



## MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM CITY OF CHICO PLANNING DIVISION

Based upon the analysis and findings contained within the attached Initial Study, a Mitigated Negative Declaration is proposed by the City of Chico Planning Division for the following project:

**PROJECT NAME AND NUMBER:** Orchard Creek Estates  
(GPA 22-04, RZ 22-02, ANX 22-01a, SUB 22-01)

**APPLICANT'S NAME:** Chuck Tatreau Construction  
1237 Mangrove Ave, Chico, CA 95926

**PROJECT LOCATION:** The project site, approximately 20.03 total acres, is located along Henshaw Avenue, Nord Avenue, and W. East Avenue, outside the city limits of Chico in unincorporated Butte County, California. Current addresses include 2516, 2608, and 2676 Nord Avenue, 1181 Henshaw Avenue, and 1110 W. East Avenue, Chico, CA. APNs: 042-070-196, 042-070-197, and 042-740-020

**PROJECT DESCRIPTION:** The project includes two main components:

1. A General Plan Amendment and rezone of a 20-acre site comprising three parcels (Assessor's Parcel Numbers (APNs): 042-070-196, 042-070-197, and 042-740-020), located within unincorporated Butte County, California, and annexation of the site into the city limits of the City of Chico. The Masonic Family Center located at 1110 W. East Avenue would be zoned PQ (Public/Quasi Public Facilities), reflecting a continuation of the existing use, and the two former walnut orchard parcels would become zoned R1 (Low Density Residential), consistent with the proposed subdivision.
2. A subdivision of 15-acres (APNs 042-070-196 and 042-740-020) to create and improve 74 lots with internal streets developed consistently with City standards. Four of the five existing residences would be retained within the proposed subdivision and most of the existing trees would be removed to accommodate the subdivision improvements.

**FINDING:** As supported by the attached Initial Study there is no substantial evidence, in light of the whole record before the agency, that the project will have a significant effect on the environment if the following mitigation measures are adopted and implemented for the project:

**MITIGATION MEASURE BIO-1 (Biological Resources):** The developer shall implement the following measures to minimize potential impacts on biological resources, including special status bird species:

1. If construction is proposed during the nesting season (March 1 – August 31), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 30 days prior to the commencement of construction, in order to identify any active nests on the proposed project Site and the vicinity of proposed construction.
  - a. If no active nests are identified during the survey period, or if construction is initiated during the non-breeding season (September - February), grading and construction may proceed.
  - b. However, if active raptors nests are found, an adequate setback shall be established around the nest location and construction activities restricted within this no

disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be determined in coordination with CDFW and/or USFWS, and may vary depending on species and sensitivity to disturbance. The no-disturbance zone would be fenced with temporary orange construction fencing.

2. A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of grading and construction during the nesting season (March - August). The report would either confirm absence of any active nests or confirm establishment of a designated no-disturbance zone for any active nests. Supplemental reports would be submitted to the City for review and approval where no-disturbance zones have been required to allow construction to proceed within these zones after any young birds have fledged.

**MITIGATION MONITORING BIO-1:** Prior to issuance of grading permits or improvement plans, City staff shall verify that the above wording is included on construction or grading plans, or the compliance completed prior to City permit issuance. Letter reports shall be maintained, as applicable, by Planning staff throughout construction.

If active nests are encountered, then Planning and Building staff shall ensure construction activities are prohibited within the buffer zones until the young have fledged or the nest fails. Active nests shall be monitored once per week or as necessary and a report submitted to CDFW and the City of Chico Community Development Department weekly or as necessary.

Implementation of the above measure will avoid substantial adverse effects upon tree-nesting avian species and bats and will reduce potential impacts to these species to a level that is considered **less than significant with mitigation incorporated**.

**MITIGATION MEASURE CUL-1. (Cultural Resources):**

In the event that grading or other ground disturbance activities uncover any bones, pottery fragments or other potential cultural resources, the developer or their supervising contractor shall cease all work within 100 feet of the area of the find and notify the Community Development Department at 879-6800. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the developer to evaluate the significance of the find. Community Development Department staff shall notify the Mechoopda Indian Tribe of Chico Rancheria (Tribe), if the find is determined to be of pre-historic origin. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.

**MITIGATION MONITORING CUL-1:** Planning staff will verify that the above wording is included on construction plans. Should prehistoric, protohistoric, and/or historic cultural resources or tribal cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to Planning staff and contacting a professional archaeologist in consultation with Planning staff, to evaluate the find.

Implementation of the above measure, in conjunction with Mitigation Measure TRIBE-1, will avoid potential substantial adverse effects upon cultural resources, tribal cultural resources and paleontological resources, should any be unearthed during project development, and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

**MITIGATION MEASURE HAZ-1 (Hazards and Hazardous Materials):** Leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent environmental contamination, including contamination of waterways. All workers shall be properly trained in the prevention and clean-up of spills of contaminants. Protective measures shall include the following:

1. No discharge of pollutants from vehicle and equipment cleaning shall be allowed into any drainage ditches or watercourses.
2. Spill containment kits shall be properly maintained and located within the vicinity of all operations and fueling of equipment.

**MITIGATION MONITORING HAZ-1:** Planning staff will verify that the above wording is included on construction plans and the presence of spill containment kits shall be subject to periodic inspection.

Implementation of the above measure will avoid potential substantial adverse effects associated with accidental spills, should any occur during project development, and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

**MITIGATION TRIBE-1. (Tribal Cultural Resources):** Prior to the start of grading operations for the project the project developer or their representative shall provide reasonable notice and site access to the Mechoopda Indian Tribe of Chico Rancheria (Tribe) for a tribal monitor to be present during ground disturbing activities with the potential to encounter cultural resources of Native American origin or association. If archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, in coordination with the tribal monitor if prehistoric in nature, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the nature of the find, the archaeologist and tribal monitor (if a resource is prehistoric in age) may simply record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist determines the discovery to be potentially significant under CEQA or the tribal monitor identifies a potential Tribal Cultural Resource (TCR), additional efforts such as preparation of a treatment plan, testing,

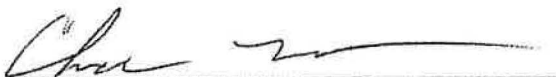
and/or data recovery may be warranted prior to allowing construction to proceed in this area. All management strategies recommended by the archaeologist and/or Tribe must be approved by the City of Chico Community Development Director. The developer shall then adhere to the management strategies approved by the City. Ground-disturbing activities may resume once the management strategies have been implemented to the satisfaction of the City's Community Development Director and the qualified archaeologist.

MITIGATION MONITORING TRIBE-1: Planning staff will verify that the above wording is included on construction plans. The developer agrees to notify and provide site access for monitors by the Tribe during grading operations.

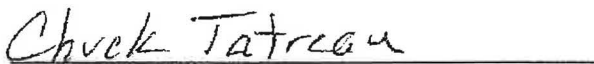
Implementation of the above measure, in conjunction with Mitigation Measure TRIBE-1, will avoid potential substantial adverse effects upon tribal cultural resources and will reduce potential impacts to these resources to a level that is considered **less than significant with mitigation incorporated**.

PROJECT APPLICANT'S INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for the Orchard Creek Estates (GPA 22-04, RZ 22-02, ANX 22-01a, and SUB 22-01), and the mitigation measures identified herein. As Applicant for the foregoing, I hereby modify the project on file with the City of Chico and agree to include and incorporate all mitigation set forth in this document.




Authorized Signature



Printed Name

Prepared by:



Mike Sawley, Principal Planner  
Environmental Program Manager  
Community Development Department

1/24/2024  
Date

Adopted via: Resolution No:

City of Chico City Council

Date