

PLANNING COMMISSION RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLUSA
RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING PROGRAM FOR THE COLUSA RIVERBEND
ESTATES PROJECT**

WHEREAS, the City of Colusa (“City”) certified the Final Master Environmental Impact Report (“FMEIR”) for the City of Colusa General Plan on October 30, 2007 pursuant to Public Resources Code section 21157 and California Code of Regulations, Title 14, Section 15000, *et seq.* (“CEQA Guidelines”), sections 15175 and 15176; and

WHEREAS, the Colusa Riverbend Estates Project (“Project”) is an 84.7 acre planned development that would create 271 single-family dwellings, 105 multi-family units, as well as streets, open space, parks, utility and drainage basin facilities; and

WHEREAS, the Project was analyzed as a subsequent project in the Draft Master Environmental Impact Report (“DMEIR”) for the City of Colusa General Plan and FMEIR consistent with Public Resources Code sections 21157.1 and 21157.5 and CEQA Guidelines sections 15177 and 15178; and

WHEREAS, the City prepared an Initial Study and Mitigated Negative Declaration (“IS/MND”) for the Project in October of 2008; and

WHEREAS, the IS/MND documents were circulated to the public, local and state agencies, and other interested parties in January of 2009 in order to solicit comments on the Project.

WHEREAS, the City received, reviewed and carefully considered all written comments submitted in connection with the IS/MND for the Project and the concerns raised therein were considered; and

WHEREAS, the Project was subsequently modified and further environmental studies were conducted in order to address the concerns raised; and

WHEREAS, in compliance with CEQA Guidelines section 15070, the City prepared a revised Initial Study and Mitigated Negative Declaration (“MND”) dated April 23, 2010, attached as **Exhibit A**, and incorporated herein by reference, identifying mitigations that would avoid or mitigate the potential environmental effects of the Project to a point where clearly no significant effects would occur, as more fully set forth in **Exhibit B**, attached hereto and incorporated herein by reference; and

WHEREAS, the IS/MND incorporated mitigation measures in addition to the Project mitigation measures already prescribed in the DMEIR; and

WHEREAS, the notice of intent (“NOI”) to adopt a mitigated negative declaration was provided to the public by publication, and IS/MND documents were again circulated to the public, local and state agencies, and other interested parties, from April 26, 2010 to June 1, 2010, in order to solicit comments on the Project as modified; and

WHEREAS, the City received written comments on the draft MND for the Project; and although not required by CEQA, the City prepared written responses to all comments in a Responses to Comments document dated November 10, 2011 attached as **Exhibit C** and incorporated herein by reference; and

WHEREAS, the responses provide the City’s good faith, reasoned analysis of the environmental issues raised by the Comments; and

WHEREAS, a staff report, dated November 8, 2011 and incorporated herein by reference, described and analyzed the draft Mitigated Negative Declaration, including comments and responses, for the Planning Commission; and

WHEREAS, the Planning Commission reviewed the staff report, the draft Mitigated Negative Declaration, and related comments and responses, at a duly noticed public hearing on the IS/MND for the Project on November 16, 2011, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the MND, including comments and responses, reflects the City’s independent judgment and analysis on the potential for environmental impacts from the Riverbend Estates project; and

WHEREAS, consistent with CEQA section 21081.6 and CEQA Guidelines section 15074, the City has prepared a Mitigation Monitoring Program, attached as **Exhibit D** and incorporated herein by reference, designed to ensure compliance with the adopted mitigation measures during implementation of the Project; and

WHEREAS, the documents, including data and all other materials, such as scientific reports, analyses, studies, and evaluations that constitute the record of proceedings on which this decision is based have been considered by and are available to the Senior Planner, City of Colusa.

NOW, THEREFORE, the Planning Commission for the City of Colusa hereby resolves as follows:

SECTION 1. RECITALS.

The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. RECOMMENDATION.

The Planning Commission recommends that the City Council for the City of Colusa adopt the attached Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Riverbend Estates Project, based the on the foregoing findings and the following basis:

1. The IS/MND for the Colusa Riverbend Project was completed in compliance with CEQA (Pub. Res. Code §§ 21000 *et seq*; CEQA Guidelines §§ 15000 *et seq.*);
2. The IS/MND and all analyses, studies, and other documents associated therewith were presented to the Planning Commission and the Planning Commission reviewed and considered the information contained therein;
3. The IS/MND reflects the City of Colusa’s independent judgment and analysis of the potential environmental effects of the Riverbend Estates Project; and
4. On the basis of the whole record before the Planning Commission, including the initial study, there is no substantial evidence that the Project may have a significant effect on the environment.

Adopted this _____ day of _____, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Chair

Attest:

Bryan Stice, Commission Secretary

Exhibits:

- A: Initial Study and Mitigated Negative Declaration
- B: Environmental Checklist and Findings
- C: Responses to Comments
- D: Mitigation Monitoring Program

Exhibit B:

ENVIRONMENTAL CHECKLIST AND FINDINGS

The City Council finds that the IS/MND identifies, and discloses, the following less than significant impacts.

AESTHETICS

Impact I(a) Would the Project have a substantial adverse affect on a scenic vista?

Impact I(b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Impact I(c) Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?

Impact I(d) Would the Project create a new source of substantial glare which would adversely affect day or nighttime views in the area?

Facts The land on which the Project will be situated is level and is presently utilized for row crop farming. No rock outcroppings, stands of trees, historical buildings, or scenic highways (MDEIR at 4.10-4) are present at the Project site. The Project is a residential development and thus, the structures comprising it will be single family and multifamily residences that will not obstruct the horizon as would a commercial office building or complex. The Project will not obstruct views of the Sacramento River. (DMEIR at 4.10-1.) The currently existing levee-top view of the River would not be altered by the Project. The Project will not result in the loss of the existing orchard views located near the Project. The Project is a residential development which will be situated directly adjacent to existing residential development (located along the west side of the Project). The Project will be constructed in a grid-like pattern (Staff Report at p. 4) consistent with the current gridded development of the City overall. (DMEIR at 4.10-1.) The Project will comply with the Community Character Design Process. (See DMEIR at 4.10-5 to 4.10-8.) Specifically, the Project will implement the Riverbend General Development Plan (“GDP”) approved herewith, which mandates that residences be constructed such that their character is consistent with the overall character of the City. (GDP at 3-1.) The GDP also implements landscaping requirements in order to enhance the visual character of the site which will be contextual with the Sacramento Riparian corridor. (GDP at 3- 19.) The Project is a residential development and, as such, will not utilize reflective roof and wall construction materials such as steel and glass. (See GDP Figures 3-1, 3-2, 3-3, 3-4, 3-5 and 3-6.) The residential development will utilize nighttime street lighting minimizing nighttime glare. Specifically, the lighting fixtures will be of an appropriate height and spacing for a residential area to minimize “light spill-over” in excess of what is required for visibility. (GDP at 3-32.) This is consistent with the Character Design Element identified in the DMEIR. (DMEIR at 4.10-13.) The Project will utilize “soft” light sources to further eliminate “sky glow” consistent with City development policies.

Finding Given the foregoing facts, the Planning Commission finds that the aesthetic impacts of the Project will be less than significant.

AGRICULTURAL RESOURCES

Impact II(a) Would the Project 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 Resource Agency, to nonagricultural use?

Impact II(c) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

Facts The Project will have no additional impact on Farmland beyond those discussed in the DMEIR (DMEIR at 4.1-18 to 4.1-20; 5.1-10 to 5.1-11) for which the City duly adopted a Statement of Overriding Considerations pursuant to the requirements of CEQA. (*See* CEQA Guidelines § 15152(f)(1).)

The Project is completely divided from agricultural land to the north and east by the Sacramento River and levee system. (DMEIR at Figures 4.1-4; 4.3-1.) No agricultural uses boarder the Project to the west. (*Id.* at Figure 4.1-4.) An agricultural buffer exists along Moonbend Road to the south of the Project, separating (future) zoned residential uses from zoned agricultural uses. (MEIR at 5.1-13.)

Findings Given the foregoing facts, the Planning Commission finds that there will be no significant additional impact on agricultural resources.

AIR QUALITY

Impact III(a) Would the Project conflict with or obstruct implementation of applicable air quality plan?

Impact III(b) Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Impact III(c) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Impact III(e) Would the Project expose sensitive receptors to substantial pollutant concentrations?

Impact III(f) Would the Project create objectionable odors affecting a substantial number of people?

Facts The applicable air quality plan was adopted by the Northern Sacramento Valley Air Basin (NSVAB) and the Colusa County Air Pollution Control District (ACPD). (DMEIR at 4.5-6.) The plan establishes mitigation measures criteria pollutants, ozone and particulate matter of a ten (10) micron diameter (“PM-10”) or greater. (*Id.*) Historically, Colusa County has

not experienced criteria pollutant levels exceeding federal air quality standards except with respect to PM-10. (DMEIR at 4.5-4.) PM-10 arises primarily from natural processes such as wind-blown dust or soil. PM-10 also arises from combustion processes taking place in factories and power plants. (DMEIR at 4.5-3.)

The Project is a residential development and does not contain any factory or power plant combustion sources likely to produce PM-10. (GDP at 2-1.) The Project will not create expanses of dust or soil, but, instead, will be landscaped with trees, shrubs, and sod. (GDP at 3-19 to 3-20.)

Stationary pollution sources in Colusa County include rice mills, food processing plants, petroleum storage facilities and a compressor station. (DMEIR at 4.5-4.) The California Air Resources Board recommends that local planning agencies avoid placing sensitive uses, such as homes, near pollution sources. (DMEIR at 4.5-5.) There are no pollution sources within Colusa County that emit pollutants at a level that threatens human health. (DMEIR at 4.5-4.) The two potential pollution sources near the project site will not impact the Project because: (1) the River Bend rice mill, located at the western boundary of the Project site has been abandoned (Initial Study/MND at 3); and (2) it has been determined by environmental assessment that the Tri-County Petroleum depot, located on property in proximity to the Project site, does not present a present pollution threat to the surrounding environment. (DMEIR at 5.1-23.)

The Project is a residential development and therefore does not include any of the fruit drying or processing activities that typically create odors in agricultural communities in Counties such as Colusa. The Project will not include any large, on-site waste or wastewater storage facilities that could contribute to unpleasant odors. (GDP at 1-4, 2-17.)

Extensive mitigation measures have been put in place to minimize and eliminate any potential impacts to air quality associated with the Project's construction activities. (See IS/MND, Mitigation Measures ("MM") 2, 3 and 4 at 11-12.) These measures are discussed in Section 2 below.

Findings Because the Project is not a stationary source polluter likely to produce PM-10, the Project will not impair the current air quality plan, which seeks to mitigate PM-10. Likewise, because the Project is not a stationary source polluter likely to produce PM-10, the Project will not cause an increase in a criteria pollutant currently in non-attainment status within the NSVAB. Because the Project will not be situated near pollution sources identified by the California Air Resources Board as hazardous to human health, the Project will not expose potential Project residents to such health hazards. Because the Project will not engage in odor causing activities or store odorous materials on-site, the Project will not produce unpleasant smells. Because the Project will implement MMs 2, 3 and 4 as prescribed in the IS/MND, Project construction activities will not adversely impact air quality. Given the foregoing facts, the Planning Commission finds that the impact of the Project on air quality elements will be less than significant.

BIOLOGICAL RESOURCES

Impact IV(b) Will the Project 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?

Facts The only Riparian habitat in proximity to the Project occurs immediately adjacent to the Sacramento River. (DMEIR at 4.8-9.) The Riparian habitat is completely divided from the Project by the existing levee system. (Initial Study/MND at 15.) Additionally, the Project includes an open space and parkway buffer between the residences that will be developed along the northern and eastern boarder of the Project (nearest the levee) at the base of the levee to further separate residential activity from the Riparian habitat. (GDP at 2-11, Figure 2-3.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on biological resources will be less than significant.

CULTURAL RESOURCES

Impact V(b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15054.5?

Impact V(c) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact V(d) Disturb any human remains, including those interred outside of formal cemeteries?

Facts Cultural resources surveys of the Project site were made in 2006 and 2007 by ECORP Consulting. These surveys established that there are no known cultural resources located at the Project site. No human remains are known or predicted to exist in the Project area. (IS/MND at 16.) In order to address any currently unknown cultural resources within the Project boundaries that may be discovered during future construction, the following mitigation measures will be implemented. If, at any point during construction, prehistoric or historic resources are discovered, all land disturbances within a 50 foot radius of the discovered resources shall immediately cease and a professional archaeologist shall be consulted in accordance with section 15064.5 of the CEQA Guidelines. (*Id.* at 17.) The archaeologist shall determine the proper disposition of the discovered resources. (*Id.*)

If, at any point during construction, paleontological resources are discovered, all land disturbances within a 50 foot radius of the discovered resources shall immediately cease and a paleontologist shall be consulted. (*Id.*) The paleontologist shall determine the proper method of disposition of the discovered resources. (*Id.*)

In order to address the disposition of human remains within the Project boundaries that may be discovered during future construction, the following mitigation measures will be implemented. If human remains are discovered during construction, no further land disturbance shall occur until the County Coroner has inspected the remains pursuant to section 7050.5 of the Health & Safety Code and determined that the remains are not subject to the provisions of

Government Code section 27491. (*Id.*) The coroner shall determine the method of disposition of any discovered remains. (*Id.*)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on cultural resources will be less than significant.

GEOLOGY AND SOILS

Impact VI(a)(i) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known 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.

Impact VI(a)(ii) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking?

Impact VI(b) Would the Project result in substantial soil erosion or the loss of topsoil?

Facts There are no known active faults in Colusa County. (DMEIR at 4.6-3.) Geologic evidences demonstrates that structures within the City would only experience minor, low level shaking from earthquakes originating outside the county (*Id.*), specifically from Butte County and the Bay Area. (DMEIR at 4.6-18.) The City has adopted the 2001 California Building Code which requires all structures to be built to withstand ground shaking in areas of high earthquake hazards. (*Id.*) All development projects in the City are subject to the California Building Code standards, and therefore the Project will be subject to these standards. (*Id.*) The Project will comply with the General Plan policies to prevent any potential soil erosion. (DMEIR at 4.6-14 to 4.6-16.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on geology and soils will be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Impact(VI)(c) Will the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?

Impact(VI)(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?

Impact(VI)(g) Will the Project impair implementation of or physically interfere with an adopted emergency response program?

Facts A hazardous material is defined in Title 22 of the California Code of Regulations section

66260.10 as: A substance of combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics may either (1) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed.

The Project is a residential development which will consist of single and some multifamily residences. (*See generally*, GDP.) Solid waste will not be stored on the Project site and all Project residences will be connected to the City sewer. (Initial Study/MND at 47.) The Project will not manufacture or store chemicals. (*See Generally* GDP.) Thus, the Project will not generate hazardous emissions, chemicals or waste. A school may, in the future, be constructed within one quarter mile of the Project, however, a school use is not part of the Project as proposed. (Initial Study/MND at 23.)

The Project is located north of Moonbend Road. The Colusa County Airport Comprehensive Land Use Plan does not list any safety concerns applicable to any properties north of Moonbend Road.

The Project provides emergency vehicle access via multiple roadway linkages. (DMEIR at 5.1-4; GDP at 1-4.) Specifically, access will be provided to the Project via Clay Street and the extension of Market Street. (DMEIR at 5.1-4; GDP at Figure 1-4a.) The Project is also required to make improvements to these roads to provide adequate right of way and circulation. (DMEIR at 5.1-4.) These improvements will prevent delayed arrival of emergency services to the Project due to poorly maintained roads and/or flooding. (DMEIR at 4.11-6.) The Project is within 2.5 miles of the existing fire station on Market Street and, consequently, will not experience a longer response time by emergency services. (DMEIR at 5.1-38.)

The Project will be required to pay its fair share in proportion to the City to support emergency fire services, including maintenance of a 1:1000 firefighter to resident ratio and acquiring the necessary firefighting equipment. (DMEIR at 5.1-39.) The Project will pay its fair share in proportion to the City to support emergency police services and provide a 2:1000 police personnel to resident ratio. (DMEIR at 5.1-40.) The Project is required to develop an emergency services plan with fire and police personnel to ensure adequate emergency services. (DMEIR at 5.1-39 to 5.1-40.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on the hazards and hazardous materials will be less than significant.

HYDROLOGY AND WATER QUALITY

Impact VIII(a) Would the Project violate any water quality standards or waste discharge requirements?

Impact VIII(b) Would the Project 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 wells would not support existing land uses or planned uses for which permits have been granted)?

Impact VIII(c) Would the Project 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?

Impact VIII(d) Would the Project 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?

Impact VIII(e) Would the Project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

Impact VIII(f) Would the Project otherwise substantially degrade water quality?

Impact VIII(g) Would the Project 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?

Impact VIII(h) Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Impact VIII(i) Would the Project 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?

Facts In November of 2007, the City conducted a water supply assessment, which addressed the Project's effect on ground water resources. The assessment determined that there are ample groundwater supplies that will support the Project without a net decrease in aquifer level or water table volume. The assessment further determined that the amount of water used by the Project would not impair existing water uses.

The Project will utilize a detention pond with upper tier swale area in conjunction with low flow drainage outlet proceeding along an existing drainage easement and/or public right-of-way in order to reduce increased storm water run-off potentially caused by the Project to less-than-significant levels and ultimately improve existing drainage problems at nearby properties. (See May 2011, Preliminary Hydrologic Report, Genesis Engineering ("Hydrology Report") at 8.) An extensive, hydraulic study was conducted at the Project site between December, 2009 and March, 2011, which determined that the proposed drainage pond and low-flow drainage easement configuration would support storm water run-off produced by both 100-year, 24-hour storm events and 100-year, 10-day storm events. (*Id.* at 4.) The drainage pond will be constructed to hold a volume of 11 acre feet of water and the 100-year storm events will each produce only 9.8 acre feet of water. (*Id.*) The study also determined the capacity of the drainage pond would not be impaired by the inflow of "seepage" water from the nearby Sacramento River. (*Id.* at 4-5; Appendices.) Waters collected in the detention pond will gradually be pumped

from the pond at a low flow rate of not more than 3.0 cfs. (*Id.* at 5.) This outflow will be pumped through 4100 feet of pipe along the existing drainage easement and/or public right-of-way (See DMEIR at Figure 4.3-1) The existing drainage easement and public right-of-way is large enough to accommodate the proposed outflow. (Hydrology Report at 5.) The outflow will travel west and south to the larger, existing drainage ditch along Highway 20, specifically constructed by Cal-Trans to accommodate City storm water run-off. (*Id.* at 6.) The water will then flow along the Cal-Trans ditch to the Colusa Basin. (*Id.* at 8.)

The proposed drainage configuration may actually improve current flooding problems in the geographic area surrounding the Project site. (*Id.*) Specifically, the configuration may alleviate flooding along Market Street and Highway 20 by diverting water that currently flows across the undeveloped Project site and into the drainage structures beneath these roadways to the proposed drainage pond and outflow easement. (*Id.*)

Furthermore, the developer will comply with the *City of Colusa Storm Drainage Master Plan (July 2009)*, which established industry-standard modeling & design criteria for retention, detention, and “hybrid” basins, and for collection, discharge and conveyance of stormwater. The Project will comply with regulatory standards which require that all new projects not contribute to new or increased flooding impacts on adjoining parcels, nor upon upstream and downstream areas.

With implementation of the Project conditions of approval, impacts to drainage and runoff are considered to be less than significant. No additional impacts to stormwater drainage systems or water quality are anticipated because the conditions of approval have been specifically formulated for this Project to address and remedy all potential impacts to stormwater drainage associated with development of the Project. (See generally, Initial Study/MND at Section VIII, Discussion c-f.)

The Project will be required to comply with the applicable water quality standards during construction, as set forth in the Central Valley’s Regional Water Quality Control Board Order 99-08-DWQ. (DMEIR at 4.7-5.) Pursuant to Order 99-08-DWQ, the Project will implement a Storm Water Pollution Prevention Plan (“SWPPP”) which will incorporate construction Best Management Practices (“BMPs”) that will prevent construction pollutants from contacting storm water runoff from the Project.

The Project is a residential development and will not produce industrial chemical run off. Any sediment run off or pollutants associated with residential development operation will be collected by natural screening material surrounding the drainage basin located on the project site consistent with accepted industry standards. (Hydrology Report at 3-4.) This screening will prevent any sediments or residential pollutants from degrading water quality. (*Id.* at 3-4.)

According to FEMA (Federal Emergency Management Agency), the Project site lies outside of the area susceptible to a 100-year flood. (FEMA Zone-X flood hazard designation.) Although the Project is located in an area that is influenced by 5 reservoirs and their associated dams, the potential failure of any of these dams has been found to be remote. Given the distance of all dams from the Project site, safe evacuation of the Project’s residents would be feasible. (DMEIR at 4.7-4.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on hydrology and water quality will be less than significant.

NOISE

Impact XI(a) Will the Project result in exposure of persons to generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Impact XI(c) Will the Project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project?

Impact XI(d) Will the Project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Impact XI(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?

Facts All construction relating to the Project will take place pursuant to the City's noise ordinance (See Colusa Municipal Code Chapter 11A.) The Project is a residential development and will not generate any sustained, industrial noises. The project is subject to the City's development review process (See DMEIR at 4.4-12) and is subject to the noise policies therein designed to mitigate any potential impacts associated with residential uses. (*Id.* at 4.4-14.) The Project will comply with the City's noise performance standards and policies in order to ensure that any potential ambient noise generated by residential activities does not exceed the thresholds of significance for such uses. (See Table 4.4-5.)

Findings Given the foregoing facts, the Planning Commission finds that the noise related impacts of the Project will be less than significant.

POPULATION AND HOUSING

Impact XII(a) Will the Project 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)?

Impact XII(b) Will the Project displace substantial numbers of existing housing, necessitating the construction of replacement homes elsewhere?

Facts The Project will have no additional impact on Population and Housing beyond those discussed in the DMEIR (DMEIR at 4.2-5 to 4.2-7) for which the City duly adopted a Statement Overriding Considerations pursuant to the requirements of CEQA. (*See* CEQA Guidelines § 15152(f)(1).) The Project will only result in the removal of a single, vacant residential unit. (Initial Study/MND at 30.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on population and housing will be less than significant.

COMMUNITY SERVICES

Impact XIII(c) Will the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following public service: Schools?

Impact XIII(e) Will the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following public service: Other public facilities?

Facts The DMEIR sets forth the process by which development projects such as the Project now at issue will provide funds for the construction of school facilities to ensure that proper service ratios are maintained. (DMEIR at 4.11-18.) Pursuant to section 65995(h) of the Government Code, the Project will contribute funds to fully and completely mitigate the school facilities impacts that may result from construction of the Project. The Project will contribute an assessment for the maintenance and construction of other public facilities pursuant to the City's Development Impact Fee Program. (DMEIR at 4.11-7.) The Development Impact Fee Program requires a project developer to contribute an amount that will mitigate any potential impact the project may have on other public services. (*Id.*)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on above community services will be less than significant.

RECREATION

Impact XVI(a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Impact XVI(b) Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Facts The Project will include neighborhood parks and pocket parks to be utilized by Project residents rather than requiring the expansion of existing park facilities elsewhere in the City. (GDP at 2-11.) The Project will add approximately 12.8 acres of park land to the City. (VTM) Pursuant to City of Colusa General Plan Policy 2.3, the City requires five acres of parkland for every 1000 residents. (DMEIR at 4.11-24; IS/MND at 34.) The Project will result in the addition of approximately 1,072 residents to the City (Initial Study/MND at 34.) Per Policy 2.3,

approximately 5.36 acres of parkland would be required. (*Id.*) The Project will provide 12.8 acres of parkland, which is over 7.4 acres in excess of the requirement.

The Project will also contribute to the maintenance of City park land outside the Project's boundaries through payment of Development Impact Fees pursuant to AB 1600 and City park and recreation conservation policies. (DMEIR at 4.11-24; 5.1-42.) This payment is required in order to reduce any potential impact to currently existing City parks that may result from the increase in City population resulting from the Project. (DMEIR at 4.11-23.)

Findings Given the foregoing facts, the Planning Commission finds that the recreation impact of the Project will be less than significant.

TRANSPORTATION/TRAFFIC

Impact XV(e) Would the Project result in inadequate emergency access?

Facts The Project provides emergency vehicle access via multiple roadway linkages. (DMEIR at 5.1-4; GDP at 1-4.) Specifically, access to the Project is provided via Clay Street and the extension of Market Street. (DMEIR at 5.1-4; GDP at Figure 1-4a.) The Project is also required to make improvements to these roads to provide adequate right of way and circulation. (DMEIR at 5.1-4.) These improvements will prevent delayed arrival of emergency services to the Project due to poorly maintained roads and/or flooding. (DMEIR at 4.11-6.) The Project interior provides vehicle access between homes via several alleyways. (GDP at Figure 1-4(a); Figure 1-4(b); Figure 2-3; p 2-11.) The Project has been reviewed by the City Fire Department and the Department has found that emergency vehicle access has been adequately provided. (Initial Study/MND at 36.)

Findings Given the foregoing facts, the City Planning Commission finds that the impact of the Project traffic/transportation will be less than significant.

UTILITIES AND SERVICE SYSTEMS

Impact XVI(a) Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Impact XVI(b) Would the Project 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?

Impact XVI(c) Would the Project 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?

Impact XVI(d) Would the Project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Impact XVI(e) Would the Project 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?

Impact XVI(f) Would the Project be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?

Impact XVI(g) Would the Project comply with federal, state and local statutes and regulations related to solid waste?

Facts Wastewater treatment is handled by City at its wastewater treatment plant (WWTP) approximately one mile southwest of the City. (DMEIR at 4.12-10.) The WWTP has a permitted capacity of 0.7 million gallons of wastewater per day and currently handles approximately 0.5 million gallons of wastewater per day. (*Id.*) The WWTP was upgraded in 2008 to operate in accordance with the applicable federal, state, and local regulations for wastewater treatment. (DMEIR at 4.12-12.)

The City has implemented a Wastewater Master Plan whereby improvements to the City's wastewater treatment infrastructure will be made as needed to maintain adequate wastewater transit and treatment capabilities. (DMEIR at 4.12-13 to 4.12-18.) The Project will construct the following improvements: place a sewer main under D and East Clay Streets; connect the East Clay Street main to the City main; stub additional sewer mains at key locations, construct a sewer pump station within the project area as necessary, and connect the pump station to the City's sewer main via a force main between the project area and a City manhole near or within several blocks of 3rd Street and Parkhill Street. (Initial Study/MND at 47.)

The City prepared a Water Master Plan dated February 2009 by which capital improvements necessary to maintain adequate water supplies to the City during periods of expansion are identified. (DMEIR at 4.12-6; 4.12-7). The Water Master Plan identifies the need for additional water supply for fire fighting purposes. Unless a new well is construction by others, the Project will construct a new municipal water well at a location approved by the City that must meet or exceed the deficiency identified in the Water Master Plan. The Project will receive its drinking water supply from the City via the City's Public Works Department. (DMEIR at 4.12-1.) All water provided by the City comes from five wells, each in excess of 200 feet in depth (*Id.*) The wells collectively possess a water volume of 545.8 million gallons and each well pumps 1,000 and 1,330 gallons per minute. (*Id.*)The City currently maintains approximately 2,126 active water service connections. (*Id.*) The Project will, at its own expense, construct water distribution lines to the Project via a looped system with connection to the existing City water main via a twelve inch main running along Market street. (Initial Study/MND at 48.) Project implementation will convert certain agricultural lands currently requiring more substantial water supplies to non-agricultural uses. (DMEIR 4.12-7; 4.7-17 (Table 4.7-2.); 5.1-26.) This will effectively decrease the demand for water because expansion of the City.

The City provides waste collection service within the City. (DMEIR at 4.12-23.) Solid waste is delivered to the Ostrom Road Landfill near Beale Air Force Base in Yuba County. (*Id.*) The Landfill has a permitted throughput capacity 3,000 tons per day. (DMEIR at 4.12-25.) The

landfill presently has 97 percent of its permitted capacity available to receive solid waste. (*Id.*) The City presently contributes slightly over one percent of the permitted throughput to the landfill per day. (*Id.*)

No residential unit within the Project will generate more than 32 gallons of solid waste per week, in accordance with the City's regulations and relevant State guidelines and policies. The project will also ensure that each residential unit is supplied with appropriate recycling receptacles in order to facilitate compliance with the City's recycling regulations and policies (See Colusa Municipal Code, Chapter 14.)

MANDATORY FINDINGS OF SIGNIFICANCE

Impact XVII(a) Does the Project 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 species 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?

Impact XVII(b) Does the Project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Impact XVII(c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Facts Impact XVII(a) Biological studies of the Project site were performed at the Project site. An assessment was prepared by Ecorp Consulting in July 2007 and October 2007. (Initial Study/MND at 14-15.) As discussed below study did not identify any special status plant species at the Project site. (*Id.* at 15.)

Impact XVII(b) As discussed below, the potential cumulative impacts of the Project were assessed by the DMEIR when the Project was much larger in scale. (See DMEIR at 6.0 *et seq.*)

Impact XVII(c) As discussed below, construction of the Project could potentially impact human health by causing the release of dust or particulate matter into the air due to grading and earth moving activities. (Initial Study/MND at 10-11.) Numerous measures, as described below, will be implemented to reduce this potential impact to insignificance. (*See also* Initial Study/MND 11-13.)

Finding Given the foregoing facts, the Planning Commission finds that the impact of the Project will be less than significant, and there are no mandatory findings of significance.

CUMULATIVE IMPACTS

Facts The cumulative impacts of the Project were assessed in accordance with CEQA. (CEQA Guidelines § 15130(b); DMEIR at 6.0-1 *et seq.*) Pursuant to statute, the Project was examined in conjunction with past, present and probable future projects in the City and in adjacent jurisdictions. (DMEIR at 6.0-1 to 6.0-2; Table 4.0-1.) The cumulative impacts analysis evaluated the Project when the Project was proposed as a 442 acre development consisting of 2,530 residential units. (DMEIR at 5.1-2, Table 5.1-1.) The Project, as now currently proposed, consists of an 84 acre development with 381 residential units. (Initial Study/MND at 1.) Consequently, the Project has undergone a reduction in size and scope following its analysis under cumulative impacts under the DMEIR and will not create additional cumulative impacts beyond those previously addressed in the DMEIR. (*See* CEQA Guidelines § 15178(a).)

Finding Given the foregoing facts, the Planning Commission finds that the Project will not result in cumulative impacts beyond those previously analyzed in the DMEIR.

The Planning Commission finds that IS/MND identifies and discloses the following less than significant impacts following mitigation.

AGRICULTURAL RESOURCES

Impact II(b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act Contract?

Facts The Project site is not under a Williamson Act Contract. (Initial Study/MND at 9.) The current City General Plan has identified the Project site specifically for planned development and is adopting a Planned Development zoning designation such that the Project will be consistent with the applicable zoning ordinance. (*Id.* at 1.) The Project site was previously zoned R-1 (residential) denoting the fact that the site has previously been singled out for residential development. (*Id.*; DMEIR at 5.1-2) The entire area east of the City, within which the Project is located, is currently designated vacant and low density residential. (DMEIR at 5.1-2.) Consequently, the Project is not within an agriculturally zoned area.

The Project will abut certain agricultural transition and agricultural uses to the south of the Project site. (DMEIR at 5.1-12.) Specifically, the agricultural uses are orchard crops. (Initial Study/MND at 9.) To mitigate the potential impact of the proximity of residential uses to agricultural uses, the Project developer will be required to disclose the presence of nearby agricultural uses to any potential buyer of a residential unit along the Project's southern boundary. (DMEIR at 5.1-13, MM 5.1.2b.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on agricultural resources will be less than significant following implementation of the above described mitigation measures.

AIR QUALITY

Impact III(d) Would the Project result in significant construction-related air quality impacts?

Facts Construction of the Project would result in periodic exhaust from machinery and fugitive dust emissions due to grading and earth moving activities. (DMEIR at 5.1-17; 4.5-7.) Pursuant to Policy PRC-5.1 (DMEIR at 4.5-8) the Project will implement the following mitigation measures to reduce any potential dust-related impacts caused by Project construction to insignificance.

- All active portions of the construction site shall be sufficiently watered to prevent dust emissions. Watering shall occur at least twice daily. Watering during late morning and after work has been completed for the day is recommended.
- No clearing, grading or earth moving shall occur during windy periods exceeding 20 mph for one hour or more.
- All material transported off site shall be either sufficiently watered or covered to prevent dust emissions.
- The Project shall minimize the portion of earth being exposed by grading and earth moving activities at all times.
- Streets will be kept free of silt related to construction activities at the site.
- Between May and October, the construction period will be lengthened to minimize the number of construction vehicles and equipment operating at any given period.
- All internal combustion equipment shall be maintained in good working condition and be tuned to manufacturer's specifications with use of electric and diesel equipment being favored over use of gasoline equipment. (Initial Study/MND at 11.)

With respect to vehicle emissions, the Project shall take the following mitigation measures.

- Vehicles to be used at the Project site must be approved by the City and the County Air Pollution Control District ("APCD") and achieve a fleet-wide average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent California Air Resources Board fleet average for such emissions.
- The Project developer shall submit a fleet inventory to the City, which shall be updated monthly. The inventory will identify the production year of vehicle engines, fuel usages for each vehicle and engine horsepower rating.
- Emissions from the vehicles inventoried will be reduced by using late-model engines, alternative fuels; engine retrofit technology, after-treatment products and other technologies as such technologies become available.
- No emissions from any vehicle at the project site shall exceed 40 percent opacity.
- The City will inspect all vehicles and equipment at the Project site on a weekly basis to ensure compliance with these measures.

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on air quality will be less than significant following implementation of the mitigation measures described.

BIOLOGICAL RESOURCES

Impact IV(a) Would the Project have a substantial adverse effect, either directly or indirectly 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?

Facts The following special status plants existing in the general City planning area are identified in Table 4.8-1 of the DMEIR. (DMEIR at 4.8-5 to 4.8-6.) The City also considers mature trees to be significant resource. (DMEIR at 4.8-13.) Special status animals include the Western Spadefoot Toad and the Northwestern Pond Turtle, which inhabit wetland or riparian habitats. (DMEIR 4.8-18.) Special status animals also include the Pacific Western Big-Eared Bat, which dwells in caves, buildings and mine tunnels, and the San Joaquin Pocket Mouse, which dwells in annual grassland. (DMEIR at 4.8-19.)

The Project is within the Colusa Riverbend Specific Plan area, which is within the general City planning area. (DMEIR 3.0-13.) The Project site is and open agricultural field with several agricultural buildings. (IS/MND at 8.) The Project site does not contain any mature trees, caves, tunnels, buildings or annual grasslands and therefore does not contain any habitat for the special status animals listed above. (*Id.*)

A study conducted by ECORP Consulting and approved by the United States Army Corps of Engineers, determined that there are no wetland habitats within the Project site. (IS/MND at 14.) The riparian habitat of the Sacramento River is separated from the Project by a levee system and further divided from the Project as described in the preceding section. The ECORP study did not disclose the presence of any special status plants or animals. However, the study did disclose the presence of a single Elderberry shrub, which is a known habitat for the federally threatened Valley Elderberry Longhorn Beetle (“VELB”), although no VELBs were observed on the shrub. (*See also* IS/MND at 15.) As discussed in the IS/MND, the elderberry bush will be transplanted according to federal guidelines and an additional 13 elderberry bushes and 9 associated native plants will be planted at the Project site to protect the VELB and mitigate any potentially adverse impacts to the VELB. (*Id.* at 15.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on biological resources will be less than significant following implementation of the above described mitigation measures.

CULTURAL RESOURCES

Impact V(b) Would the Project cause a substantial adverse change in the significance of an architectural resource pursuant to 15064.5?

Impact V(c) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact V(d) Would the Project disturb any human remains, including those interred outside of formal ceremonies?

Facts Section 15064.5 of the CEQA Guidelines states that the terms “historical resources” includes the following: a resource listed by the State Historical Resources Commission, a resource included in a local registrar of historical resources, or any object that the lead agency determines to be historically significant.

The Project site underwent a cultural resources survey in September of 2006 and again in September and October of 2007. (Initial Study/MND at 16.) These surveys have established that there are no historic resources at the site as contemplated by section 15064.5. (*Id.*) The surveys also established that there are no known paleontological resources, unique geologic features, or human remains at the Project site. (*Id.*)

To ensure that no adverse impacts will occur with respect to presently unknown paleontological or geologic resources or human remains that may be discovered during construction, the Project will comply with the following mitigation measures:

- If any prehistoric or historic resource is discovered during Project construction, all construction will cease within 50 feet of the discovered resource. A professional archeologist will be consulted and will examine the Project site and make a recommendation to the City as to how to proceed with the disposition of the resource in a manner consistent with section 15064.5. (Initial Study/MND at 17; DMEIR at 5.1-34.)
- If any paleontological or geologic resource is discovered during Project construction, all work in the vicinity of the discovery shall cease and the City shall be notified and a qualified paleontologist shall evaluate the discovery and make a recommendation as to its disposition. (*Id.*)
- If any human remains are discovered during Project construction, all work in the vicinity of the discovery shall cease and the County Coroner shall be notified and examine the remains pursuant to Health and Safety Code section 7050.5(b) in order to determine if the remains are subject to the provisions of Government Code section 27491.

Facts Given the foregoing facts, the Planning Commission finds that the impact of the Project on cultural resources will be less than significant following implementation of the above described mitigation measures.

GEOLOGY AND SOILS

Impact VI(a)(iii) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction?

Impact VI(c) Would the Project 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?

Impact VI(d) Would the Project be located on an expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?

Facts Two geotechnical studies were conducted for the Project site to determine whether development of the Project will expose people or structures to the adverse effects of subsidence, liquefaction, lateral spreading or similar hazards due to the composition of the soil at the Project site. In 2007, Raney Geotechnical performed a first geotechnical assessment. Because the Raney study did not make a long-term empirical assessment of potential soils expansion due to possible seepage from the Sacramento River, a second geotechnical study was performed by Gularte & Associates to supplement the Raney study by empirically assessing this potential. (See April 2011 Geotechnical Report, Gularte & Associates.) Data was collected over a two-year period between 2009 and 2011 including collection during high water periods. (*Id.*) The Gularte study determined that the Project site is suitable for the proposed residential construction. (*Id.* at 6-7.)

Although the risks of lateral spreading and or liquefaction are low (*Id.* at 5), the Project applicant will implement the following grading, soil compaction and foundation preparation measures to ensure that the potential for damage to persons or property due to soil movement is reduced to a less than significant level.

- Any imported fill materials will have a plasticity index of less than 15 and a maximum particle size of 2 inches and will be moisture conditioned. (*Id.* at 8.)
- Soil compaction will be performed using a large compactor, CAT 825 or equivalent.
- Compaction for pavement and building pad areas will be made to at least 90% relative compaction per ASTM D1557. (*Id.*)
- The upper 6 inches of pavement sub-grade will also be compacted to at least 90% relative compaction per ASTM D1557. (*Id.*)
- All trenching and shoring will be conducted in accordance with the requirements of CALOSHA. (*Id.*)
- Final slope grades at the site will maintain a ratio of 3:1 or less and will be compacted and vegetated to reduce the effects of rutting from rainfall. (*Id.* at 9.)
- Lateral loads to foundations from structures erected at the Project site will not exceed 300 pounds per cubic foot and floor loads to slabs will not exceed 250 pounds per square foot. (*Id.* at 10-11.)

Additionally, the Project will be subject to all other pertinent regulations adopted by the City. The Project developer has already acknowledged that all Project structures will be subject to City regulation and review. (GDP at 3-2.) In constructing the Project, the Project developer will be required to comply with City soil anti-erosion measures as set forth in the Initial Study and Mitigated Negative Declaration at page 11. Specifically, the Project developer will be required to water exposed soil twice daily during construction to prevent wind erosion and minimize exposure of large expanses of soil at any time. (IS/MND at 11.) Inactive portions of the site will be seeded and watered until grass is evident to prevent topsoil erosion. (*Id.*) The completed Project will minimize topsoil exposure via home construction, construction of paved roads, park construction and landscaping. (GDP at 1-7, 1-8, 2-7, 3-19, 3-20.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project with respect to geology and soils will be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

Impact VII(b) Would the Project 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?

Facts ENGEO, Inc. has surveyed the Project site for hazardous materials, the release of which may harm the public or the environment and made the following findings.

- Although the Project site was previously used for agricultural purposes, pesticide residue levels at the site do not pose a hazard. (DMEIR at 5.1-22.)
- The Tri Counties Petroleum Facility (located on property adjacent to the Project site) does not pose a present contamination threat. (DMEIR at 5.1-23.)
- The Union Oil Depot's above ground storage facilities (also located on property adjacent to the Project site) have not contaminated the surrounding environment. (*Id.*)
- Structures located on the Project site were built during a period when lead paint and asbestos were utilized. (*Id.*)
- An underground fuel storage tank is located beneath one of the structures on the Project site. (*Id.*)
- A well and two septic tanks are located in proximity to each other beneath the Project site. (DMEIR at 5.1-23 to 5.1-24.)

Prior to the demolition of the vacant structures on the Project site, a Cal-Osha certified inspector will examine all structures for asbestos and lead based paints. (DMEIR at 5.1-24.) If any such substances are found, a qualified contractor shall be required to remove the substances prior to demolition. (*Id.*) Prior to the issuance of grading permits for the Project, the underground fuel tank shall be removed under a permit that the Project developer will obtain from the Colusa County Environmental Health Department. (*Id.*) Prior to the issuance of grading permits, either the well located on the project site will be abandoned or the septic tanks will be removed under permit from the Colusa County Environmental Health Department. (DMEIR at 5.1-25.)

Additionally, should any presently sequestered hazards be discovered during construction, work shall cease within 100 feet of the discovered hazard and a qualified environmental firm shall inspect the Project site and provide an assessment of the hazard and recommend a method of disposal in order to prevent any adverse impact to public health or the environment. (*Id.*)

Findings Given the foregoing facts, the Planning Commission finds that the hazards and hazardous materials impact of the Project will be less than significant following implementation of the above described mitigation measures.

COMMUNITY SERVICES

Impact VIII(a) Will the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following public service: Fire Protection?

Impact VIII(b) Will the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which

could cause significant impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following public service: Police Protection?

Impact VIII(d) Will the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following public service: Parks?

Facts The Project will pay its fair share in proportion to the City to support a 1:1000 firefighter to resident emergency services ratio and acquire necessary firefighting equipment. (DMEIR at 5.1-39.) The Project will pay its fair share in proportion to the City to support a 2:1000 police personnel to resident ratio. (DMEIR at 5.1-40.) The Project is required to develop an emergency services plan with fire and police personnel to ensure adequate emergency services. (DMEIR at 5.1-39 to 5.1-40.) The Project will include approximately 25 acres of parkland for approximately 1,072 residents pursuant to General Plan Policy 2.3. Thus, the Project will provide parkland in excess of the 5:1000 acres to resident ratio required by General Plan Policy 2.3. (DMEIR at 5.1-41.)

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on the above described community services will be less than significant following implementation of the above described mitigation measures.

TRANSPORATION/TRAFFIC

Impact XV(a) Would the Project 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)?

Impact XV(b) Would the Project exceed, either individually or cumulatively, a level of service standard established by the county or congestion management agency for designated roads or highways?

Facts The project will be required to make specific roadway improvements as specified in the DMEIR at 5.1-4 to 5.1-5. The Project will also dedicate adequate right of way for the future build-out of certain roadways identified in the Colusa 2025 General Plan. (See DMEIR at 5.1-4; General Plan Circulation Map.) Additionally, the Project undertook an exhaustive traffic impact study whereby the potential traffic impacts attributable to the Project were determined and 39 measures were identified in order to reduce the Project's potential impacts below a level of significance.

The Project will implement all 39 mitigation measures.

Findings Given the foregoing facts, the Planning Commission finds that the impact of the Project on the above described transportation/traffic elements will be less than significant following implementation of the above described mitigation measures.