect and secure the public health, safety and general welfare and will result in an orderly and beneficial development of the County.

5. The Planning Commission finds that the project, as conditioned, meets the County design and improvement standards set forth in the Yuba County Development Code.

6. The Planning Commission finds that the project, as conditioned, is in compliance with the Yuba County Development Code.

7. The Planning Commission finds on the basis of the whole record no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis.

8. The project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. A Notice of Determination will be recorded with the County Recorder and Fish and Game Filing Fees will be paid to the County Recorder.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Yuba, State of California, on the _______________________, by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Yuba County Planning Commission
Chairman

ATTEST:
Planning Commission Secretary

APPROVED AS TO FORM:
County Counsel

BY: _______________________

BY: _______________________
Page 3 of 3
Location 30 foot in on property line at South East Corner of property
100' Tower on 16' X 24' Concrete Pad
DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION

Applicant/Owner: Joe Bustard  Case Number: CUP 2019-0009
APN: 019-070-008  Hearing Date: July 15, 2020

ACTIONS FOR CONSIDERATION: Staff recommends the Planning Commission take the following actions:

I. After review and consideration, staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Section 15070 (b)(1) (DECISION TO PREPARE A NEGATIVE DECLARATION).

II. Approve Conditional Use Permit CUP2019-0009 subject to the conditions below, or as may be modified at the public hearing, making the following findings, pursuant to County of Yuba Title XI Section 11.57.060:

   a) The proposed use is allowed within the applicable zoning district or overlay district and complies with all other applicable provisions of the Development Code and all other titles of the Yuba County Code.
   b) The proposed use is consistent with the General Plan, and any applicable adopted community plan or specific plan.
   c) The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the surrounding area.
   d) The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.
   e) The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code.
   f) The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and reasonably foreseeable future land uses in the vicinity.
   g) The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
   h) An environmental determination has been prepared in accordance with the California Environmental Quality Act.

Required Findings from Section 11.29.290 Wireless Communications Facilities:

   i) The proposed use conforms with the specific purposes of this article and any special standards applicable to the proposed facility.
   j) The proposed communication facility is a co-location or camouflage facility or the applicant has provided reasonable justification to demonstrate that a co-location or camouflage facility is not feasible and a new ground-mounted antenna, monopole, or lattice tower is needed.
The proposed site and wireless communication facility has been designed to achieve compatibility with the surrounding community and limit environment impacts to the extent reasonably feasible in accordance with the provisions of Section 11.32.290.

STANDARD CONDITIONS:

1) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.

2) As a condition for project approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.

3) Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, and the Yuba County Ordinance Code.

4) The Conditional Use Permit may be effectuated at the end of the ten (10) day appeal period which is July 29, 2020. Conditional Use Permit CUP 2019-0009 shall be designed and operated in substantial conformance with the approved conditional use permit as outlined in the approved site plan filed with the Community Development & Services Agency and as conditioned or modified below. No other expansion of uses are authorized or permitted by this use permit.

5) This conditional use permit approval shall be efectuated within a period of twenty-four (24) months from this approval date and if not effectuated shall expire on July 15, 2022. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than ninety (90) days from July 15, 2022.

6) Minor modifications to final configuration of the conditional use permit may be approved by the Community Development and Services Agency Director.

PUBLIC WORKS DEPARTMENT:

The Public Works Department has no Conditions of Approval for this Conditional Use Permit.

ENVIRONMENTAL HEALTH DEPARTMENT:

The Environmental Health Department has no Conditions of Approval for this Conditional Use Permit.
DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION

Applicant/Owner: Joe Bustard
APN: 019-070-008

Case Number: CUP 2019-0009
Hearing Date: July 15, 2020

BUILDING:

7) Must obtain all required state, federal and local permits and follow all state, federal and local codes and ordinances.

8) Plans and engineering shall be required for this project.

9) Must obtain a demolition permit for the structures removed from the property. Please check with the assessor’s office to determine whether or not the property is still being assessed for those structures and if so, obtain demolition permits and complete the inspection process to get them removed from the tax rolls.

PLANNING DEPARTMENT:

9) The proposed wireless communication tower facility shall be designed and operated in substantial conformance with the approved conditional use permit as described in the project description and the proposed site plan filed with the Community Development and Services Agency. No other expansion of uses are authorized or permitted by this use permit.

10) Major modifications, including increasing the tower height or footprint of the complex, shall require an amendment to the Conditional Use Permit.

11) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense or as agreed by PG&E. There shall be no building of structures under or over any PG&E facilities or inside any PG&E easements that exist within the subject area.

12) Any and all physical improvements associated with this Conditional Use Permit shall be maintained to the standards specified in these Conditions of Approval set forth for this use permit. Failure to maintain said physical improvement(s) in said manner may be used as grounds for revocation of this use permit.

13) Operator shall meet all requirements of the Feather River Air Quality Management District.

14) The proposed cell tower facility shall meet all requirements of Section 11.32.290 Wireless Communications Facilities of the Yuba County Development Code.

Yuba County CDFA

Ciara Fisher
Planner II
Project Title: Conditional Use Permit 2019-0009 (Joe Bustard)

Lead Agency Name and Address: County of Yuba Planning Department 915 8th Street, Suite 123 Marysville, CA 95901

Project Location: Assessor’s Parcel Number: 019-070-008

Applicant/Owner: Joe Bustard 3860 Hammonton Smartsville Rd Marysville, CA 95901

General Plan Designation(s): Rural Community

Zoning: “RR-5” Rural Residential (5 acre minimum)

Contact Person: Ciara Fisher, Planner II

Phone Number: (530) 749-5470

Date Prepared: May, 2020

Project Description

The applicant, Joe Bustard, is requesting approval of a Conditional Use Permit to construct a permanent 100’ tall monopole tower with 8 antennas and an associated equipment shelter with a generator patio situated on a concrete slab measuring 24’ in length, and 16’ in width. The project site is located at 8455 Cumberland Lane (APN: 019-070-008) on a 7.98 acre parcel which is located roughly two miles south of the community of Smartsville of Yuba County (Figure 1). The Yuba County General Plan identifies this area as within the Rural Community land use designation. The current zoning of the site is “RR-5” Rural Residential – 5 acre minimum parcel size. The “RR-5” zoning district provides for communication facilities with the approval of a Conditional Use Permit. The proposed project is consistent with both the General Plan designation and the zoning district.

The applicant is seeking to improve internet service in the Smartsville area in Yuba County with the installation of the aforementioned monopole tower. The proposed location will provide necessary internet coverage and capacity with the ability to provide internet signal within a 42 mile radius. This unmanned facility would provide extremely valuable service to those who live, travel, and do business with the growing volume of service in this area 24 hours a day, 7 days a week.

The project site is 7.98 acres in size and contains an existing out building and water tank. The terrain contains tree coverage of a moderate density. The site plan for the conditional use permit
contains a proposed two bedroom single family residence. This proposed single family residence would be more 500 feet from the proposed internet tower, however, the neighboring property at 8446 Cumberland Lane (APN: 019-070-009) is approximately 250 feet from the tower. The area containing the 100’ tall monopole would be 24’ x 16’ (384 square feet) in size and enclosed by a 6’ tall chain link fence with a locked access gate. (See Figure 2 and 3).

Environmental Setting

The project site contains 7.98 acres and is currently developed with existing out building and water tank. The terrain contains tree coverage of a moderate density. The site contains a moderately inclined area whose elevation begins at 1200 and is 1250 feet above sea level at its peak, the property has an average elevation of 1200 feet above sea level. There is seasonal drainage located on the project site in the south corner of the property that does not contain vegetation. Vegetation on the site consists of open space grasslands. Surrounding properties range in size from 10.0 to 20.0 acres in size and are utilized as rural residences and agricultural activities.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

- Yuba County Building Department (building, electrical and plumbing permits)
- Yuba County Public Works Department (roadways and other public improvements)
- Yuba County Environmental Health Department (well and septic improvements)
- Feather River Air Quality Management District (fugitive dust control plan)
Figure 1: Site Plan
Figure 2: Enlarged Equipment Area

Figure 3: Tower Exhibit
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages:

- Aesthetics
- Biological Resources
- Geology/Soils
- Hydrology/Water Quality
- Noise
- Recreation
- Utilities/Service Systems
- Agriculture & Forestry Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Land Use/Planning
- Population/Housing
- Transportation/Traffic
- Air Quality
- Energy
- Hazards & Hazardous Materials
- Mineral Resources
- Public Services
- Tribal Cultural Resources
- Mandatory Findings of Significance
- Wildfire

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ 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 project proponent. 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” impact 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 or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature: Ciara Fisher, Planner II
Date: 10-03-19

Applicant's Signature: Joe Bustard
Date: 05-20-2020

Yuba County Planning Department
May 2020

CUP2019-0009
APN: 019-070-008

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PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Conditional Use Permit CUP 2019-0009 (Bustard), as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, development code). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance.
I. AESTHETICS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Discussion/Conclusion/Mitigation:**

a) and c) The project area and vicinity consists of rolling hills and grasses, oaks, and pine, as well as various brush species, especially poison oak. Native vegetation still dominates the majority of the project area, although mining beginning in the middle of the 19th Century and especially subsequent ranching have resulted in extensive vegetation clearing in some areas in order to improve pasture. The project proposes the construction of a 100’ tall monopole cell tower and accessory equipment on a 7.98 acre parcel that is currently vacant, with the exception of an existing water tank, with plans for a future single family residence. The proposed project site is located in the southwestern portion of the property. A mix of rural residential, overhead utility facilities and agricultural operations make up the existing properties and are the baseline of development that has already effected and altered views in the immediate area.

Although adding an 100’ tall monopole cell tower will be visibly noticeable in the area, the wireless communications tower would not be inconsistent with the existing fractured scenic views that are resulting from PG&E overhead lines that run along Cumberland Lane, Cabrillo Way and , and Loretta Lane. Therefore, there would be a less than significant impact on scenic vistas and visual character of the neighboring properties.

b) No scenic resources are located in the immediate area of the project; therefore the project will have no impact on scenic resources. Therefore, there would be no impact to scenic resources.

d) The applicant is not proposing to have lighting of any kind at the proposed cell tower site and will not create a new source of substantial light or glare. However, if in the future any lighting should be required to be designed to minimize light and glare spillage onto neighboring properties through application of several measures, including careful siting of illumination on the parcel, screening or shielding of light at the source, use of vegetative screening, use of low intensity lighting, lighting controlled by timing devices or motion...
activated lighting. The below mitigation measures would reduce the lighting impacts of the project to *less than significant with mitigation incorporated*.

**Mitigation Measure**

**MM 1.1** If lighting is required for any of the cell tower development, all exterior lighting shall be directed downwards and away from adjacent properties and rights of way. Lighting shall be shielded such that the element is not directly visible (no drop down lenses) and lighting shall not spill across property lines.
II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Conflict with existing zoning for, or cause of 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))?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) The Yuba County Important Farmland Map from 2012, prepared by the Department of Conservation’s Farmland Mapping and Monitoring Program, classifies the project site as “Other Land” which is defined as land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. The property is not used for grazing on the project site and there will be no conversion of any protected agricultural lands such a Prime Farmland or Farmland of Statewide Importance. Therefore, no impact to agricultural lands is anticipated.

b) The proposed project is consistent with the General Plan and zoning. The property is not under a Williamson Act contract, as Yuba County has not established a Williamson Act contract.
program. The project would result in *no impact* to Williamson Act contracts or existing agricultural uses.

c) d) and e) The project site is not forest land or agricultural lands and the project will not result in conversion of forest land or farmland. Therefore there will be *no impact* to farmland or forest lands.
III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>d) Result in significant construction-related air quality impacts?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>f) Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) In 2010, an update to the 1994 Air Quality Attainment Plan was prepared for the Northern Sacramento Valley Air Basin (NSVAB), which includes Yuba County. The plan proposes rules and regulations that would limit the amount of ozone emissions, in accordance with the 1994 State Implementation Plan (SIP) for ozone. The 2010 update summarizes the feasible control measure adoption status of each air district in the NSVAB, including the Feather River Air Quality Management District (FRAQMD). The 2010 update was adopted by the FRAQMD, and development proposed by the project would be required to comply with its provisions.

The Air Quality Attainment Plan also deals with emissions from mobile sources, primarily motor vehicles with internal combustion engines. Data in the Plan, which was incorporated in the SIP, are based on the most currently available growth and control data. The project would be consistent with this data. As is stated in the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. FRAQMD has established a significance...
threshold of 130 single-family homes, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx. It is expected that motor vehicle traffic, the main source of ozone precursor emissions, generated by this limited unmanned development would not substantially add to the ozone levels to the extent that attainment of the objectives of the Air Quality Attainment Plan would not be achieved. Therefore, impacts to air quality plans would be less than significant.

b) The California Air Resources Board provides information on the attainment status of counties regarding ambient air quality standards for certain pollutants, as established by the federal and/or state government. As of 2010, Yuba County is in non-attainment-transitional status for state and national (one and eight hour) air quality standards for ozone, and state standards for particulate matter less than 10 microns in diameter (PM10). The County is in attainment or unclassified status for all other pollutants for which standards have been established.

Under the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. ROG and NOx are ingredients for ozone. Also, FRAQMD has established a significance threshold of 225,000 square feet for General Light Industrial uses, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx and is significantly larger than the 1,200 square feet of area that would contain all the cell tower facilities. The proposed cell tower development is well below the FRAQMD thresholds. However, FRAQMD and the Yuba County General Plan Policy HS 6.1 both recommend the following construction phase Standard Mitigation Measures for projects that do not exceed district operational standards and FRAQMD requires an Air Quality Permit for the operation of all propane powered generators:

Mitigation Measure 3.1

- Implement FRAQMD Fugitive Dust Plan
- Implement FRAQMD standard construction phase mitigation measures. ([www.fraqmd.org/](http://www.fraqmd.org/))

These mitigation measures are to be incorporated as part of the project to reduce dust emissions associated with construction of the project and implementation of these mitigation measures would reduce project impacts on air quality standards would be less than significant with mitigation incorporated.

c) As previously noted, the project would allow the erection of an 100’ tall monopole cell tower in a 384 square foot area. Therefore, the project would not exceed the thresholds for ROG and NOx, which have been equated with the construction of 225,000 square feet of General Light Industrial uses. The project is not expected to generate a significant quantity of air pollutant emissions. Therefore, impacts on emissions would be less than significant.

d) Construction associated with future development is expected to generate a limited amount of PM10, mainly dust and possible burning of vegetation. Rule 3.16 of FRAQMD Regulations
requires a person to take “every reasonable precaution” not to allow the emissions of dust from construction activities from being airborne beyond the property line. Reasonable precautions may include the use of water or chemicals for dust control, the application of specific materials on surfaces that can give rise to airborne dust (e.g., dirt roads, material stockpiles), or other means approved by FRAQMD. FRAQMD Regulations Rule 2.0 regulates the burning of vegetation associated with land clearing for development of single-family residences. Enforcement of these rules would reduce the amount of PM10 that would be generated by development on the project site. Additionally with mitigation measure, MM3.1, prior to the issuance of any grading, improvement plan, or building permit a Fugitive Dust Permit will be required to be obtained from FRAQMD. Therefore, construction related impacts to the air would be less than significant with mitigation incorporated.

e) The proposed cell tower is located in an area of rural residential development with a minimum parcel size of 5 acres. The project site is also more than 7 miles away from the nearest school. The addition of a wireless communications tower is not expected to generate pollutant concentrations at a sufficient level to be noticed by any nearby rural residential residences nor affect any nearby schools. Therefore, the impact to sensitive receptors would be less than significant.

f) Development proposed by the project is not expected to create objectionable odors. The project does not propose a backup propane generator and therefore would not generate additional odors that are not already common for the area due to its rural location. Therefore, there would be no impact related to odors.
IV. BIOLOGICAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant With Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
<td>☐</td>
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<tr>
<td>Potentially Significant Impact</td>
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<td>Less Than Significant Impact</td>
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</tr>
<tr>
<td>No Impact</td>
<td>☐</td>
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</tbody>
</table>

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 Game 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, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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 native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native 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 Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Discussion/Conclusion/Mitigation:

a) Consistent with Yuba County 2030 General Plan Policies CD 15.1 and NR 5.15 which discuss that the development of facilities, such as wireless communications towers, should be designed to minimize adverse impacts to biological species, riparian and wetland habitat. The applicant chose to locate the proposed wireless communications tower on the proposed project site due to its low biological sensitivity. The project site, specifically the 384 square foot compound area, does not contain any native oak or other tall trees that could be used for nesting sites and the site is void of all watercourses, drainages or wetland features. Currently the proposed area is void of any trees that could be used for bird nesting. Therefore, a less than significant impact is anticipated.
b) As discussed above in Section a), the project site does not contain any riparian habitat or sensitive natural communities. Therefore, the project would have a less than significant impact.

c) The project site does not contain any wetlands or vernal pools, so there will be no impact to these federally protected features as a result of the project.

d) Habitat and wildlife corridors are available for wildlife migration and the project will not impede the movement of any animal or fish species. Therefore, the project would have a less than significant impact.

e) There would be no conflicts with General Plan policies regarding conservation of biological resources. The County has no ordinances explicitly protecting biological resources. Therefore, the project would have no impact on biological resources.

f) The proposed project site is located in the Yuba-Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) boundary. The Yuba-Sutter NCCP/HCP plans are in the process of being prepared, however, no conservation strategies have been proposed to date which would be in conflict with the project. Therefore, the project would have no impact to conservation plans.
V. CULTURAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?</td>
<td>☑</td>
<td>☑</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?</td>
<td>☑</td>
<td>☑</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☑</td>
<td>☑</td>
<td>☐</td>
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</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) and b) The site is identified in the 2030 General Plan as an area of high concern for cultural or historical significance. A Cultural Resource Study was conducted for the project by Sean Michael Jensen, M.A. in February 2020. The study searched State and other databases at the North Central Information Center (NCIC) for historic site/survey records within 0.25 mile of the project site, the in-field cultural resources investigation was conducted to identify potential historic sites or cultural issues of concern. Existing records at the NCIC document that none of the present area of potential effects (APE) had been subjected to previous archaeological investigation, and that no significant historical resources, or unique archaeological resources have been documented within the APE. As well, the present effort included an intensive-level pedestrian survey. No prehistoric or historic-era cultural resources were identified during the pedestrian survey.

Consultation was undertaken with the Native American Heritage Commission (NAHC) concerning sacred land listings for the property. An information request letter was delivered to the NAHC on January 31, 2020. The NAHC responded on February 3, 2020, indicating that a search of their Sacred Lands File was negative.

The report concluded that the probability of encountering buried archaeological sites within the APE is low. This conclusion is derived in part from the observed soil matrices which comprise the contemporarily disturbed soils adjacent to Cumberland Lane. Evidence of ground disturbance assisted in determining whether or not subsurface resources were present within the APE. Overall, the soil types present and contemporary disturbance would warrant a finding of low probability for encountering buried archaeological sites.

Based on the absence of significant historical resources/unique archaeological resources/historic properties within the APE, archaeological clearance is recommended for the project/undertaking as presently proposed. There is the possibility that undiscovered resources may be found in the course of project development work, for instance during trenching activities or other ground disturbances. If cultural resources are uncovered during
the course of project development and construction, the following mitigation measure shall be implemented:

**Mitigation Measure 5.1**

**MM 5.1 Consultation In The Event Of Inadvertent Discovery Of Human Remains:** In the event that human remains are inadvertently encountered during any project-associated ground-disturbing activity or at any time subsequently, State law shall be followed, which includes but is not limited to immediately contacting the County Coroner's office upon any discovery of human remains.

**Mitigation Measure 5.2**

**MM 5.2 Consultation In The Event Of Inadvertent Discovery Of Cultural Material:** The present evaluation and recommendations are based on the findings of an inventory-level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future repair activities. This possibility is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance activities (e.g., flooding, orchard development, etc.) have partially obscured historic ground surface visibility, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

Therefore, impacts would be **less than significant with mitigation incorporated.**

c) No paleontological resources have been identified on the project site and the area contains no unique geological features. **No impact** to paleontological resources is expected.

d) There are no known burial sites within the project area. If human remains are unearthed during future development, the provisions of California Health and Safety Code Section 7050.5 and **MM 5.1** and **MM 5.2** shall apply. Under this section, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. The impact would be **less than significant with mitigation incorporated.**
VI. ENERGY

Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

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/CONCLUSION/MITIGATION:

a) b) The proposed project is a wireless communications tower project would not impact energy resources and conflict with local plans for energy because it is not creating a new energy source and is utilizing the existing energy located on the project site. The applicant is not proposing a generator or back-up generator for the project. Therefore, impacts would be less than significant.
### VII. GEOLOGY AND SOILS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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 or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>iii) Seismic related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>iv) Landslides?</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Section 1803.5.3 to 1808.6 of the 2010 California Building Code, creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</table>

**Discussion/Conclusion/Mitigation:**

a) (i) The Yuba County 2030 General Plan describes the potential for seismic activity potential within Yuba County as being relatively low and it is not located within a highly active fault zone. No Alquist-Priolo Earthquake Fault Zones are located within the County. The faults that are located within Yuba County are primarily inactive and consist of the Foothills Fault System, running south-southeastward near Loma Rica, Browns Valley and Smartsville. Faults within the Foothill Fault System include Prairie Creek Fault Zone, the Spenceville Fault, and the Swain Ravine Fault. A *less than significant impact* from earthquakes is anticipated.

a) (ii) Within Yuba County, the Swain Ravine Lineament of the Foothills Fault system is considered a continuation of the Cleveland Hill Fault, the source of the 1975 Oroville...
earthquake. The Foothill Fault System has not yet been classified as active, and special seismic zoning was determined not to be necessary by the California Division of Mines and Geology. While special seismic zoning was not determined to be necessary, the Foothill Fault system is considered capable of seismic activity. In addition, the County may experience ground shaking from faults outside the County. Therefore, strong seismic ground shaking would result in a less than significant impact.

a) (iii) Ground failures, such as differential compaction, seismic settlement and liquefaction, occur mainly in areas that have fine-grained soils and clay. The project site subsurface materials consists of Sobrante-Auburn soils, and therefore is not of fine-grained soils and has a very low liquefaction probability. Furthermore, consistent with Yuba County 2030 General Plan Public Health & Safety policy HS 8.1 the proposed project would be constructed to meet all applicable State of California seismic building codes. Therefore, seismic related ground failure including liquefaction is not anticipated resulting in a less than significant impact.

a) (iv). The Yuba County General Plan identifies the area as one that has a low risk for landslides, and states that grading ordinances, adopted by Yuba County and based on Appendix J of the 2016 California Building Code, serve as effective measures for dealing with landslide exposure. Hazards associated with potential seismic and landslide result in a less than significant impact.

b) Construction associated with the project would loosen soils on the site, and thus increase erosion potential. The area that would be disturbed on the project site at time of construction would likely be no greater than one acre and would be below the threshold requiring a National Pollutant Discharge Elimination System (NPDES) construction permit from the Regional Water Quality Control Board (RWQCB). Also as noted in the Air Quality section, construction activities would be subject to FRAQMD Rule 3.16, which regulates fugitive dust emissions. Therefore, substantial soil erosion and loss of topsoil would be a less than significant impact.

c) The proposed project would not be subject to significant hazards associated with landslides, lateral spreading, liquefaction, or collapse. Activities that would cause subsidence include groundwater pumping and natural gas extraction. There are a number of wells in the project vicinity that are used to supply water for agricultural and residential uses. These wells will continue to be used in the future. There would be no water usage associated with the proposed project and the project would not significantly draw down aquifers in the areas to a level that would cause subsidence. Therefore, the project would have no impact to unstable soil, landslides, subsidence, liquefaction, or collapse.

d) The Yuba County 2030 General Plan confirms (Erosion Potential Exhibit – HS7) that there are not expansive soils located near the project site. A standard requirement of the Public Works Department and the Building Official is the submittal of a Preliminary Soils Report prepared by a registered civil engineer based on test borings. If the preliminary report shows critically expansive soils or other soil problems, which, if left uncorrected, would lead to structural defects, a soils investigation of the site would be required. The Building Official may require additional soils testing, if necessary, and will result in a less than significant impact.

Yuba County Planning Department
May 2020

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APN: 019-070-008

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e) The project does not propose the use of septic systems for wastewater disposal. The proposed cell tower compound area would be an unmanned facility and as a result no wastewater system would be necessary. Therefore, the project would result in a **no impact** to wastewater.
VIII. GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Than With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generate greenhouse gas emissions, either directly or indirectly, that may have</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>a significant impact on the environment?</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>b) Conflict with an applicable plan, policy or regulation adopted for the purpose</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>of reducing the emissions of greenhouse gases?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) Global Warming is a public health and environmental concern around the world. As global concentrations of atmospheric greenhouse gases increase, global temperatures increase, weather extremes increase, and air pollution concentrations increase. The predominant opinion within the scientific community is that global warming is currently occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of “greenhouse gases” (GHG).

In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydro-fluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB 32 requires the California Air Resources Board (ARB), the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve greenhouse gas emissions equivalent to statewide levels in 1990 by 2020.

In 2008, the California Air Resources Board (CARB) adopted the Scoping Plan for AB32. The Scoping Plan identifies specific measures to reduce GHG emissions to 1990 levels by 2020, and requires ARB and other state agencies to develop and enforce regulations and other initiatives for reducing GHGs. The Scoping Plan also recommends, but does not require, an emissions reduction goal for local governments of 15% below “current” emissions to be achieved by 2020 (per Scoping Plan current is a point in time between 2005 and 2008). The Scoping Plan also recognized that Senate Bill 375 Sustainable Communities and Climate Protection Act of 2008 (SB 375) is the main action required to obtain the necessary reductions from the land use and transportation sectors in order to achieve the 2020 emissions reduction goals of AB 32.

SB 375 complements AB 32 by reducing GHG emission reductions from the State’s transportation sector through land use planning strategies with the goal of more economic and environmentally sustainable (i.e., fewer vehicle miles travelled) communities. SB 375 requires that the ARB establish GHG emission reduction targets for 2020 and 2035 for each of the state’s 18 metropolitan planning organizations (MPO). Each MPO must then prepare a
plan called a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its SB 375 GHG reduction target through integrated land use, housing, and transportation planning.

The Sacramento Area Council of Governments (SACOG), the MPO for Yuba County, adopted an SCS for the entire SACOG region as part of the 2035 Metropolitan Transportation Plan (MTP) on April 19, 2012. The GHG reduction target for the SACOG area is 7 percent per capita by 2020 and 16 percent per capita by 2035 using 2055 levels as the baseline. Further information regarding SACOG’s MTP/SCS and climate change can be found at http://www.sacog.org/2035/.

While AB32 and SB375 target specific types of emissions from specific sectors, and ARBs Scoping Plan outlines a set of actions designed to reduce overall GHG emissions it does not provide a GHG significance threshold for individual projects. Air districts around the state have begun articulating region-specific emissions reduction targets to identify the level at which a project may have the potential to conflict with statewide efforts to reduce GHG emissions (establish thresholds). To date, the Feather River Air Quality Management District (FRAQMD) has not adopted a significance threshold for analyzing project generated emissions from plans or development projects or a methodology for analyzing impacts. Rather FRAQMD recommends that local agencies utilize information from the California Air Pollution Control Officers Association (CAPCOA), Attorney General’s Office, Cool California, or the California Natural Resource Agency websites when developing GHG evaluations through CEQA.

GHGs are emitted as a result of activities in residential buildings when electricity and natural gas are used as energy sources. New California buildings must be designed to meet the building energy efficiency standards of Title 24, also known as the California Building Standards Code. Title 24 Part 6 regulates energy uses including space heating and cooling, hot water heating, ventilation, and hard-wired lighting that are intended to help reduce energy consumption and therefore GHG emissions.

The development of an unmanned wireless communications tower would likely not generate significant GHG emissions that would result in cumulative considerable contributions to climate change impacts. Therefore, the project will not directly generate greenhouse gases and will have a less than significant impact above existing pollution levels.

b) Yuba County has prepared but not adopted a Resource Efficiency Plan that will address Greenhouse Gas emissions; however there is not a plan in place at this time. The project is consistent with the Air Quality & Climate Change policies within the Public Health & Safety Section of the 2030 General Plan therefore, the project does not conflict with any applicable plan, policy or regulation and will result in no impact.
## IX. HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>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 for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

### Discussion/Conclusion/Mitigation:

a) b) and c) There would be no routine transport, use, or disposal of hazardous materials or the release of hazardous materials into the environment related to this project. There would be a **less than significant impact** to surrounding land uses concerning hazardous materials and this project.

The project will not pose a significant risk in terms of emission of any electromagnetic radiation. The Federal Communications Commission (FCC) has produced a guide that
ensures that antenna facilities (such as the one proposed) comply with safe limits of electromagnetic exposure for humans. To ensure compliance with the FCC guidelines, the applicant hired Sporton International LLC, to evaluate the proposed projects compliance with human exposure to radio frequency (RF) electromagnetic fields. Sporton International determined that the device has been evaluated in accordance with 47 CFR Part 2.1091, and the RF exposure analysis concludes that the RF Exposure is FCC compliant. There are no areas at ground level that exceed the FCC’s occupational or general public exposure limits at the site.

In addition, another report was prepared by Compliance Testing LLC, and determined that the minimum safe distance is 193 cm from the fixed wireless communications tower. Moreover, Figure 4 indicates the Maximum Permissible Exposure and safe distance from the site. The neighboring property at 8446 Cumberland Lane (APN: 019-070-009) is approximately 250 feet from the tower.
Figure 4: Maximum Permissible Exposure

Test Requirement(s): §15.407(f): U-NII devices are subject to the radio frequency radiation exposure requirements specified in §1.1307(b), §2.1091 and §2.1093 of this chapter, as appropriate. All equipment shall be considered to operate in a "general population/uncontrolled" environment.

RF Exposure Requirements: §1.1307(b)(1) and §1.1307(b)(2): Systems operating under the provisions of this section shall be operated in a manner that ensures that the public is not exposed to radio frequency energy levels in excess of the Commission’s guidelines.

RF Radiation Exposure Limit: §1.1310: As specified in this section, the Maximum Permissible Exposure (MPE) Limit shall be used to evaluate the environmental impact of human exposure to radiofrequency (RF) radiation as specified in Sec. 1.1307(b), except in the case of portable devices which shall be evaluated according to the provisions of Sec. 2.1093 of this chapter.

MPE Limit: EUT's operating frequencies @ 5250-5350 MHz and 5470 - 5725 MHz. Limit for Uncontrolled exposure: 1 mW/cm² or 10 W/m²

Equation from page 18 of OET 65, Edition 97-01

\[ S = \frac{P}{4\pi R^2} \quad \text{or} \quad R = f\left(\frac{P}{4\pi S}\right) \]

where, \( S = \text{Power Density (mW/cm}^2\) \)
\( P = \text{Power Input to antenna (mW)} \)
\( G = \text{Antenna Gain (numeric value)} \)
\( R = \text{Distance (cm)} \)

Test Results:

<table>
<thead>
<tr>
<th>Frequency (MHz)</th>
<th>Con. Pwr. (dBm)</th>
<th>Con. Pwr. (mW)</th>
<th>Ant. Gain (dBi)</th>
<th>Ant. Gain numeric</th>
<th>Pwr. Density (mW/cm²)</th>
<th>Limit (mW/cm²)</th>
<th>Margin</th>
<th>Distance (cm)</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>5600</td>
<td>16.951</td>
<td>48.558</td>
<td>13</td>
<td>19.953</td>
<td>0.18571</td>
<td>1</td>
<td>0.80429</td>
<td>20</td>
<td>Pass</td>
</tr>
<tr>
<td>5600</td>
<td>-4.074</td>
<td>0.391</td>
<td>34</td>
<td>2511.886</td>
<td>0.19538</td>
<td>1</td>
<td>0.80442</td>
<td>20</td>
<td>Pass</td>
</tr>
<tr>
<td>5600</td>
<td>7.932</td>
<td>6.212</td>
<td>22</td>
<td>158.489</td>
<td>0.15858</td>
<td>1</td>
<td>0.80415</td>
<td>20</td>
<td>Pass</td>
</tr>
</tbody>
</table>

The safe distance where Power Density is less than the MPE Limit listed above was found to be 20 cm.
d) The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The closest site on the list is Beale Air Force Base to the north of the project site. Therefore, the project would not create a significant hazard to the public or the environment and there would be no impact to the environment from hazardous materials.

e) The project site is not located in any of the Beale Air Force Base Land Use Compatibility Plan safety zones (1-6). A request for consultation was sent to Beale Air Force Base and no comments were received regarding the proposed project, therefore, the project would have less than significant impact on public or private airstrips.

f) No new roads or road improvements are proposed for this project that would interfere with the existing road system. Since there would be no major physical interference to the existing road system, there would be a less than significant impact with an emergency response or evacuation plan.

g) The project is located in a very fire hazard severity zone, as reported by the Cal Fire 2007 Fire Hazard Severity Zones map. Additionally, the project has the potential to increase the risk of wildfire on-site because it will generate traffic onto the site in greater degrees than previously experienced. The impact would be less than significant with mitigation incorporated.

Mitigation Measure 8.1

**MM.8.1 Vegetation Clearance:** Prior to any final for any new construction on this project, vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a fire break by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire inspector if extra hazardous conditions exist.
X. HYDROLOGY AND WATER QUALITY

Would the project:

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>e) 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?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) b) c) and f) The project will not result in ground disturbance equal to or greater than one acre in size as only a 384 square foot site is proposed and planned to be disturbed. The project
does not anticipate consuming water or interfering with ground water recharge. Furthermore there are no water bodies that are in the immediate area that would be affected by soil runoff caused by grading activities since no grading is anticipated as part of the project. The Yuba County Public Works Department will review and address any issues associated with grading activities. Therefore, it is anticipated that impacts to water quality, drainage patterns, subsurface water and soil erosion are anticipated to be a less than significant impact.

d) and e) While the project would introduce impervious surfaces, which have the potential to alter recharge patterns, the level of development is small and percolation and groundwater recharge activity would remain generally unchanged. Therefore, there would be a less than significant impact.

 g) h) and i) The project is not located within a 100-year flood plain, therefore there would be no impact from flooding.

 j) Yuba County is an inland area not subject to seiche or tsunami. Mudflow is not an identified issue at this location; therefore, there would be no impact from mudflow, seiche, or tsunami.
XI. LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation

a) and b) The project site is within an area of rural development within unincorporated Yuba County. The proposed project is not anticipated to create any physical division of an established community. The project is consistent with the goals and policies of the Rural Residential zone and Rural Community General Plan designation with providing supportive services. No rezoning to accommodate the project is required. Therefore, the project would result in no impact or division of an established community.

c) As previously stated in the Biological Resources section, the proposed project is located in the Yuba-Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) boundary and the plans are in the process of being prepared, however, no conservation strategies have been proposed to date which would be in conflict with the project. Therefore, the project would have no impact to conservation plans.
### XII. MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Discussion/Conclusion/Mitigation:

a) and b) Exhibit GS-5, Mineral Resource Locations, of the Yuba County 2030 General Plan Geology and Soils Background Report, identify known and expected mineral resources within Yuba County, respectively. The project site is not located with an active mining area or a mineral resource zone in Exhibit GS-5. The project is expected to have no impact on mineral resources.
XIII. NOISE

Would the project result in:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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 expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) b) c) and d) The Yuba County 2030 General Plan contains recommended ambient allowable noise level objectives. The plan recommends a maximum allowable noise level of 60 dB in the daytime and 45 dB in evening hours. Temporary construction noise associated with project construction would be a source of noise for up to two months during project construction. Such noise would be minimal and be conducted solely during daylight hours. During construction, noise levels are expected to remain well below these thresholds of significance. After construction is complete, noise levels will drop to existing levels.

Primary sources of ground borne vibrations include heavy vehicle traffic on roadways and railroad traffic. There are no railroad tracks near the project site. Traffic on roadways in the area would include very few heavy vehicles, as no land uses that may require them are in the vicinity.

Construction activities associated with the project may cause a temporary increase in noise levels in the vicinity. However, these noise levels would be temporary and would cease once construction activities end. There are few residences on the surrounding parcels and
construction noise is expected to have little impact on these parcels. Therefore, the exposure to noise generated from the project would be a *less than significant impact*.

e) and f) The project site is not located within two miles of a public airport or private air strip. *No impact* is anticipated to result from surrounding airport uses.
## XIV. POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion/Conclusion/Mitigation:**

a) The project does not involve the construction of homes or any infrastructure that would be required to foster population growth near the project area and there would not be an increase to the population. Therefore, there would be a *less than significant impact* to population growth.

b) and c) The project does not involve the removal of housing/businesses or the relocation of people who currently utilize the site and would not require the construction of replacement housing. Therefore, the project would have *no impact* to existing housing or the need for replacement.
XIV. PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)  Fire protection?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
<tr>
<td>b)  Police protection?</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
<tr>
<td>c)  Schools?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>d)  Parks?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>e)  Other public facilities?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) The project is located within the Smartsville fire protection district which provides fire protection service to the area. The project site is also located within the State Responsibility Area. Staff has consulted with CalFire and will incorporate their standard conditions of approval, if any, in the projects staff report. Fire fees would be collected at the time building permits are issued for structures on a square foot basis. With the incorporated conditions of approval, payment of fire fees and adherence to the requirements from the Yuba County Ordinance Code and Fire Codes, impacts to fire protection would be less than significant.

b) The project area is located within unincorporated Yuba County and would be served by the Yuba County Sheriff’s Department. Increased property tax revenue and annual police protections assessment Countywide would support additional civic services including law enforcement. Impacts related to police protection would be less than significant.

c) The proposed project does not include the construction of any housing and would not generate any students. Therefore, the project would have no impact on schools.

d) The proposed project does not include construction of housing and would not generate an increased demand for parks. Therefore, the project would have no impact on parks.

e) Other public facilities that are typically affected by development projects include the Yuba County Library and County roads. However, since there is no development proposed by the project there would be no increased demand for these services. Therefore, the project would have no impact to other public facilities.
XVI. RECREATION

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) 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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) and b) The proposed project does not include the construction of any housing and would not increase the demand for parks or recreational facilities. The project also does not include the construction of any new recreational facilities. Therefore, the project would have **no impact** to parks or recreational facilities.

---

Yuba County Planning Department  
May 2020  
CUP2019-0009  
APN: 019-070-008  
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# XVII. TRANSPORTATION/TRAFFIC

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Discussion/Conclusion/Mitigation:**

a) b) c) and d) The project does not propose to create new roadways. Therefore, the project would have **no impact** to traffic circulation, roadways and traffic volume.

b) e) The project site will be accessed from Cumberland Lane, an existing road. Therefore, impacts related to emergency access are anticipated to be **less than significant**.

c) f) The project provides for an unmanned wireless communications tower. The site area which contains approximately 384 square feet provides for enough room to safely maneuver as well as park associated maintenance vehicles associated with maintenance activities. Therefore, impacts to parking capacity are anticipated to be **less than significant**.

d) g) Yuba County has not adopted alternative transportation plans for the rural area of the County, where this project is located. Therefore, there would be **no impact** on alternative transportation plans or policies.
### XVIII. TRIBAL CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) 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:</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>i) 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</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>ii) 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.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

**Discussion/Conclusion/Mitigation:**

a) (i-ii) The County was contacted by the United Auburn Indian Community (UAIC) on November 23, 2015 requesting formal notification and information on proposed projects for which the County will serve as the lead agency under the California Environmental Quality Act (CEQA) in accordance with Public Resources Code Section 21080.3.1 subd. (b), otherwise known as Assembly Bill 52 (AB 52). Consistent with the UAIC request, on March 16, 2020 formal notification was provided to the UAIC, including all project information documents which included a copy of the Cultural Resources Investigation. On March 16, 2020, the County received comments from the UAIC stating they have no further comments or concerns. Therefore, no additional consultation under AB 52 was warranted.

In addition to the Mitigation Measures 5.1 & 5.2, the following mitigation measure was requested by the UAIC on March 16, 2020 to address inadvertent discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project’s ground disturbing activities.

**Mitigation Measure 18.1**

**MM 18.1 Inadvertent Discoveries of TCRs:** If any TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find. The appropriate tribal representatives from culturally affiliated tribes shall be immediately notified.
Work at the discovery location cannot resume until it is determined, in consultation with culturally affiliated tribes, that the find is not a TCR, or that the find is a TCR and all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary.

Therefore, in the event of the accidental discovery or recognition of tribal cultural resources in the project area the impact upon tribal cultural resources would be *less than significant impact with mitigation incorporated.*
## XIX. UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>e) 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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

### Discussion/Conclusion/Mitigation:

a) The project does not propose the construction of any structures that would generate wastewater. Therefore, the project would have **no impact** on wastewater.

b) The project does not require the use of water or wastewater treatment facilities. There, the project would have **no impact** to wastewater facilities.

c) As discussed in the Hydrology and Water Quality section, there would be little increase in impervious surfaces as a result of the project and runoff would increase minimally. Therefore, the project impact would be **less than significant**.

d) As discussed in section b), there is no need for water supply at the proposed project site. Therefore, the impact would be **less than significant**.

e) The project does not require the use of water or wastewater treatment facilities. Therefore, there would be **no impact**.
f) g) The project is not anticipated to result in the generation of any solid waste. Temporary waste would be generated during the construction of the project; however, the project contractor would be required to maintain a clean site in compliance with SWPPP and plan specifications. Therefore, the project would have *no impact* to solid waste disposal.
## XX. WILDFIRE

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Substantially impair an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

### DISCUSSION/CONCLUSION/MITIGATION:

a,b,c,d) The project will involve the placement of a 100’ communications tower situated on a concrete slab measuring 24’ in length, and 16’ in width. The tower will be located directly adjacent to an existing water tank that would limit the possibility of wildfire or the spread of wildfire. The installation of the tower will all be done on the property and will not affect Cumberland Lane. Moreover, project related impacts to the adopted emergency response plan and emergency evacuation plan would be **less than significant.**
XIX. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

<table>
<thead>
<tr>
<th>Does the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have the potential to 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, 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?</td>
<td>☐ ☒ ☐ ☐</td>
<td>☐ ☒ ☑ ☐</td>
<td>☐ ☒ ☑ ☐</td>
<td>☐ ☒ ☑ ☐</td>
</tr>
<tr>
<td>b) Have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; 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)?</td>
<td>☐ ☒ ☐ ☐</td>
<td>☐ ☒ ☑ ☐</td>
<td>☐ ☒ ☑ ☐</td>
<td>☐ ☒ ☑ ☐</td>
</tr>
<tr>
<td>c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐ ☒ ☐ ☐</td>
<td>☐ ☒ ☑ ☐</td>
<td>☐ ☒ ☑ ☐</td>
<td>☐ ☒ ☑ ☐</td>
</tr>
</tbody>
</table>

Discussion/Conclusion/Mitigation:

a) As discussed in the Cultural Resources section, construction associated with the project could potentially have impacts on cultural resources. Proposed mitigation measures would lessen the impact this project would have on cultural resources. Therefore, the projects impact would be less than significant impact with mitigation incorporated.

b) Construction of the project, in combination with other proposed projects in the adjacent area, may contribute to air quality impacts that are cumulatively considerable. However, when compared with the thresholds in the Air Quality section, the project would not have a cumulatively significant impact on air quality. Therefore, the projects impact would be less than significant impact with mitigation incorporated.

The project is consistent with the Yuba County 2030 General Plan land use designation for the project site and the zoning for the project site. With the identified Mitigation Measures MM 3.1 in place, cumulative impacts would be less than significant. No other cumulative impacts associated with this project have been identified.
c) Due to the nature and size of the proposed project, no substantial adverse effects on humans are expected. The project would not emit substantial amounts of air pollutants, including hazardous materials. The one potential human health effects identified as a result of the project implementation were minor construction related impacts, mainly dust that could affect the few scattered residences near the project site. These effects are temporary in nature and are subject to the Feather River Air Quality Management District’s Standard Mitigation measures that would reduce these emissions to a level that would not be considered a significant impact. Therefore, the project would have a **less than significant impact with mitigation incorporated.**

**REFERENCES**

1. Yuba County 2030 General Plan Environmental Impact Report, AECOM
2. Yuba County 2030 General Plan, AECOM
5. Yuba County Improvement Standards.
**MM 1.1** If lighting is required for any of the cell tower development, all exterior lighting shall be directed downwards and away from adjacent properties and rights of way. Lighting shall be shielded such that the element is not directly visible (no drop down lenses) and lighting shall not spill across property lines.

<table>
<thead>
<tr>
<th>Timing/Implementation</th>
<th>Enforcement/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon start of construction activities.</td>
<td>Yuba County Building Department</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Verification Cost</th>
<th>Date Complete (If applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permit verification, or building final inspection.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
**MM 3.1**
- Implement FRAQMD Fugitive Dust Plan
- Implement FRAQMD standard construction phase mitigation measures. ([www.fraqmd.org/](http://www.fraqmd.org/))

<table>
<thead>
<tr>
<th>Timing/Implementation</th>
<th>Enforcement/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon start of project design and start of construction activities</td>
<td>Yuba County Public Works Department</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Verification Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit verification, or clearance documents, from FRAQMD</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Complete (If applicable)</th>
</tr>
</thead>
</table>
### MM 5.1 Consultation In The Event Of Inadvertent Discovery Of Human Remains

In the event that human remains are inadvertently encountered during any project-associated ground-disturbing activity or at any time subsequently, State law shall be followed, which includes but is not limited to immediately contacting the County Coroner's office upon any discovery of human remains.

<table>
<thead>
<tr>
<th>Timing/Implementation</th>
<th>Enforcement/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to project construction</td>
<td>Yuba County Planning Department</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Verification Cost</th>
<th>Date Complete (If applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
**MM 5.2 Consultation In The Event Of Inadvertent Discovery Of Cultural Material:** The present evaluation and recommendations are based on the findings of an inventory-level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future repair activities. This possibility is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance activities (e.g., flooding, orchard development, etc.) have partially obscured historic ground surface visibility, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

<table>
<thead>
<tr>
<th>Timing/Implementation</th>
<th>Enforcement/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>During construction activities.</td>
<td>Yuba County Planning Department</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Verification Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

| Date Complete (If applicable) |
**MM 8.1 Vegetation Clearance:** Prior to any final for any new construction on this project, vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a fire break by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire inspector if extra hazardous conditions exist.

<table>
<thead>
<tr>
<th>Timing/Implementation</th>
<th>Enforcement/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>During construction activities.</em></td>
<td>Yuba County Building Department</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Verification Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

| Date Complete (If applicable) |
**MM 18.1 Inadvertent Discoveries of TCRs:** If any TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find. The appropriate tribal representatives from culturally affiliated tribes shall be immediately notified.

<table>
<thead>
<tr>
<th>Timing/Implementation</th>
<th>Enforcement/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>During construction activities.</em></td>
<td>Yuba County Planning Department</td>
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</table>

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<thead>
<tr>
<th>Performance Criteria</th>
<th>Verification Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Complete (If applicable)</th>
</tr>
</thead>
</table>
Fisher, Ciara

From: Boeck, Van  
Sent: Wednesday, November 20, 2019 3:32 PM  
To: Scott, Ian  
Cc: Fisher, Ciara; Peterson, Daniel  
Subject: RE: CUP2019-0009 - Joe Bustard

Ian,

Public Works does not have any conditions for this project.

Van A. Boeck  
Yuba County Public Works  
(530) 749-5420

From: Scott, Ian  
Sent: Wednesday, November 20, 2019 1:26 PM  
To: Benedict, Christopher; Maddux, Dave; Boeck, Van  
Cc: Hochstrasser, Margaret; Burns, Danny; Peterson, Daniel; Lee, Mike G. (Public Works Dept); Pickell, Clark; Kaiser, Pam  
Subject: CUP2019-0009 - Joe Bustard

Good Afternoon,

Planning has received a new application for a Major Conditional Use Permit (CUP) that would allow for the installation of a 100 foot communications tower without camouflage. The tower will provide internet, phone and television service to the project site, and could also provide service to other residents in the Smartsville community. All documents are on TrakIt. Please forward any comments you may have by Noon, Wednesday, November 27th, I apologize for the tight deadline as this one (almost) fell through the cracks.

Best regards,  
Ian Scott  
Planner I  
County of Yuba  
Planning Department  
(530) 749-5481
Fisher, Ciara

From: Benedict, Christopher
Sent: Friday, March 13, 2020 4:08 PM
To: Scott, Ian
Subject: RE: CUP2019-0009 - Joe Bustard

Sorry it took forever. I don’t have any comments or concerns.

Christopher J. Benedict, REHS
Environmental Health Specialist
Yuba County Environmental Health
915 8th Street, Suite 123
Marysville, CA 95901
Phone: (530)749-5469
Fax: (530)749-5454

From: Scott, Ian
Sent: Friday, March 13, 2020 4:03 PM
To: Hochstrasser, Margaret; Benedict, Christopher
Subject: FW: CUP2019-0009 - Joe Bustard

Hello Environmental Health team,

As I was attempting to move this project forward, it occurred to me that we do not appear to have any comment from EH on CUP2019-0009. Please let me know if you have any comments.

Thank you for your time.

Best regards,
Ian Scott
Planner I
County of Yuba
Planning Department
(530) 749-5481

Please consider the environment before printing this email

From: Scott, Ian
Sent: Wednesday, November 20, 2019 1:26 PM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Boeck, Van <vboeck@CO.YUBA.CA.US>
Cc: Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Peterson,
From: Burns, Danny <dburns@CO.YUBA.CA.US>
Sent: Monday, March 16, 2020 2:58 PM
To: Scott, Ian <iscott@CO.YUBA.CA.US>
Subject: RE:

Ian,

After the site visit we conducted today, the building department has no comments other than permits and plans will be required for the antenna and associated electrical installations.

Additionally, based on the building departments records, the property owner has never obtained a demolition permit for the structures previously stated.

I would recommend to the property owner that he check with the assessor’s office to determine whether or not he is still being assessed for those structures and if so I would again recommend he obtain demolition permits and complete the inspection process to get them removed from the tax rolls.

Regards,

Dan

From: Scott, Ian
Sent: Monday, March 16, 2020 2:50 PM
To: Burns, Danny <dburns@CO.YUBA.CA.US>
Subject: RE:

CUP2019-0009 (Bustard)
Ian,

There are two expired permits for this site.

One is for a manufactured home that was placed @ 1979 and the other for a new garage / barn @ 1981

We need to conduct a site inspection to verify that the structures in question have not been altered without permits and that they are not in a dilapidated state of disrepair.

It’s my thoughts that we can move forward with the tower submittal and review but must conduct the inspection BEFORE the tower permit is ISSUED.

If there are any issues with the two structures in question they will need to be addressed BEFORE issuance.

For the tower:

1) Must obtain all required state, federal and local permits and follow all state, federal and local codes and ordinances.

2) Plans and engineering shall be required for this project.

Hopefully this will assist with expediting the approval letter as we discussed.

Dan