

Mitigation Monitoring Program  
(MMP)

for the Oak Valley Conceptual Master  
Plan and for the 43-acre Portion of the  
Subdivision  
(SCH #1998032048)

Prepared for:

The City of Chico

Prepared by:

EIP Associates

November 2004

**Mitigation Monitoring Program (MMP)**  
**for the**  
**Oak Valley Conceptual Master Plan and for the**  
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Sacramento, California

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## ***MITIGATION MONITORING PROGRAM***

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### **PURPOSE OF THIS DOCUMENT**

This Mitigation Monitoring Program (MMP) has been required by and prepared for the City of Chico Community Development Department, 411 Main Street, Chico, CA 95928, pursuant to CEQA Guidelines section 15097.

#### **Project Description**

Project Name: Oak Valley Conceptual Master Plan and 43-acre Portion of the Subdivision

City of Chico Contact Person: Patrick Murphy  
Community Development Department  
411 Main Street  
Chico, CA 95927  
(530)895-4752

Applicant: Fogarty Investments

Address: Jim Mann  
Rural Consulting Associates  
70 Independence Circle, Suite 101  
Chico, CA 95973

### **PROJECT DESCRIPTION**

#### **Background**

An Initial Study and Notice of Preparation (IS/NOP) for the 2000 DEIR was prepared and circulated on March 27, 1998. The 2000 DEIR evaluated five alternatives, including a no project alternative, a 43-acre subdivision alternative, a partial master plan alternative, a reduced density alternative, and an off-site alternative (see Section 6.0, Alternatives Analysis, of the 2000 DEIR). A Notice of Availability for the Recirculated DEIR was prepared and circulated on April 26, 2004.

The EIR is both a Project EIR and Program EIR, pursuant to Sections 15161 and 15168 of the CEQA Guidelines (see page 1-1 of the DEIR). A programmatic evaluation is provided for the Conceptual Master Plan. The tentative subdivision map identifies a 43-acre portion of the project site, which is evaluated at a project-specific level in the EIR.

## **Project Description**

The project area encompasses approximately 340 acres and is generally bounded by Bruce Road on the west, State Route 32 on the north, two PG&E 500 kilovolt (kV) transmission lines on the east and Humboldt Road on the south. The Conceptual Master Plan would include 230 acres of single and multi-family residential units, 87.5 acres designated as open space for resource protection and passive recreation use, and approximately 109,000 square feet of community commercial uses on 15 acres. The Master Plan would include a total of approximately 864 single-family units and 260 multi-family units. In addition, 200 very low density residential units would be developed using the clustered housing concept. Phase I of the Master Plan includes a 43-acre subdivision with a mix of low, medium and high density residential units and open space. The 43-acre portion of the site would include 138 parcels for a total of 87 low density single-family homes on 10 acres, 98 medium density duplex units on six acres, and 132 multi-family high density units on eight acres. Approximately eight acres would be designated for buffers, setbacks, and open space while the remaining 10 acres would be designated for road rights-of-way (see page 3-6 of the Recirculated DEIR for a description).

## **MITIGATION MONITORING PROGRAM**

### **Introduction**

This document provides the Migration Monitoring Program (MMP) for the Oak Valley Project Environmental Impact Report (EIR), pursuant to section 21080.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes to the project which it had adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring Program is required for the Proposed Project because the EIR has identified significant adverse impacts, and mitigation measures have been identified to mitigate those impacts.

The Proposed Project would be subject to all applicable mitigation measures identified in the EIR.

The numbering of the individual mitigation measures follows the numbering sequence in the EIR. Adoption of the MMP shall occur prior to, or concurrent with, adoption of the Proposed Project for which the program has been developed.

### **Purpose of the MMP**

The purposed of a MMP is to:

- ensure that mitigation measures are implemented;
- provide feedback to agency staff and decision makers about the effectiveness of the mitigation measures;
- provide adaptive management opportunities for improving mitigation measures on future projects; and
- identify the need for enforcement action before irreversible environmental damage occurs.

The components of the MMP are addressed briefly below.

Impacts and Mitigation Measures: The impacts and mitigation measures are taken verbatim from the EIR.

Monitoring and Reporting Procedure: For every mitigation measures, one or more actions are described. These are the heart of the MMP, as they delineate the means for implementing EIR measures and, in many cases, the criteria for determining whether a measure has been implemented.

Mitigation Timing: Each action must take place during or prior to some part of implementation of the Specific Plan or project development or approval. Generally, the timing of actions falls into one of the following categories:

- I Prior to approval of Improvement Plans
- B Prior to issuance of Building Permit
- G Prior to Grading Permit
- D During Grading Permit
- C During construction
- O Prior to the issuance of Occupancy Permit
- Q Prior to Final Map

Mitigation Responsibility: This column identifies the entity that will undertake the required action. Where actions apply to the entire project area, the project proponents are named. For specific projects, such as residential subdivisions and roadway improvements, the developers of each individual project are responsible for implementation. The contractor is named for actions occurring during grading or construction. On-site inspections will be performed by City staff.

Monitoring Party: The City of Chico will have ultimate and legal responsibility for implementation of all mitigation measures. This column indicated which office within the City (usually the Community Development Department or the City Engineer) will conduct the actual monitoring and reporting, as well as take corrective actions when a measure has not been properly implemented.

| <b>OAK VALLEY<br/>MITIGATION MONITORING PROGRAM</b>   |   |  |   |  |
|---|---|--|---|--|
| <b>Mitigation Measure</b>   | <b>Monitoring and Reporting Procedure</b>   | <b>Mitigation Timing</b>   | <b>Mitigation Responsibility</b>  | <b>Monitoring Party</b>  |
| <b>4.2 Land Use</b>   |   |  |   |  |
| 4.2-2 Prior to recordation of the Final Map(s), the Community Development Department shall review Design Standards provided by the applicant to ensure that building design will meet the following standards: <ul style="list-style-type: none"> <li>• buildings are oriented to the pedestrian and create positive transitions to the street (CD-G-57), and</li> <li>• small-lot design will be of high quality (CD-G-58). (43-acre portion of the subdivision and Conceptual Master Plan)</li> </ul> In addition, the Conceptual Master Plan must meet the following standard: <ul style="list-style-type: none"> <li>• neighborhoods and buildings are oriented to the street (CD-G-51) (Conceptual Master Plan)</li> </ul> | 1. Submit and comply with Design Standards, per Mitigation Measure 4.2-2.<br><br>2. Review Design Standards for compliance with Mitigation Measure 4.2-2.   | 1. Prior to recordation of the Final Map(s)<br><br>2. Prior to recordation of Final Map(s) | 1. Project Developer<br><br>2. City of Chico Community Development Department (CDD) | 1. City of Chico, CDD<br><br>2. City of Chico, CDD                                   |
| <b>4.3 Transportation and Circulation</b>   |   |  |   |  |
| 4.3-1(a) The project applicant shall install a traffic signal at 8th Street/Fir Street/S.R. 99 and in consultation with Caltrans or pay the fair share transportation impact fees if this improvement is added to the City's Capital Improvement Program (CIP). (Conceptual Master Plan)  | Pay development impact fees according to the provisions of the Capital Improvement Program.<br><br>If adequate fees are not available through the financing plan, the project developer shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-1. | Prior to issuance of building permit<br><br>Prior to occupancy                             | Project Developer<br><br>Project Developer  | City of Chico, Public Works Department<br><br>City of Chico, Public Works Department |
| 4.3-1(b) The project applicant shall install a traffic signal at Fir Street/East 9th Street and in consultation with Caltrans or pay the fair share transportation impact fees if this improvement is added to the City's CIP. (Conceptual Master Plan)   | Pay development impact fees according to the provisions of the Capital Improvement Program.<br><br>If adequate fees are not available through the financing plan, the project developer shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-1. | Prior to issuance of building permit<br><br>Prior to occupancy                             | Project Developer<br><br>Project Developer  | City of Chico, Public Works Department<br><br>City of Chico, Public Works Department |

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| 4.3-2 (a) The project applicant shall provide a traffic signal at the intersection of Highway 32/Yosemite Drive and the primary project access. The project applicant shall ensure the placement of an eastbound right turn deceleration lane on Highway 32 with a minimum storage capacity of 200 feet and appropriate taper indicated by Caltrans design standards. A westbound left turn lane with 50 feet of storage and eastbound left turn lane with 250 feet of storage and appropriate transition indicated by Caltrans design standards must also be provided by the project applicant on Highway 32 at the intersection of Yosemite Drive. (43-Acre portion of the Subdivision and Conceptual Master Plan) | The applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-2(a).  | Prior to occupancy                   | Project Developer                | City of Chico, Public Works Department |
| 4.3-2 (b) The project applicant shall ensure that the placement of the secondary access points on Highway 32, east of the primary access near Yosemite Drive, be limited to right turns in and right turns out only. This may include an on-site channelization island. An acceleration and deceleration taper must also be provided on the eastern access. (Conceptual Master Plan)   | The applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-2(b).  | Prior to occupancy                   | Project Developer                | City of Chico, Public Works Department |
| 4.3-2(c) The project applicant shall provide a left turn lane on Bruce Road at the entrance to the community commercial. Left turn movements out of the access shall be prohibited. (Conceptual Master Plan)   | The applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-2(c).  | Prior to occupancy                   | Project Developer                | City of Chico, Public Works Department |
| 4.3-3(a) Humboldt Road shall be de-emphasized as a project access component by providing a narrow street width, bike lanes or paths, and limited access to residential development within the project site, especially east of Potter Road. (Conceptual Master Plan)   | Pay development fees according to the provisions of the Capital Improvement Plan.   | Prior to issuance of building permit | Project Developer                | City of Chico, Public Works Department |
|  | If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-3(a). | Prior to occupancy                   | Project Developer                | City of Chico, Public Works Department |
| 4.3-3(b) A series of pedestrian and bicycle recreational trails shall be provided which connect residential development with the Humboldt Road corridor. (Conceptual Master Plan)  | Pay development fees according to the provisions of the Capital Improvement Plan.   | Prior to issuance of building permit | Project Developer                | City of Chico, Public Works Department |

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|  | If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-3(b).  | Prior to occupancy   | Project Developer                          | City of Chico, Public Works Department   |
| 4.3-4 (a) The project applicant shall install traffic signals, including separate left turn pockets on all four approaches to the intersection of Bruce Road and Humboldt Road. (43-acre portion of the Subdivision and Conceptual Master Plan)  | Pay development impact fees according to the provisions of the Capital Improvement Program.<br><br>If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-4(a). | Prior to issuance of building permit<br><br>Prior to occupancy | Project Developer<br><br>Project Developer | City of Chico, Public Works Department<br><br>City of Chico, Public Works Department |
| 4.3-4(b) The project applicant shall build improvements or, if these projects are included in the City's CIP, provide fair share funding for separate right turn lanes in the northbound and westbound directions and a right turn overlap phase for the southbound right-turn at the intersection of Highway 32 and Bruce Road. (43-Acre Subdivision) | Pay development impact fees according to the provisions of the Capital Improvement Program.<br><br>If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-4(b). | Prior to issuance of building permit<br><br>Prior to occupancy | Project Developer<br><br>Project Developer | City of Chico, Public Works Department<br><br>City of Chico, Public Works Department |



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| 4.3-4(c) The project applicant shall build improvements or if these projects are included in the City’s CIP, provide fair share funding for the following lane improvements at the intersection of Highway 32 and Forest Avenue: <ul style="list-style-type: none"> <li>• The northbound approach shall be widened from one lane to two left turn lanes, one through and one right turn lane.</li> <li>• The southbound approach shall be widened to include two lanes.</li> <li>• The eastbound and westbound approaches should be widened to include an additional through lane. (Highway 32 currently transitions from four to two lanes, east of Fir Street. This mitigation would require that the four-lane section be extended to east of Forest Avenue). (43-Acre Subdivision)</li> </ul> | Pay development impact fees according to the provisions of the Capital Improvement Program.   | Prior to issuance of building permit | Project Developer                | City of Chico, Public Works Department |
|   | If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-4(c). | Prior to occupancy                   | Project Developer                | City of Chico, Public Works Department |
| 4.3-4(d) Implement Mitigation Measure 4.3-1 (a); and <ul style="list-style-type: none"> <li>• The southbound approach at the 8<sup>th</sup> Street/Fir Street/SR 99 intersection shall be widened to include a right turn lane and a through/right turn lane. (43-Acre portion of the Subdivision)</li> </ul>   | Pay development impact fees according to the provisions of the Capital Improvement Program.   | Prior to issuance of building permit | Project Developer                | City of Chico, Public Works Department |
|   | If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-4(d). | Prior to occupancy                   | Project Developer                | City of Chico, Public Works Department |
| 4.3-4(e) Implement Mitigation Measure 4.3-1 (b). (43-Acre portion of the Subdivision)   | See 4.3-1(b).   | See 4.3-1(b)                         | See 4.3-1(b)                     | See 4.3-1(b)                           |
| 4.3-4(f) The project applicant shall provide a traffic signal at the intersection of Highway 32/Yosemite Drive and the primary project access at the time warrants are met. The project applicant shall ensure the placement of an eastbound right turn deceleration lane on Highway 32 with a minimum storage capacity of 200 feet and appropriate taper indicated by Caltrans design standards. A westbound left turn lane with 50 feet of storage and eastbound left turn lane with 250 feet of storage and appropriate transition indicated by Caltrans design standards must also be provided by the project applicant. (43-Acre portion of the Subdivision and Conceptual Master Plan)  | Pay development impact fees according to the provisions of the Capital Improvement Program.   | Prior to issuance of building permit | Project Developer                | City of Chico, Public Works Department |
|   | If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-4(f). | Prior to occupancy                   | Project Developer                | City of Chico, Public Works Department |

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| 4.3-4(g) At the intersection of Bruce Road and the project access, restrict left turn movements from the project access. All other movements including inbound left turns could be allowed while maintaining acceptable traffic conditions with free flow operations for traffic on Bruce Road. Provide a southbound left turn lane and a northbound right turn lane on Bruce Road. (Conceptual Master Plan) | Pay development impact fees according to the provisions of the Capital Improvement Program.   | Prior to issuance of building permit         | Project Developer                | City of Chico, Public Works Department |
|  | If adequate fees are not available through the financing plan, the applicant shall design and construct all of the infrastructure and improvements specified for Mitigation Measure 4.3-4(g). | Prior to occupancy                           | Project Developer                | City of Chico, Public Works Department |
| 4.3-5 Implement Mitigation Measure 4.3-3(a) and 4.3-3(b)   | See 4.3-3   | See 4.3-3                                    | See 4.3-3                        | See 4.3-3                              |
| <b>4.4 Air Quality</b>   |   |  |                                  |  |
| 4.4-1(a) In accordance with Rule 207, apply nontoxic soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas). (Conceptual Master Plan and 43-Acre portion of the subdivision)  | Submit construction-related air quality mitigation plan, including provisions of Mitigation Measure 4.4-1(a) through (h), to the satisfaction of the City.                                    | Grading and Building permit                  | Project Developer                | City of Chico, CDD                     |
| 4.4-1(b) Provide temporary traffic control (e.g., flag person) as appropriate during all phases of construction to improve traffic flow. (Conceptual Master Plan and 43-Acre portion of the subdivision)   | Conduct preliminary pre-construction site visit to verify compliance with the Air Quality mitigation plan.  | Periodically during grading and construction | City of Chico, CDD               | City of Chico, CDD                     |
| 4.4-1(c) Schedule construction activities that affect traffic flow for off-peak hours. (Conceptual Master Plan and 43-Acre portion of the subdivision)   |   |  |                                  |  |
| 4.4-1(d) Sweep streets at the end of the day if visible soil materials are carried onto adjacent public paved roads. (Conceptual Master Plan and 43-Acre portion of the subdivision)   |   |  |                                  |  |
| 4.4-1(e) Properly maintain equipment and do not allow construction equipment to be left idling for long periods during smog seasons (May through October). (Conceptual Master Plan and 43-Acre portion of the subdivision)   |   |  |                                  |  |
| 4.4-1(f) Use low VOC asphalt, if available and feasible. (Conceptual Master Plan and 43-Acre portion of the subdivision)   |   |  |                                  |  |

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| 4.4-1(g) All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 15 mph averaged over 1 hour. (Conceptual Master Plan and 43-Acre portion of the subdivision)                                   |   |  |   |  |
| 4.4-1(h) All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust. (Conceptual Master Plan and 43-Acre portion of the subdivision)                           |   |  |   |  |
| 4.4-2(a) Install a natural gas hook up in proposed fireplaces; or<br><br>Limit the number of woodburning devices on the average to one per dwelling unit;   | 1. Verify that building plans include specifications identified in Mitigation Measure 4.4-2(a) through (d).<br><br>2. Conduct preliminary pre-construction site visit to verify that plans comply with Mitigation Measure 4.4-2(a) through (h). | 1. Prior to issuance of building permit<br><br>2. Prior to issuance of building permit | 1. Project Developer<br><br>2. City of Chico, CDD | 1. City of Chico, CDD<br><br>2. City of Chico, CDD |
| 4.4-2(b) In accordance with the Chico General Plan policy OS-I-13, install low-NO <sub>x</sub> water heaters;   |   |  |   |  |
| 4.4-2(c) In accordance with Chico General Plan policy OS-I-11, require all wood burning devices installed in any residence to be U.S. EPA Phase-II certified or meet U.S. EPA standards applicable at the time of project approval; |   |  |   |  |
| 4.4-2(d) Install electrical outlets at the front and back of all residential units for electrical yard equipment. (Conceptual Master Plan and 43-Acre portion of the subdivision)   |   |  |   |  |
| 4.4-3(a) Provide pedestrian access between bus service and major transportation points within the project. (Conceptual Master Plan and 43-acre portion of the subdivision)  | Verify that street improvement plans include specifications identified in Mitigation Measure 4.4-3(a).  | Prior to issuance of building permit.  | Project Developer                                 | City of Chico, CDD                                 |
| 4.4-3(b) Implement Mitigation Measures 4.4-1 and 4.4-2.   | See 4.4-1 and 4.4-2   | See 4.4-1 and 4.4-2  | See 4.4-1 and 4.4-2                               | See 4.4-1 and 4.4-2.                               |

| <b>OAK VALLEY<br/>MITIGATION MONITORING PROGRAM</b>   |   |   |                                  |  |
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| <b>4.5 Noise</b>  |   |   |                                  |  |
| 4.5-2(a) Residential uses constructed on the project site shall be located outside of the 60 dB L <sub>dn</sub> traffic noise contours shown in Table 4.5-4.<br><br>OR  | Verify that residential buildings are outside of the 60 dB L <sub>dn</sub> traffic noise contours.  | Prior to issuance of building permit    | Project Developer                | City of Chico, CDD                     |
| 4.5-2(b) The project applicant shall demonstrate that a combination of setbacks, topography, and noise barriers has been designed to reduce noise levels at all residential parcels to a state of compliance with City of Chico exterior noise level standards. Barriers could take the form of solid walls, earth berms, or a combination of the two. A detailed analysis of site grading would be required to develop specific barrier height and location recommendations for this project, and the use of barriers for this project may conflict with the City's design criteria. | Verify that building plans include specifications identified in Mitigation Measure 4.5-2.   | Prior to issuance of building permit    | Project Developer                | City of Chico, CDD                     |
| 4.5-4 Implement Mitigation Measure 4.5-2 using the cumulative plus Conceptual Master Plan column in Table 4.5-4.  | See Mitigation Measure 4.5-2 and Table 4.5-4  |   |                                  |  |
| <b>4.6 Public Services and Utilities</b>  |   |   |                                  |  |
| 4.6-2(a) The project applicant shall obtain a fire-flow analysis to determine if fire flows to the project site are adequate. If fire flows are not adequate, the applicant shall install, or provide funds for, a well and pump and/or an above ground welded steel storage tank.  | 1. Obtain fire-flow analysis.   | 1. Prior to issuance of building permit | 1. Project Developer             | 1. City of Chico, CDD                  |
| 4.6-2(b) The project applicant shall be obligated through project approval conditions to fund and install the infrastructure required to provide for water needs and fire flow requirements for each development implemented under the project. (Conceptual Master Plan and 43-Acre Subdivision)  | 2. If necessary, provide funds for, or install a well and pump and/or an above-ground welded steel storage tank to provide adequate fire-flow to the project. | 2. Prior to issuance of building permit | 2. Project Developer             | 2. City of Chico, CDD                  |
| <b>4.7 Hydrology and Drainage</b>   |   |   |                                  |  |
| 4.7-1 Prior to approval of any improvement plans for the Conceptual Master Plan, applicants shall submit and obtain approval of final drainage plans from the City of Chico Public Works Director. Final drainage plans shall demonstrate that post-development surface drainage peak flows shall be reduced to pre-development conditions. The drainage plan shall be  | Submit and obtain approval of final drainage plans, per Mitigation Measure 4.7-1.   | Prior to approval of each tentative map | Project Developer                | City of Chico, Public Works Department |

| <b>OAK VALLEY<br/>MITIGATION MONITORING PROGRAM</b> |   |   |  |                         |   |
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| 4.7-2   | Implement Mitigation Measure 4.7-1.   | See Mitigation Measure 4.7-1  |  |                         |   |
| <b>4.8 Biological Resources</b>                     |   |   |  |                         |   |
| 4.8-1(a)  | Project design shall avoid oak trees and riparian habitat to the maximum extent feasible. In particular, the alignment of stream crossings shall be designed to avoid trees within the riparian habitat along the south branch of Dead Horse Slough. All individual trees and groups of trees shall be clearly marked for avoidance in the field and on construction plans. (Conceptual Master Plan).   | Verify project design preserves existing trees, to the extent feasible, and avoids trees in the riparian habitat along the south branch of Dead Horse Slough. | Prior to grading permit                              | Project Developer       | City of Chico, CDD, Public Works Department |
| 4.8-1(b)  | When tree removal is necessary, the project applicant shall implement a tree planting restoration program that will plant two trees for every one tree removed which has a dbh of at least six inches. Plantings shall occur on-site in areas that are designated as open space or preserve areas. (Conceptual Master Plan).  | Prepare and implement tree planting restoration program per Mitigation Measure 4.8-1(b).  | Prior to grading permit                              | Project Developer       | City of Chico, CDD                          |
| 4.8-2   | To protect any active raptor nest sites, the project applicant shall conduct a raptor survey during the nesting season (March through July). A qualified biologist shall assess the nesting activity on the project site. If active nests are located on-site, no construction activities shall be allowed within 250 feet of the nest until the young have fledged. If construction activities are planned during the non-breeding period (August through February), a raptor nest survey is not necessary. (Conceptual Master Plan) | Conduct survey and document findings. If necessary, modify project schedule to accommodate active raptor nests. Verify that identified young have fledged.    | March through July, prior to construction activities | Project Developer       | City of Chico, Public Works Department      |
| 4.8-3(a)  | The project applicant shall avoid to the maximum extent feasible, vernal pools, seasonal wetlands and other waters of the United States, as shown in Figure 4.8-2 and in Figure 3-2. (43-acre portion of the Subdivision and Conceptual Master Plan).   | Demonstrate that wetlands have been avoided to extent feasible, to satisfaction of City.  | Prior to issuance of grading permit                  | Project Developer       | City of Chico, Public Works Department      |

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| 4.8-3(b) For waters of the United States that will be filled, the project applicant shall ensure that no net loss of wetlands occurs. Measures to achieve no net loss may include preservation, creation on-site or offsite, and/or purchase of credits in an approved mitigation bank. This measure may be implemented by first demonstrating that no alternative to the project, which avoids fill of jurisdictional waters while meeting the purpose and need of the project, can be feasibly implemented (Clean Water Act Section 404(b)(1). This measure may be further implemented by obtaining a Clean Water Act Section 404 permit from the Corps and conducting all measures required as provisions of the permit. (Conceptual Master Plan)   | Secure appropriate federal permit   | Prior to approval of each tentative map | Project Developer                | City of Chico, Public Works Department |
| 4.8-3(c) The project applicant shall obtain a Streambed Alteration Agreement for all stream crossings, and comply with the terms of those agreements. (43-acre Subdivision and Conceptual Master Plan)   | Secure appropriate federal permit   | Prior to approval of each tentative map | Project Developer                | City of Chico, Public Works Department |
| 4.8-4(a) The project applicant shall complete the USFWS's two-year survey protocol for federally-listed vernal pool crustaceans or the applicant may assume federally-listed vernal pool crustaceans are present and comply with Mitigation Measure 4.8-4(c) below. If an absence finding is determined and accepted by the USFWS, then no further mitigation shall be required for federally-listed vernal pool crustaceans. (Conceptual Master Plan)   | Complete the USFWS two-year survey for federally-listed vernal pool crustaceans.  | Prior to building permit                | Project Developer                | City of Chico, Public Works Department |
| 4.8-4(b) Implement Mitigation Measures 4.8-3(a) and (b).   | See Mitigation Measures 4.8-3 (a) and (b)   |   |                                  |  |
| 4.8-4(c) If federally-listed vernal pool crustaceans are found to be present within vernal pools affected by the Project, the project applicant shall provide for no net loss of habitat value. Measures to ensure no net loss may include on-site or off-site creation and/or preservation of vernal pool crustacean habitat at ratios ranging from 2:1 to 5:1, depending on the affected habitat and where creation or preservation occurs. Mitigation could also involve the purchase of mitigation credit through an accredited mitigation bank. This mitigation may be implemented through the USFWS requirements of the Programmatic Biological Opinion on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans Within the Jurisdiction of the Sacramento Field Office, California. (Conceptual Master Plan) | Document mitigation on vernal pools as required, including preservation of habitat in appropriate ratios, as necessary. Or, document rationale for purchase of mitigation credits in lieu of mitigation plan for project impacts. | Prior to construction                   | Project Developer                | City of Chico, Public Works Department |

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|---|--|--|---|--|
| <b>Mitigation Measure</b>   | <b>Monitoring and Reporting Procedure</b>  | <b>Mitigation Timing</b>   | <b>Mitigation Responsibility</b>                  | <b>Monitoring Party</b>  |
| 4.8-5(a) Prior to development of areas that support vernal pools and seasonal wetlands (shown in Figure 4.8-2), the project applicant shall conduct surveys to identify and delineate any special-status plant species populations within the designated development areas, proposed stream crossings, and heavy equipment staging areas. (Conceptual Master Plan)  | Prepare and review surveys for significant impact to any special-status plant species.   | Prior to building permits  | Project Developer                                 | City of Chico, Public Works Department   |
| 4.8-5(b) Vernal pools and wetlands that are to be retained shall be clearly marked with highly visible fencing to protect and delineate the special-status plant population(s). The fenced area shall be free of parking, material storage, vehicular access, etc. (Conceptual Master Plan)   | Identify area to be retained per Mitigation Measure 4.8-5(b).<br><br>Conduct preliminary pre-construction site visit to verify compliance with Mitigation Measure 4.8-5.           | Prior to construction<br><br>Periodically during grading and construction  | Project Developer<br><br>City of Chico, CDD       | City of Chico, Public Works Department<br><br>City of Chico, Public Works Department |
| 4.8-5(c) For vernal pools and wetland areas that are to be filled or disturbed pursuant to California Fish and Game Code Chapter 10. Native Plant Protection, §1913 paragraph (c), the applicant shall notify the California Department of Fish and Game at least ten (10) days in advance of ground disturbing activities to allow for salvage of special-status plant species. (Conceptual Master Plan) | Document that California Department of Fish and Game has been notified, per the California Fish and Game Code.   | At least ten days prior to first ground disturbing activities              | Project Developer                                 | City of Chico, Public Works Department   |
| 4.8-5(d) Require replacement wetland construction.  |  |  |   |  |
| 4.8-5(e) Comply with Mitigation Measure 4.8-4(c).   | See Mitigation Measure 4.8-4 (c)   |  |   |  |
| 4.8-6(a) The project applicant shall ensure through surveys conducted by a qualified biologist and protective fencing if applicable, that direct and indirect disturbance (such as trenching or placement of fill within the dripline) of all elderberry shrubs is avoided. (Conceptual Master Plan)  | 1. Conduct VELB habitat survey and document findings. Avoid and protect habitat where feasible.<br><br>2. Conduct site visits to monitor compliance with Mitigation Measure 4.8-6. | 1. Prior to grading<br><br>2. Periodically during grading and construction | 1. Project Developer<br><br>2. City of Chico, CDD | 1. City of Chico, CDD<br><br>2. City of Chico, CDD                                   |

| <b>OAK VALLEY<br/>MITIGATION MONITORING PROGRAM</b>  |   |                                      |                                  |                         |
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| 4.8-6(b) Should elderberry shrubs be affected by the Project, the project applicant shall obtain the necessary authorization/permit from the USFWS for take of the species and develop and implement an on-site VELB mitigation plan in accordance with the most current USFWS guidelines to compensate for the loss of VELB habitat. The applicant shall ensure no net loss of VELB habitat. The mitigation plan may include relocation of elderberry shrubs, planting of elderberry shrubs, and monitoring of relocated and planted elderberry shrubs, or purchase of credits in an approved VELB habitat bank. (Conceptual Master Plan) | 3. If avoidance is infeasible, develop and implement a mitigation plan. Verify habitat protection standards. Implement mitigation plan as recommended by U.S. Fish and Wildlife Service for unavoidable “taking,” including mandatory relocation, planting and monitoring of elderberry plants. | 3. Prior to grading                  | 3. Project Developer             | 3. City of Chico, CDD   |
| 4.8-7 Implement Mitigation Measures 4.8-1 through 4.8-6.   | See Mitigation Measures 4.8-1 through 4.8-6   |                                      |                                  |                         |
| <b>4.9 Aesthetics and Visual Resources</b>   |   |                                      |                                  |                         |
| 4.9-1 Development of both the Conceptual Master Plan and the 43-acre portion of the Subdivision shall be consistent with the City’s adopted development standards and the Foothill Design Criteria for project areas which are at the 250-foot and above elevation line. Development of both the Conceptual Master Plan and the 43-acre portion of the subdivision shall also be consistent with City of Chico lighting standards and the City’s architectural review process for commercial development. (Conceptual Master Plan and 43-Acre portion of the subdivision).   | Submit design plans demonstrating compliance with Mitigation Measure 4.9-1.   | Prior to approval of building permit | Project Developer                | City of Chico, CDD      |
| 4.9-2 Implement Mitigation Measure 4.9-1.  | See Mitigation Measure 4.9-1  |                                      |                                  |                         |
| 4.9-3 Implement Mitigation Measure 4.9-1.  | See Mitigation Measure 4.9-1  |                                      |                                  |                         |
| 4.9-4 Implement Mitigation Measure 4.9-1. (Conceptual Master Plan and 43-Acre portion of the Subdivision)  | See Mitigation Measure 4.9-1  |                                      |                                  |                         |
| <b>4.10 Hazards and Human Health</b>   |   |                                      |                                  |                         |



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| 4.10-1(a) No grading permit or building permit shall be issued until after: (1) the locations to be developed, which are part of this Project, that are included in the RWQCB Cleanup and Abatement Order #R5-2003-0707, are remediated in accordance with a RWQCB-approved Remedial Action Plan; and (2) remediated locations have received regulatory closure from the agency with jurisdiction over the cleanup. (43-acre portion of the Subdivision and Conceptual Master Plan) | Demonstrate that areas to be developed are mediated to protective levels.   | Prior to issuance of grading permit.   | City of Chico, Public Works Department  | City of Chico, Public Works Dept.  |
| 4.10-1(b) Where required by OSHA, a site health and safety plan that meets applicable OSHA requirements shall be prepared and in place prior to commencing work on any locations where the need for risk management measures has been identified. (43-Acre Portion of the Subdivision and Conceptual Master Plan)   | <ol style="list-style-type: none"> <li>1. Submit a Risk Management Plan, per Mitigation Measure 4.10-1.</li> <li>2. Conduct site visits to monitor compliance with Mitigation Measure 4.10-1(b).</li> </ol> | <ol style="list-style-type: none"> <li>1. Prior to issuance of grading permit</li> <li>2. Periodically during grading and construction.</li> </ol> | <ol style="list-style-type: none"> <li>1. Project Developer</li> <li>2. City of Chico, Public Works Department</li> </ol> | <ol style="list-style-type: none"> <li>1. City of Chico, Public Works Dept.</li> <li>2. City of Chico, Public Works Dept.</li> </ol> |
| 4.10-1(c) Near-term or interim infrastructure development activities (e.g., the westerly temporary access road) shall only be allowed when it can be demonstrated that construction and use of such features that would cross any property listed in the Cleanup and Abatement Order #R5-2003-0707 would not result in an increased risk of adverse affects on human health and the environment. (43-Acre Portion of the Subdivision and Conceptual Master Plan)                    | Demonstrate that areas to be developed are remediated to protective levels.   | Prior to issuance of grading permit  | Project Developer   | City of Chico, Public Works Department   |
| 4.10-3(a) Project developers and their contractors shall coordinate with the City, RWQCB, DTSC, and other involved agencies, as appropriate, to assure that project construction shall not interfere with any adjacent and/or on-site remediation activities or unduly delay either project development or site remediation. (43-Acre Portion of the Subdivision and Conceptual Master Plan)  | Conduct site inspections to verify compliance with Mitigation Measure 4.10-3.   | Periodically during grading and construction   | City of Chico, Public Works Department  | City of Chico, Public Works Department   |
| 4.10-3(b) The Project developers shall comply with all applicable site controls established for HRBD site remediation activities and shall ensure that project construction does not prevent such compliance. (43-Acre Portion of the Subdivision and Conceptual Master Plan)   |   |  |   |  |

| <b>OAK VALLEY<br/>MITIGATION MONITORING PROGRAM</b>  |   |  |  |   |
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| <b>Mitigation Measure</b>  | <b>Monitoring and Reporting Procedure</b>   | <b>Mitigation Timing</b>   | <b>Mitigation Responsibility</b>                                     | <b>Monitoring Party</b>                                   |
| <b>Mitigation Measures in the Initial Study</b>  |   |  |  |   |
| <u>Mitigation Measure 1</u>  |   |  |  |   |
| <p>(a) Prior to final map approval, the project applicant shall consult with the Chico Fire Department and prepare a wildland fire safety plan that includes standards for development, including use of fire-resistant building and roofing materials, fire resistant buffers around all structures, and fire-resistant landscaping.</p> <p>(b) Prior to recordation of a final map/final discretionary permit approval, a twenty-foot fire break/non-combustible landscape easement shall be incorporated into the project design in areas directly adjacent to wildland fire areas. The landscape plantings and location of the easement shall be referred to the Chico Fire Department for their recommendations and shall be subject to approval by the City Planning Director.</p> | <p>1. Submit a wildland fire safety plan, per Initial Study Mitigation Measure 1.</p> <p>2. Conduct site visit to monitor compliance with Mitigation Measure 1.</p> | <p>1. Prior to final map approval</p> <p>2. After construction</p> | <p>1. Project Developer</p> <p>2. City of Chico, Fire Department</p> | <p>1. City of Chico, CDD</p> <p>2. City of Chico, CDD</p> |
| <u>Mitigation Measure 2</u>  |   |  |  |   |
| <p>Prior to the filing for record of any subsequent maps, the applicant shall provide verification by a qualified archaeologist that site CPS 3, as identified in the Jensen &amp; Associates survey dated November 29,1994, has been dedicated as an archaeological preserve. The dedicated areas shall be contiguous with other open space portions of the site to avoid easy identification and potential vandalism of the sites.</p>   | <p>Verify that site CPS 3 has been dedicated as an archaeological preserve through a site visit.</p>  | <p>Prior to subsequent map approvals</p>                           | <p>Project Applicant</p>   | <p>City of Chico, CDD</p>                                 |

| <b>OAK VALLEY<br/>MITIGATION MONITORING PROGRAM</b>   |   |   |  |  |
|---|---|---|--|--|
| <b>Mitigation Measure</b>   | <b>Monitoring and Reporting Procedure</b>   | <b>Mitigation Timing</b>  | <b>Mitigation Responsibility</b>   | <b>Monitoring Party</b>  |
| <p><u>Mitigation Measure 3</u></p> <p>The project applicant shall inform the contractor(s) selected for the project of the potential presence of subsurface artifacts or human remain, including artifacts or non-native stone (obsidian, fine-grained silicates, basalt), unusual amounts of bone or shell, areas that contain dark-colored sediment that do not appear to have been created through natural processes. In the event of the discovery of any buried archeological or paleontological deposits, construction activities in the vicinity of the find shall be temporarily halted. The City of Chico Community Development Department shall be immediately notified and a qualified archeologist shall be consulted to assess the resource and provide proper management recommendations. Possible management recommendations for important resources could include resource avoidance or data recovery excavations. In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, if any bone is discovered that appears to be human, the Butte County Coroner shall be notified. In the event the bone most likely represents a Native American internment, the Native American Heritage Commission shall be notified so the most likely descendants can be identified.</p> | <ol style="list-style-type: none"> <li>1. Prepare information packet for distribution to construction teams working in archaeologically sensitive areas.</li> <br/> <li>2. In the event that subsurface archaeological or historical artifacts are discovered on a project site, stop all work in the vicinity of the find and consult with a qualified archaeologist and a representative of the Native American Heritage Commission.</li> </ol> | <ol style="list-style-type: none"> <li>1. Prior to issuance of grading permits</li> <br/> <li>2. During grading and construction</li> </ol> | <ol style="list-style-type: none"> <li>1. Project Applicant</li> <br/> <li>2. Project Developer</li> </ol> | <ol style="list-style-type: none"> <li>1. City of Chico, CDD</li> <br/> <li>2. City of Chico, CDD</li> </ol> |
| <p><u>Mitigation Measure 4</u></p> <p>The proposed project shall dedicate parkland equivalent to 3.5-acres for the 43-acre subdivision and a total of 15.5-acres for the full Conceptual Master Plan, or pay in lieu fees to the City for the parks requirement.</p>  | <p>Submit and comply with design plans per Mitigation Measure 4.</p>  | <p>Prior to approval of final project design</p>  | <p>Project Developer</p>   | <p>City of Chico, CDD</p>  |