

**Resolution No.**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, MAKING FINDINGS OF FACT IN SUPPORT OF BUTTE COUNTY GENERAL PLAN 2030 AND ITS ASSOCIATED ENVIRONMENTAL IMPACT REPORT, REJECTING ALTERNATIVES, ADOPTING A MITIGATION MONITORING AND REPORTING PLAN, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**

**I. PURPOSE AND BACKGROUND**

**A. The Project**

These findings relate to the Butte County General Plan 2030 (General Plan 2030). The project encompasses all of unincorporated Butte County, including land inside each municipality's Sphere of Influence (SOI), but not inside municipality limits.

Butte County lies in north central California at the northeastern end of the Sacramento Valley, approximately 150 miles northeast of San Francisco and 70 miles north of Sacramento. From the northeastern end of the Sacramento Valley, Butte County extends into the foothills at the confluence of the southern Cascade and the northern Sierra Nevada mountain ranges. The total land area of Butte County is approximately 1,680 square miles.

General Plan 2030 provides the fundamental basis for the County's land use, development, and conservation policy, and represents the basic community values, ideals, and aspirations that will govern the County through 2030. General Plan 2030 addresses all aspects of development, including land use, housing, economic development, agriculture, water resources, circulation, conservation and open space, health and safety, and public facilities and services.

California Government Code section 65300 requires General Plan 2030 to be comprehensive and internally consistent, and to provide long-term guidance for the community. Although General Plan 2030 is required to address the issues specified by State law, it may be organized in a way that best suits Butte County.

The overall objectives of General Plan 2030 are enumerated in the General Plan 2030 Guiding Principles. These objectives are to:

- Partner with municipalities, special districts and unincorporated communities on important regional planning issues.
- Coordinate all modes of transportation with the transportation planning agencies.
- Address areas of urban development for anticipated growth during the next 20 years to meet the housing needs of Butte County residents.
- Protect the county airports in coordination with the 2000 Airport Land Use Compatibility Plan.
- Address the protection, enhancement, utilization and management of natural resources and the environment.
- Promote the public's health, safety and welfare.
- Play a critical role in establishing a positive environment for economic development.
- Address agriculture as an important aspect of Butte County's economy that will be protected, maintained, promoted and enhanced.
- Identify appropriate locations and the type of growth that will occur in rural areas while protecting the integrated benefits of agricultural resources, natural resources, and the environment.
- Address the need for new parks and recreation opportunities. Cultural resources that are significant to Butte County's history will be identified and protected.
- Address, identify and promote ways to maintain or enhance economic opportunity, viability and community well-being while protecting and restoring the natural environment.
- Address where and how the full array of public services and/or facilities will be provided to the varied and diverse geography of the county.
- Address the protection and management of water resources.

In addition to the objectives outlined in the General Plan 2030 Guiding Principles, General Plan 2030 aims to accommodate anticipated population growth and to allow all Butte County residents to maintain economic use and value of their property.

## **B. Purpose of the Environmental Impact Report**

Pursuant to the California Environmental Quality Act, Public Resources Code sections 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq., (collectively, CEQA), an Environmental Impact Report (EIR) was prepared for General Plan 2030 to analyze the environmental effects of General Plan 2030. The Draft Environmental Impact Report (DEIR) was circulated from April 8, 2010 to June 7, 2010 for public review and comment in accordance with CEQA. Responses to comments, together with other information, were prepared and are contained in the Final Environmental Impact Report (FEIR). Butte County is the CEQA Lead Agency for General Plan 2030. The EIR was prepared by Design, Community & Environment (DC&E) for Butte County.

### **C. Procedural Background**

The following is an overview of the environmental review process for General Plan 2030 that has led to the preparation of the FEIR.

- 1) In accordance with section 15082 of the CEQA Guidelines, the County prepared a Notice of Preparation (NOP) of an EIR and filed it with the Office of Planning and Research (OPR) on September 15, 2008. The NOP was circulated to the public, local and State agencies, and other interested parties to solicit comments on the proposed project. Environmental issues and alternatives raised by comments received on the NOP during the subsequent 30-day public review period were considered for inclusion in the EIR. Public and agency comments received on the NOP were reviewed, and incorporated into the DEIR.
- 2) Upon completion of the DEIR, the County filed a Notice of Completion (NOC) on April 6, 2010 with the State Office of Planning and Research for project number 2008092062 to begin the public review period. (Pub. Resources Code, § 21161.) Copies of the DEIR were available and circulated for public review.
- 3) The comment period for the DEIR was from April 8, 2010 to June 7, 2010. During that time, 20 letters were received. In addition, the Planning Commission held a public hearing to receive comments on the DEIR on April 22, 2010.
- 4) In response to the comments received concerning the DEIR, the FEIR was issued on August 30, 2010. The FEIR contains copies of all comments received on the DEIR and responses to those comments. The FEIR also contains errata revisions to the DEIR and supplemental information deemed necessary in response to comments in the DEIR.
- 5) Pursuant to Public Resources Code section 21092.5, the lead agency provided a written response in the form of the FEIR to all public agencies commenting on the DEIR, 10 days prior to certifying the FEIR.

### **II. THE USE OF A PROGRAM EIR**

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Program EIR pursuant to CEQA Guidelines section 15168 to accommodate a complete analysis of all of the components of General Plan 2030.

A Program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related in one of the following ways:

- a) Geographically;

- b) As logical parts in the chain of contemplated actions;
  - c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
  - d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in a similar way.
- a) A Program EIR enables the lead agency to consider broad environmental implications of development at an early stage in the process, sometimes when the project is still at a conceptual level, recognizing that a series of actions will occur prior to development. Because they are prepared relatively early on, Program EIRs allow greater flexibility in dealing with overall development options, basic environmental issues, and cumulative impacts.

**III. DESCRIPTION OF THE RECORD**

For purposes of CEQA and these findings, the record before the County includes, without limitation, the following:

- 1) The NOP;
- 2) The DEIR and all appendices to the DEIR;
- 3) The FEIR and all appendices to the FEIR;
- 4) All notices required by CEQA, staff reports and presentation materials related to General Plan 2030;
- 5) General Plan 2030;
- 6) All studies conducted for General Plan 2030 and contained in, or referenced by, staff reports, the DEIR, or the FEIR;
- 7) All public reports and documents related to General Plan 2030 prepared for the County and other agencies;
- 8) All documentary and oral evidence received and reviewed at public hearings and workshops and all transcripts and minutes of those hearings related to General Plan 2030, the DEIR, and the FEIR;
- 9) For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring

programs and other documentation relevant to planned growth in the area; and

- 10) Any additional items not included above if they are required by law.

#### **IV. DISCRETIONARY ACTIONS**

The discretionary action for the proposed project involves the following approval by the Board of Supervisors:

- 1) Adoption of General Plan 2030; and
- 2) Amendment of the North Chico Specific Plan, and the Stringtown Mountain Specific Plan.

These findings are made by the County pursuant to section 15091 of the CEQA Guidelines. The County is also adopting a “Statement of Overriding Considerations” pursuant to section 15093 of the CEQA Guidelines.

#### **V. GENERAL FINDINGS**

##### **A. Terminology of Findings**

Section 15091 of the CEQA Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.” The second potential finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” The third permissible conclusion is that “[s]pecific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.”

For purposes of these findings, the term “mitigation measures” shall constitute the “changes or alterations” discussed above. The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level. Although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the EIR for the proposed project. When an impact remains significant or potentially significant with mitigation, the findings will generally find that the impact is still “significant.”

In the process of adopting mitigation, the County will also be making decisions on whether each mitigation measure proposed in the DEIR is feasible or infeasible. Pursuant to the

CEQA Guidelines, “feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, § 15364.) When the County finds a measure is not feasible, evidence for its decision will be provided.

**B. General CEQA Findings**

These findings comply with CEQA. The Board of Supervisors has considered the information and environmental effects as shown in the FEIR prior to approving General Plan 2030. These findings represent the independent judgment and analysis of Butte County, which is the lead agency.

**C. Changes to the DEIR Do Not Require Recirculation**

In the course of responding to comments received during the public review and comment period on the DEIR, certain portions of the DEIR have been modified and some new information has been added. The changes made to the DEIR do not result in the existence of:

- 1) A significant new environmental impact that would result from General Plan 2030 or an adopted mitigation measure;
- 2) A substantial increase in the severity of an environmental impact that is not reduced to a level of less than significant by adopted mitigation measures;
- 3) A feasible Project alternative or mitigation measure not adopted that is considerably different from others analyzed in the DEIR that would clearly lessen the significant environmental impacts of General Plan 2030; or
- 4) Information that indicates that the public was deprived of a meaningful opportunity to review and comment on the DEIR.

The County finds that the amplifications and clarifications made to the DEIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5. The Board of Supervisors has evaluated whether these modifications, additions, and changes trigger the thresholds for recirculation. The Board finds that there are no substantial changes in the proposed project that necessitate revisions of the DEIR, nor has significant new information become available. Recirculation is not required where the new information added to the DEIR merely clarifies, amplifies, or makes insignificant modifications in, an adequate DEIR. Having received, reviewed, and considered the entire record, both written and oral, relating to General Plan 2030, and the associated DEIR and FEIR, the Board finds that General Plan 2030 falls within the scope of the DEIR analysis and that recirculation of the DEIR is not required prior to the adoption of General Plan 2030.

#### **D. Evidentiary Basis for Findings**

These findings are based upon substantial evidence in the entire record before the County as described in Section III.

The references to the DEIR and to the FEIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

#### **E. Location and Custodian of Records**

Pursuant to Public Resources Code section 21081.6 and California Code of Regulations, title 14, section 15091, Butte County is the custodian of the documents and other material that constitute the record of proceedings upon which the County's decision is based, and such documents and other material are located at: Butte County Department of Development Services, 7 County Center Drive, Oroville, California, 95965.

### **VI. FINDINGS REGARDING ALTERNATIVES**

CEQA Guidelines section 15126.6 requires a discussion of a reasonable range of alternatives to the project or to the location of the project. However, an EIR need not consider an alternative whose implementation is remote or speculative. An EIR is required to describe and comparatively evaluate a range of reasonable alternatives to a project, or location of the project, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. Thus, the range of alternatives evaluated in the DEIR was dictated by CEQA Guidelines and by the range of significant impacts identified in the DEIR, and evaluated alternatives were limited to those that theoretically could have reduced or eliminated identified environmental impacts.

The alternatives considered in the DEIR alternatives analysis are based on the alternatives developed through the General Plan 2030 process, which involved a much more extensive, community-based alternatives process than would normally be required under CEQA. General Plan 2030 and its preferred land use alternative were developed with extensive community input. Widely-publicized public workshops were held to inform community members about the update and to invite feedback on the process. Additionally, the Board of Supervisors formed a Citizens Advisory Committee (CAC) consisting of 34 Butte County residents to provide representative input to the General Plan 2030 process.

Each major task in the General Plan 2030 process included a "Meeting Series." Each series was made up of a Public Workshop, one or more CAC meetings, one or more Planning Commission Study Sessions, and one or more Board of Supervisors Study Session.

The three project alternatives evaluated in the EIR were developed during Meeting Series #2/3, Alternatives Finalization. During this phase, the County considered numerous other

potential alternatives in various parts of the county. “Study areas,” in which potential changes to the existing land use designations should be considered, were identified. The public, CAC, municipal staff, County staff, and the consultant team identified 25 study areas, while landowners and developers identified 18 study areas. Different potential land use alternatives were suggested for each study area. At the conclusion of Meeting Series #2/3, the Board of Supervisors considered various alternatives for all 43 study areas, but decided that the existing land use designations in twelve of these areas should not change, and finalized 31 study areas in the unincorporated county for further consideration of appropriate land use alternatives.

Prior to Meeting Series #4, Alternatives Evaluation and Selection, the County published the Butte County General Plan 2030 Alternatives Evaluation Report. The Report informed the public and decision-makers about constraints and opportunities associated with each land use alternative for each study area, examining topics related to transportation and circulation, fiscal impacts, agricultural impacts, water supply, wastewater infrastructure, biological resources (including the Butte Regional HCP/NCCP and migratory deer range), cultural resources, public services, and safety and hazards. This Report was used as a source of valuable information throughout Meeting Series #4, and informed the selection of the preferred land use alternative during this meeting series. Meeting Series #4 included the following meetings:

- ◆ Over 130 people attended a community workshop that included an open house and town hall discussion. Participants provided input on the selection of a preferred land use alternative.
- ◆ The CAC held five meetings to closely review the Alternatives Evaluation Report and select a preferred land use alternative for each study area. These meetings also included substantial public input to inform the CAC discussions.
- ◆ The Planning Commission held three study sessions to consider the Alternatives Evaluation Report and input from the community workshop and CAC meetings, and provide a recommendation to the Board of Supervisors regarding the preferred land use alternative. Like the CAC meetings, the Planning Commission heard significant public comment on the land use alternatives.
- ◆ The Board of Supervisors held two study sessions to consider the Alternatives Evaluation Report, input from the community workshop and CAC meetings, and the recommendation from the Planning Commission. Again, these study sessions incorporated public comment periods. The Board of Supervisors selected the preferred land use alternative, which became the basis for the General Plan 2030 land use map.

As discussed in the DEIR, all impacts would be less than significant, except for impacts to agriculture, biological resources, hydrology and water quality, noise, transportation and circulation, and greenhouse gas emissions, which would remain significant and unavoidable. Accordingly, two alternatives, in addition to the required No Project Alternative, were considered and evaluated in the DEIR in Chapter 5 and a summary of their potential

advantages and disadvantages is provided in DEIR Table 5-2.

The DEIR discussed the following alternatives in detail:

- A. Alternative 1: No Project Alternative;
- B. Alternative 2: Concentrated Growth Alternative; and
- C. Alternative 3: Rural Extension Alternative.

Each of these alternatives was evaluated under the same environmental categories as presented for the proposed project and as identified in Chapter 5 of the DEIR.

Based on the comparison of the relative merits of each alternative compared to General Plan 2030, each of the alternatives was found to be deficient in meeting the County's goals and objectives.

The objectives of General Plan 2030 are to:

- Partner with municipalities, special districts and unincorporated communities on important regional planning issues.
- Coordinate all modes of transportation with the transportation planning agencies.
- Address areas of urban development for anticipated growth during the next 20 years to meet the housing needs of Butte County residents.
- Protect the county airports in coordination with the 2000 Airport Land Use Compatibility Plan.
- Address the protection, enhancement, utilization and management of natural resources and the environment.
- Promote the public's health, safety and welfare.
- Play a critical role in establishing a positive environment for economic development.
- Address agriculture as an important aspect of Butte County's economy that will be protected, maintained, promoted and enhanced.
- Identify appropriate locations and the type of growth that will occur in rural areas while protecting the integrated benefits of agricultural resources, natural resources, and the environment.
- Address the need for new parks and recreation opportunities. Cultural resources that are significant to Butte County's history will be identified and protected.
- Address, identify and promote ways to maintain or enhance economic opportunity, viability and community well-being while protecting and restoring the natural environment.
- Address where and how the full array of public services and/or facilities will be provided to the varied and diverse geography of the county.
- Address the protection and management of water resources.
- Accommodate anticipated population growth and allow all Butte County residents

to maintain economic use and value of their property.

Based on the comparative evaluation contained in the DEIR, Alternative 2, the Concentrated Growth Alternative, would reduce the magnitude of the most impacts and would be the environmentally superior alternative.

#### **A. Alternative 1: No Project Alternative**

The No Project Alternative assumes General Plan 2030 would not be adopted and the existing General Plan would remain in effect. Thus, new development would occur according to the existing General Plan land use designations, as well as the County's existing General Plan policies.

The No Project Alternative differs from General Plan 2030 in terms of the amount of residential and non-residential growth proposed. When compared to General Plan 2030, the No Project Alternative would allow for 500 more dwelling units, 1.3 million square feet less retail/office uses, 0.4 million square feet more industrial uses, and 1,300 fewer people at horizon buildout.

In general, medium to high density residential designations would be located near the incorporated municipalities and in the unincorporated rural communities. Scattered rural residential development could occur throughout the county in the Agricultural Residential and Foothill Residential land use designations. In addition, the agricultural and timber areas could be parcelized to lots as small as 5 and 40 acres, respectively, compared to a minimum of 20 to 160 acres under the proposed project, and single-family homes would be allowed on each legal parcel. The existing General Plan also allows for commercial uses near the incorporated municipalities and in many rural community centers. Industrial development would mainly be allowed near the incorporated municipalities.

#### **Rejection of Alternative 1: No Project Alternative**

The Board of Supervisors finds that there are specific technological, social, legal, economic or other considerations that make the No Project Alternative infeasible. Each reason set forth below operates as an independent basis upon which to reject the infeasibility of the Alternative.

Section 5.C.2 of the DEIR contains detailed information comparing the potential impacts of General Plan 2030 to the No Project Alternative. As described in detail below, the No Project Alternative would represent a substantial deterioration in comparison to General Plan 2030 because it would exacerbate impacts on the following: aesthetics, agriculture, air quality, biological resources, cultural resources, hazards and safety, hydrology and water quality, land use, noise, public services and recreation, transportation and circulation, utilities and infrastructure, and greenhouse gas emissions.

The No Project Alternative would result in lower-density development scattered over a larger

rural area compared to General Plan 2030. The No Project Alternative would result in 0.5 percent more vehicle miles traveled than the proposed project. This increase is primarily due to the higher amount of residential growth, combined with less commercial development than that of the proposed project. Even though this alternative would cause the largest overall increase in industrial space, it likely does not improve the jobs-to-housing balance as much as General Plan 2030, which would mean Butte County residents would need to commute out of the county to work. The increase in vehicle miles traveled would increase emissions of air pollutants from vehicles, traffic-related noise, and greenhouse gas emissions.

The amount and pattern of development allowed by the No Project Alternative would also place a larger demand on public services, recreation, and utilities, and make service delivery less efficient. More land would be disturbed and more impermeable surface area would be created, thereby increasing the potential for impacts related to increased stormwater runoff and contamination, depletion of groundwater supplies, and the degradation of water quality in receiving water bodies. The No Project Alternative includes higher density residential designations in some rural unincorporated communities, which could cause more conflicts between agricultural and residential land uses compared to General Plan 2030. In addition, by allowing more development on currently undeveloped land, the amount and pattern of growth projected under the No Project Alternative would likely have a greater impact on scenic vistas, biological resources, and cultural resources.

Because the No Project Alternative would result in a larger amount of new residential and industrial development than General Plan 2030, it potentially exposes more people to hazards and hazardous materials. This alternative would include approximately 400,000 square feet more of industrial uses, which are more likely to transport, store, and emit hazardous materials that could be harmful to the public.

Under the No Project Alternative, a total of 28 roadway segments would operate unacceptably during the PM peak hour based on the applicable level of service standards. The deficiencies that would exist under the No Project Alternative, but not under General Plan 2030, include East Gridley Road between State Route 99 and State Route 70 and the Skyway from South Pentz Road to Nimshew Road north of the Town of Paradise.

The No Project Alternative includes land use designations and standards from the existing General Plan which differ from those in General Plan 2030. In particular, General Plan 2030 would eliminate the Agricultural Residential designation and increase the minimum parcel sizes for timber and agricultural designations. The Agricultural Residential designation covers land that is currently being used for agriculture. The No Project Alternative would increase impacts on agricultural resources and increase land use conflicts by maintaining the Agricultural Residential designation which allows for smaller minimum parcel sizes. In addition, these aspects of the No Project Alternative could lead to more noise impacts from agricultural operations on adjacent residential uses than under General Plan 2030.

Finally, the No Project Alternative would not have the same level of comprehensive policy direction in many areas, including aesthetics, agriculture, biological resources, cultural

resources, hazards and safety, hydrology and water quality, land use, noise, public services and recreation, transportation, utilities and infrastructure, and greenhouse gas emissions resulting in increased impacts. A discussion with examples of the more comprehensive policy approach is found in the DEIR at pages 5-12 through 5-22.

Consequently, the County rejects Alternative 1 because it would represent a substantial increase in environmental impacts in comparison to General Plan 2030.

**B. Alternative 2: Concentrated Growth Alternative**

The Concentrated Growth Alternative assumes that the same goals, policies, and actions included in General Plan 2030 would be adopted. However, development would be directed toward the existing urban areas. Outlying areas would instead be designated for very low density residential, agriculture, and resource conservation. Meanwhile, higher density development would occur in and around the existing urban areas.

The Concentrated Growth Alternative would provide for approximately 500 more new residential units than General Plan 2030, which would equate to 1,300 more residents at projected 2030 buildout. This alternative includes the same amount of new industrial space and 200,000 more square feet of new commercial space.

**Rejection of Alternative 2: Concentrated Growth Alternative**

The Board of Supervisors finds that there are specific technological, social, legal, economic or other considerations that make the Concentrated Growth Alternative infeasible. Each reason set forth below operates as an independent basis upon which to reject the infeasibility of the Alternative.

Section 5.D.2 of the DEIR contains detailed information comparing the potential impacts of General Plan 2030 to the Concentrated Growth Alternative. The DEIR finds the Concentrated Growth Alternative to be the Environmentally Superior Alternative. By focusing growth into the SOIs of the county's municipalities and into existing unincorporated communities, this alternative would be an improvement over General Plan 2030 with respect to potential negative impacts associated with aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, noise, public services and recreation, transportation and circulation, utilities and infrastructure, and greenhouse gas emissions.

However, the Concentrated Growth Alternative would not allow all Butte County residents to maintain economic use and value of their property which does not allow Butte County to meet the additional objective set forth at the bottom of DEIR page 3-10. This objective states: "the proposed project aims to accommodate anticipated population growth and to allow all Butte County residents to maintain economic use and value of their property." The Alternative also does not adequately advance several General Plan 2030 Guiding Principles as set forth on page 3-10: "Play a critical role in establishing a positive environment for economic development;" "Identify appropriate locations and type of growth that will occur in rural areas

while protecting the integrated benefits of agricultural resources, natural resources and the environment;” and “Address, identify and promote ways to maintain or enhance economic opportunity, viability and community well-being while protecting and restoring the natural environment.” Specifically, the Concentrated Growth Alternative would decrease the amount of development allowed on much of the rural land throughout Butte County. While the Concentrated Growth Alternative promotes the values of directing urban growth towards Butte County’s urban centers, it does not recognize that Butte County is home to over 42 unincorporated communities of varying sizes situated throughout the County. These communities have developed throughout Butte County’s history and play important roles in the County’s socio-economic condition. The Concentrated Growth Alternative ignores this diverse community setting. These small unincorporated communities contribute to the overall economic vitality of Butte County by supporting agriculture, industry and commerce, tourism, and by providing civic services through local community centers and organizations, granges, local fire safe councils, parks and recreation, and schools. The Concentrated Growth Alternative would unnecessarily constrain growth and economic development in many areas that depend upon localized community based services. In fact, smaller communities can provide services to rural areas in a sustainable and environmentally superior manner that would not otherwise be available. However, the Concentrated Growth Alternative would limit economic development in these areas, putting at risk the ability to provide needed goods and services to outlying areas, and unnecessarily constrain the economic development of many communities throughout Butte County. Therefore, the Concentrated Growth Alternative does not meet the project objectives and is considered infeasible.

### **C. Alternative 3: Rural Extension Alternative**

The Rural Extension Alternative assumes that the same goals, policies, and actions included in General Plan 2030 would be adopted. However, development would be distributed more widely throughout the county with less emphasis on locating new development in or next to existing urban areas than General Plan 2030. Typically, outlying areas under this alternative would allow more dwelling units than under General Plan 2030 and densities would often be lower in and around the existing urban areas.

The Rural Extension Alternative would provide for approximately 600 more new residential units than General Plan 2030, which would equate to about 1,500 more residents in Butte County at projected 2030 buildout. Similarly, this alternative includes 100,000 more square feet of new industrial space and 700,000 more square feet of new commercial space.

### **Rejection of Alternative 3: Rural Extension Alternative**

The Board of Supervisors finds that there are specific technological, social, legal, economic or other considerations that make the Rural Extension Alternative infeasible. Each reason set forth below operates as an independent basis upon which to reject the infeasibility of the Alternative.

Section 5.E.2 of the DEIR contains detailed information comparing the potential impacts of General Plan 2030 to the Rural Extension Alternative. The Rural Extension Alternative would allow development to be spread over a larger area which would have a less visual impact on the existing rural character of the county. Aside from this improvement in aesthetics, as described in detail below, the Rural Extension Alternative would represent a substantial deterioration in comparison to General Plan 2030 because it would exacerbate impacts on the following: air quality, biological resources, cultural resources, hydrology and water quality, noise, public services and recreation, transportation and circulation, utilities and infrastructure, and greenhouse gas emissions.

The Rural Extension Alternative would allow more development and contribute to a less centralized pattern of growth oriented to the more undeveloped portions of Butte County than General Plan 2030. This alternative would cause the highest amount of vehicle miles traveled among the three alternatives, a 9 percent increase over General Plan 2030. This increase is attributable to aspects of this alternative. First, land uses are spread farther throughout the county than the other alternatives, necessitating more auto travel between destinations. Second, the amount of commercial and industrial development envisioned by this alternative would provide a higher number of jobs than the number of employed residents in Butte County, meaning workers would have to commute from outside the county. The increase in vehicle trips projected under the Rural Extension Alternative would result in increased emissions of air pollutants, traffic-related noise, and greenhouse gas emissions compared to General Plan 2030.

By extending growth into more rural areas, the Rural Extension Alternative would place more growth pressure on habitat and potential habitat for species of concern than under General Plan 2030. There would be more construction in undeveloped or lesser developed portions of the county, where the potential for impacts on previously undiscovered, buried cultural resources is typically greater.

The amount and pattern of development allowed by the Rural Extension Alternative would also place a larger demand on public services, recreation, and utilities, and make service delivery less efficient. More undeveloped land would be disturbed and more impermeable surface area would be created, thereby increasing the potential for impacts related to increased stormwater runoff and contamination, depletion of groundwater supplies, and the degradation of water quality. In addition, the Rural Extension Alternative would generate more construction-related noise than General Plan 2030.

Consequently, the County rejects Alternative 3 because it would represent a substantial increase in environmental impacts in comparison to General Plan 2030.

## **VII. GROWTH INDUCING IMPACTS**

Section 6.A of the DEIR presents the growth-inducing impacts that can be anticipated from adoption and implementation of General Plan 2030. Section 15126(d) of the CEQA Guidelines requires that an EIR address the growth-inducing impacts of the proposed action.

Not all growth inducement is necessarily negative. Negative impacts associated with growth inducement occur only where the projected growth would cause adverse environmental impacts.

According to the CEQA Guidelines, the EIR should discuss the ways in which General Plan 2030 could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment, including projects which would remove obstacles to population growth. Direct growth-inducing impacts are generally associated with providing urban services to an undeveloped area. Providing urban services to a site, and the subsequent development, can serve to induce other landowners in the vicinity to convert their property to urban uses. Indirect, or secondary growth-inducing impacts, consist of growth induced in the region by additional demands for housing, goods, and services associated with the population increase caused by, or attracted to, a new project.

### ***Direct Impacts***

General Plan 2030 would directly induce population, employment, and economic growth by allowing development in areas not currently designated for urban growth. The primary mechanism for this growth is the General Plan 2030 land use map, which allows development in areas that are not currently developed. In addition, under General Plan 2030, the County would continue its practice of allowing a single family home to be constructed on parcels designated for agricultural and timber mountain uses.

However, the proposed General Plan 2030 includes policies to control how growth occurs within Butte County and to encourage infill development. Land Use Element Goal LU-2 and its associated policies call for orderly, well-planned, and balanced growth. Policies LU-P2.3 and LU-P2.4 support planning efforts in unincorporated communities through the development of community visions, area plans, urban growth boundaries, community boundaries, and SOIs. In addition, Policy LU-P15.2 requires that new urban development be primarily located in or immediately adjoining already urbanized areas. Goal LU-8 and its associated policies promote development near existing infrastructure and services and within already-developed areas. Policy LU-P8.1 directs industry to be located near major transportation facilities. Policy LU-P8.2 requires that the County direct projected growth to areas where the appropriate level of transportation infrastructure is or will be available during the planning period. In addition, Policies LU-P8.3, LU-P8.4, LU-P8.5, and LU-P15.3 promote efficient infill development near public facilities. These policies would reduce direct growth-inducing impacts by directing development to infill and other areas where development already exists so that existing undeveloped areas may remain undeveloped.

General Plan 2030 also includes policies that would maintain the rural character of Butte County and minimize the environmental impacts of anticipated growth. Policy LU-P4.1 requires that the integrity and stability of existing residential neighborhoods be promoted and preserved. In addition, the Land Use Element supports community planning efforts that would preserve the character of these communities through policies LU-P2.3, which supports planning efforts in unincorporated communities by providing staff knowledge, time, and materials to community efforts, and LU-P2.4, which engages unincorporated communities in

community planning processes to set a community vision, develop Area Plans and potentially urban growth boundaries, community boundaries, and SOIs. These policies would recognize the importance of the small unincorporated communities in Butte County, while maintaining their rural character and directing urban development to existing urbanized areas.

### ***Indirect Impacts***

Because General Plan 2030 allows additional growth, it has the potential to indirectly induce growth from additional demands for housing, goods, and services associated with the population increase. However, General Plan 2030 also includes specific policies that direct growth to existing urbanized areas. For example, Policy LU-P15.2 requires that new urban development be primarily located in or immediately adjoining already urbanized areas. The General Plan 2030 land use map also works to limit the expansion of urban growth by providing designations that allow urban development primarily within the SOIs for the incorporated municipalities and the existing unincorporated communities. Outside of those areas, General Plan 2030 land use designations would not allow urban levels of development. The principles that guided the development of the land use map for General Plan 2030 are also included as policies in the Land Use Element. Policy LU-P15.1 requires that the County prevent scattered development patterns and encourage development in existing urbanized areas, and in particular areas that have access to public services and infrastructure. Through these policies and the land use map, development allowed by General Plan 2030 would be directed to existing urbanized areas, which would minimize any indirect growth-inducing impacts.

In addition, the General Plan 2030 land use map provides a mixture of housing, retail, and employment opportunities within Butte County so that as the number of residents increases, the residents do not pressure adjacent communities to provide new commercial and employment opportunities, which also limits indirect growth-inducing impacts.

### **Finding Concerning Growth Inducing Impacts**

#### ***Direct Impacts***

While implementation of General Plan 2030 would allow for increased local growth, the goals and policies mentioned in the discussion of direct impacts above that are included in General Plan 2030 would reduce the potential for negative impacts associated with direct growth inducement to a less-than-significant level. These goals and policies accomplish this reduction by implementing General Plan 2030's contemplated vision of planned growth and development throughout Butte County. General Plan 2030 goals and policies will be drawn upon during the review of discretionary land use decisions, in other situations where land use decisions arise, which require guidance from the General Plan, and in the day to day oversight of development and planning activities under the jurisdiction of Butte County. Land Use Element Goal LU-2 states: "Provide for orderly, well-planned, and balanced growth that maintains private property rights." Under this goal, the General Plan implements several policies that encourage planned growth and development contemplated under General Plan 2030. Land Use Element Policy LU-P2.3 states: "The County shall support planning efforts in unincorporated communities by providing knowledge, time and materials to community

efforts.” Land Use Element Policy LU-P 2.4 states: “As resources become available, the County shall engage willing and interested unincorporated communities in community planning processes to set a community vision and develop Area Plans. Urban growth boundaries, community boundaries and spheres of influence may be developed as part of such processes.” Under these two policies, the General Plan directs county participation in the planning efforts of unincorporated communities, thus promoting the planned growth contemplated under General Plan 2030. Land Use Element Policy LU-P4.1 states: “The integrity and stability of existing residential neighborhoods shall be promoted and preserved.” Under this policy, the General Plan directs that planning efforts address Butte County’s existing residential neighborhoods, thus promoting the planned growth contemplated under General Plan 2030.

Land Use Element Goal LU-8 states: “Promote development near existing infrastructure and services, and within already-developed areas.” Under this goal, the General Plan directs growth and development be promoted in areas where existing infrastructure and services are present, thus promoting the planned growth contemplated under General Plan 2030. Land Use Element Policy LU-P8.1 states: “Industry shall be located near major transportation facilities.” Under this policy, the General Plan directs industry towards major transportation facilities, thus promoting the planned growth contemplated under General Plan 2030. Land Use Element Policy LU-P8.2 states: “The County shall direct projected growth to areas where the appropriate level of transportation infrastructure is or will be available during the planning period.” Under this policy, the General Plan directs growth where it can be most efficiently served by existing or proposed transportation infrastructure is available. Land Use Element Policy LU-P8.3 states: “Applicants intending to develop sites served by existing public facilities shall be encouraged to develop at the highest allowable density and intensity.” Under this policy, the General Plan directs that areas already served by public facilities be promoted to achieve the highest development potential. Land Use Element Policy LU-P8.4 states: “New industrial development shall be encouraged to locate in existing industrial areas until existing industrial areas have been fully utilized.” Under this policy, the General Plan directs industry towards existing industrial areas, thus promoting the planned growth contemplated under General Plan 2030. Land Use Element Policy LU-P8.5 states: “Stores providing goods and services to support daily life in neighborhoods should be located within walking distance to the majority of neighborhoods.” Under this policy, the General Plan directs that areas be developed to encourage walkability and access to needed services. Land Use Element Policy LU-P15.2 states: “New urban development shall be primarily located in or immediately adjoining already urbanized areas.” Land Use Element Policy LU-P15.3 states: “The County shall encourage efficient urban infill development within municipal limits, municipal spheres of influence, and existing unincorporated communities where development can readily be served by public infrastructure facilities.” Under these policies, the General Plan directs growth away from undeveloped areas and towards existing urbanizing areas.

### ***Indirect Impacts***

While implementation of General Plan 2030 would allow for increased local growth, policies mentioned in the discussion of indirect impacts above that are included in General Plan 2030 would reduce the potential for negative impacts associated with indirect growth inducement to

a less-than-significant level. Land Use Element Policy LU-P15.1 states: “The County shall prevent scattered development patterns and encourage development in existing urbanized areas, and in particular areas that have access to public services and infrastructure.” Land Use Element Policy LU-P15.2 states: “New urban development shall be primarily located in or immediately adjoining already urbanized areas.” Under these Policies, the General Plan directs growth away from undeveloped areas and towards existing urbanizing areas.

## **VIII. FINDINGS REGARDING LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS**

The EIR identifies the thresholds of significance utilized to determine the impacts in the various resource categories discussed below. The EIR finds that there are less-than-significant environmental impacts in the following subject areas:

- Aesthetics
- Air Quality
- Cultural Resources
- Geology, Soils, and Mineral Resources
- Hazards and Safety
- Land Use
- Population and Housing
- Public Services and Recreation
- Utilities

The County is not required to adopt mitigation measures or adopt policies as part of General Plan 2030 for impacts that are less than significant.

## **IX. FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS**

As noted in each section below, General Plan 2030 includes planning policies which have the effect of avoiding or reducing environmental impacts. The EIR sets forth environmental effects of General Plan 2030 that would be significant and unavoidable. These impacts cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the EIR. In adopting these findings, the County also adopts a Statement of Overriding Considerations setting forth the economic, social, and other benefits of the proposed project that will render these significant effects acceptable.

### **A. Agriculture**

**Impact AG-1:** Although the goals, policies, actions and regulations of General Plan 2030 would reduce and partially offset the conversion of farmland, the proposed project designates approximately 4,700 acres of farmlands of concern under CEQA for non-agricultural uses.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact AG-1 will be **significant and unavoidable**. The County finds that

there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** The purpose of General Plan 2030's Agriculture Element is to protect farmland from urbanization and to enhance the county's agricultural industry. Agriculture Element Goal AG-2 and its supporting policies and actions seek to protect Butte County's agricultural lands from conversion to non-agricultural uses. Policy AG-P2.1 directs the County to work with the Local Agency Formation Commission (LAFCO) to create and maintain a consistent approach to the conservation of agricultural land through the designation of reasonable and logical SOI boundaries. Policy AG-P2.3 limits redesignation and rezoning of agricultural land to an urban designation. Policy AG-P2.6 directs the County to use proactive land use techniques, such as clustered development and density bonuses, to retain and protect agricultural land. In addition, Action AG-A2.1 directs the County to develop an agricultural mitigation ordinance that would help to mitigate potential losses of agricultural land. Additionally, agricultural lands west of Chico will be protected by the Chico Area Greenline through Goal LU-13 and its associated policies. Specifically, Policies LU-P13.4 and LU-P13.5 restrict non-agricultural land uses on the Agricultural Side of the Chico Area Greenline. In addition, Policy LU-P13.9 requires evidence of substantial benefits to the public in order to convert land on the Agricultural Side of the Greenline to urban land, as well as findings that no other lands exist that are reasonably available and suitable for the proposed development. All of these policies included in General Plan 2030 reduce any potential impact to agricultural resources by restricting the ability of potential developers to convert agricultural land to non-agricultural uses. These policies also reduce any potential impact by clustering development to avoid agricultural land and requiring mitigation when agricultural land is converted.

However, the designation of farmlands of concern under CEQA for non-agricultural uses in the General Plan 2030 land use map could lead to the conversion of such farmland to non-agricultural uses, regardless of these goals, policies, and actions. The location of agricultural parcels near existing urban and suburban areas generally limits their on-going viability for active agricultural activities. Nuisance complaints from neighbors, prohibitions on spraying pesticides and herbicides near sensitive receptors, vandalism, and traffic all reduce the viability of working agricultural land in proximity to urban and suburban development. In addition, small agricultural parcels may no longer be viable for current agricultural practices. Placing or keeping an agricultural designation on these scattered parcels would not ensure on-going agricultural use.

In addition, placing or keeping an agricultural designation on parcels that are not viable for agricultural use is inconsistent in the long term with General Plan 2030 policies that promote economic opportunities. Placing or keeping an agricultural

designation on parcels that are not viable for agricultural use, but are close to urban centers, would also direct development away from urbanized areas, which is inconsistent with numerous General Plan 2030 policies encouraging a compact urban form. Therefore, placing or keeping an agricultural designation on these scattered parcels would make General Plan 2030 internally inconsistent. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. Consequently, this impact is considered significant and unavoidable. (DEIR pp. 4.2-9 through 4.2-13.)

**Impact AG-2:** Although the goals, policies, actions, and regulations of General Plan 2030 would reduce and partially offset conflicts with Williamson Act contracts, the proposed project designates approximately 90 acres of lands with existing Williamson Act contracts for residential or industrial uses.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact AG-2 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** General Plan 2030 includes policies and actions to minimize conflicts with Williamson Act contracts. Agriculture Element Policy AG-P1.3 calls for the County to continue to work with landowners in establishing new and maintaining existing Williamson Act contracts, and Action AG-A1.1 maintains County policies that address consistency with the Williamson Act. These policies included in General Plan 2030 reduce any potential impact to Williamson Act contracted land by maintaining the integrity of the Williamson Act program and viability of Williamson Act contracted lands.

Although General Plan 2030 would avoid most conflicts with Williamson Act contracts through the land use map, and although General Plan 2030 policies and actions would minimize conflicts with Williamson Act contracts, the proposed land use map includes residential or industrial designations for some areas that are under a Williamson Act contract. The parcels with Williamson Act conflicts are small parcels, and some are located close to existing urbanized areas or established unincorporated communities. Small agricultural parcels may no longer be viable for current agricultural practices. In addition, the location of agricultural parcels near existing urban and suburban areas generally limits their on-going viability for active agricultural activities. Nuisance complaints from neighbors, prohibitions on spraying pesticides and herbicides near sensitive receptors, vandalism, and traffic all reduce the viability of working agricultural land in proximity to urban and suburban

development. Therefore, placing or keeping an agricultural designation on these scattered parcels would not ensure on-going agricultural use as intended under the Williamson Act contract.

In addition, placing or keeping an agricultural designation on parcels that are not viable for agricultural use is inconsistent in the long term with General Plan 2030 policies that promote economic opportunities. Placing or keeping an agricultural designation on parcels that are not viable for agricultural use, but are close to urban centers, would also direct development away from urbanized areas, which is inconsistent with numerous General Plan 2030 policies encouraging a compact urban form. Therefore, placing or keeping an agricultural designation on these parcels would make General Plan 2030 internally inconsistent. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. Consequently, this impact is considered significant and unavoidable. (DEIR pp. 4.2-13 through 4.2-14.)

**Impact AG-3:** Although the goals, policies, actions, and regulations of General Plan 2030 would reduce and partially offset regional agricultural impacts, the proposed project would contribute to cumulatively significant agricultural impacts in the region.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact AG-3 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Development allowed under General Plan 2030 would contribute to cumulative agricultural impacts resulting from the conversion of farmland to urban uses in the region. Although General Plan 2030 goals, policies, actions, and regulations would reduce and partially offset Butte County's contribution to these impacts, the overall cumulative agricultural impact would remain significant. Because the amount of growth foreseen in the region and the decisions of surrounding counties regarding conversion of agricultural land are outside the control of Butte County, the impact is significant and unavoidable. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. (DEIR pp. 4.2-16 through 4.2-17.)

## B. Biological Resources

**Impact BIO-1:** General Plan 2030 contains extensive goals, policies, and actions that mitigate impacts to undeveloped lands that support sensitive biological resources, including special-status species, sensitive natural communities, federally-protected wetlands, and wildlife and fish movement corridors, to a less-than-significant level and that additionally minimize the effects of development on biological resources in general. Development allowed under General Plan 2030 would contribute to the on-going loss of undeveloped lands that support such sensitive biological resources in Butte County. The cumulative loss of habitat and sensitive natural communities in Butte County could potentially contribute to a general decline for the region, and might result in the loss or displacement of wildlife that would have to compete for suitable habitats with existing adjacent populations.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact BIO-1 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** As indicated in the impact statement, General Plan 2030 includes extensive goals, policies, and actions that mitigate potential impacts on biological resources. However, cumulative development in the Butte County region would result in the loss of undeveloped lands that support biological resources, and General Plan 2030 would contribute to that trend. Since this potential change would occur as an intrinsic part of the land use changes allowed under General Plan 2030 to accommodate the expected continued growth of population and economic activity in Butte County over the next 20 years, and since development outside Butte County is beyond the County's ability to regulate or control, the cumulative change may rise to a level of significance and is being treated as a significant and unavoidable impact. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. (DEIR p. 4.4-85.)

## C. Hydrology and Water Quality

**Impact HYDRO-1:** Although General Plan 2030 polices and actions reduce risks associated with levee failure, they do not eliminate risks to people and property. In addition, recently-adopted policies by FEMA would de-certify a number of levees in Butte County, which indicates that larger areas of Butte County are subject to levee inundation than realized under

previous policies.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact HYDRO-1 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** General Plan 2030 includes policies that protect people and property from flooding. Health and Safety Element Policies HS-P2.4 and HS-P2.5 protect people and property from flood risks within the 100-year flood hazard zone and ensure that development within this area will not impede or redirect flood flows. Policies HS-P3.1 through HS-P3.4 work to prevent and reduce flooding. In addition, Policy HS-P2.1 supports the efforts of regional, State, and federal agencies to improve flood management facilities along the Sacramento River, and Policy HS-P2.2 supports the efforts of private landowners and public agencies to maintain existing flood management facilities.

Furthermore, policies under Goal HS-4 address flooding impacts related specifically to levee failure. Policy HS-P4.3 requires that new development in levee inundation areas consider risks from failure of these levees. Policies HS-P4.1 and HS-P4.2 support the efforts of public and private entities to study levee stability and design and reconstruct levees that do not meet flood protection standards. All of these policies included in General Plan 2030 reduce any potential impact to property from flooding by restricting development in flood hazard zones and reducing the likelihood of flooding.

Although General Plan 2030 policies discussed above would reduce potential impacts related to flooding as a result of levee failure, they do not eliminate the risks to people and property from flooding. In addition, recently-adopted policies by FEMA would de-certify a number of levees in Butte County, which indicates that larger areas of Butte County are subject to levee inundation than realized under previous policies. Given the number of levees in Butte County, and the fact that most are owned or maintained by private individuals or other public agencies, it is not feasible for the County's General Plan to completely address maintenance and improvements to all levees to the extent necessary to eliminate risks from levee failure. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. The impact is therefore considered significant and unavoidable. (DEIR pp. 4.8-30 through 4.8-32.)

**Impact HYDRO-2:** Although General Plan 2030 policies and actions reduce risks associated with dam failure, they do not eliminate risks to people and property.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact HYDRO-2 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** General Plan 2030 includes policies that protect people and property from flooding. Health and Safety Element Policies HS-P2.4 and HS-P2.5 protect people and property from flood risks within the 100-year flood hazard zone and ensure that development within this area will not impede or redirect flood flows. Policies HS-P3.1 through HS-P3.4 work to prevent and reduce flooding. In addition, Policy HS-P2.1 supports the efforts of regional, State, and federal agencies to improve flood management facilities along the Sacramento River, and Policy HS-P2.2 supports the efforts of private landowners and public agencies to maintain existing flood management facilities.

Furthermore, policies and actions under Goal HS-5 address flooding impacts related specifically to dam failure. Policy HS-P5.1 requires that new development in dam inundation areas consider risks from failure of these dams. Action HS-A5.1 directs the County to maintain and update emergency response plans that address potential flooding in dam inundation areas, and Action HS-A5.2 directs the County to coordinate with other agencies to seek funding and implement the stabilization of the Magalia Dam. All of these policies included in General Plan 2030 reduce any potential impact to property by restricting development in flood hazard zones and reducing the likelihood of flooding.

Although General Plan 2030 policies and actions discussed above would reduce potential impacts related to flooding as a result of dam failure, they do not eliminate the risks to people and property from flooding. Dams within and around Butte County that pose risks to people and property resulting from dam inundation are owned and/or operated by other agencies, and seismic activity in the region could cause dam failure. It is therefore not feasible for the County's General Plan to completely address improvements to all dams to the extent necessary to eliminate risks from dam failure. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. The impact is therefore considered significant and unavoidable. (DEIR pp. 4.8-30 through 4.8-32)

**Impact HYDRO-3:** General Plan 2030 would contribute to development in levee and dam inundation areas, resulting in a significant cumulative impact.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact HYDRO-3 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Development allowed under General Plan 2030 would contribute to cumulative hydrology impacts resulting from development in levee and dam inundation areas in the region. Although General Plan 2030 goals, policies, and actions would reduce and partially offset Butte County's contribution to these impacts, the overall cumulative hydrology impact would remain significant. Because the decisions of surrounding counties and municipalities regarding development in levee and dam inundation areas are outside the control of Butte County, the impact is significant and unavoidable. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. (DEIR p. 4.8-34.)

#### **D. Noise**

**Impact NOI-1:** Implementation of General Plan 2030 would cause a substantial permanent increase in ambient noise levels because more people would be living, driving and flying in Butte County.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact NOI-1 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** General Plan 2030 Health and Safety Element policies would reduce impacts related to the exposure of people to or generation of noise levels in excess of local standards to a less-than-significant level. However, proposed General Plan 2030 policies would not mitigate the significant impacts from traffic noise increases and aircraft noise increases on ambient noise levels in all cases. This traffic and aircraft operation is an unavoidable outcome of the type of residential and commercial growth foreseen in Butte County. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. Therefore, the proposed General Plan 2030 is considered to have a significant and unavoidable impact on ambient noise levels. (DEIR pp. 4.10-36 through 4.10-45.)

**Impact NOI-2:** Implementation of General Plan 2030 would contribute to conditions that exceed County noise standards and that cause a substantial permanent increase in ambient noise levels, causing a significant cumulative noise impact.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact NOI-2 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** General Plan 2030 would contribute to cumulative traffic noise conditions that exceed County noise standards. Since this traffic is an unavoidable outcome of the type of residential and commercial growth foreseen in Butte County and the surrounding counties, this impact is significant and unavoidable. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. (DEIR pp. 4.10-46 through 4.10-47.)

## **E. Transportation and Circulation**

**Impact TRAF-1:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 32 between Muir Avenue and W. 1<sup>st</sup> Street.

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-1:** Widen State Route 32 to four lanes through this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-1 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State

facility and the County lacks the authority to require the State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as conceptual. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-1 can and should be adopted by that agency. (DEIR pp. 4.13-53 through 4.13-54.)

**Impact TRAF-2:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between the Sutter County Line and East Biggs Highway.

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-2: Widen and convert State Route 99 to a four-lane conventional highway through this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-2 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State facility and the County lacks the authority to require the State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as ultimately planned within the next 20 plus years. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-2 can and should be adopted by that agency. (DEIR p. 4.13-54.)

**Impact TRAF-3:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between State Route 149 and the Skyway.

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-3: Convert State Route 99 to a grade separated, limited

access freeway facility through this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-3 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State facility and the County lacks the authority to require the State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as conceptual. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-3 can and should be adopted by that agency. (DEIR pp. 4.13-54 through 4.13-55.)

**Impact TRAF-4:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between East 20<sup>th</sup> Street and Cohasset Road.

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-4:** Widen State Route 99 to six lanes through this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-4 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State

facility and the County lacks the authority to require the State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as conceptual. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-4 can and should be adopted by that agency. (DEIR p. 4.13-55.)

**Impact TRAF-5:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between Eaton Road and Keefer Road.

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-5:** Widen State Route 99 to four lanes through this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-5 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State facility and the County lacks the authority to require the State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as ultimately planned within the next 20 plus years. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-5 can and should be adopted by that agency. (DEIR pp. 4.13-55 through 4.13-56.)

**Impact TRAF-6:** Implementation of General Plan 2030 would lead to unacceptable LOS E operations on State Route 162 between Larkin Road and State Route 70.

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-6:** Widen State Route 162 to four lanes through this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-6 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State facility and the County lacks the authority to require the State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as conceptual. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-6 can and should be adopted by that agency. (DEIR p. 4.13-56.)

**Impact TRAF-7:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 162 between State Route 70 and Lower Wyandotte Road.

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-7:** Widen State Route 162 to six lanes through this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-7 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State facility located in the City of Oroville and the County lacks the authority to require the

State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as not planned, although a four lane facility is ultimately planned. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-7 can and should be adopted by that agency. (DEIR pp. 4.13-56 through 4.13-57.)

**Impact TRAF-8:** Implementation of General Plan 2030 would lead to unacceptable LOS E operations on State Route 162 between Foothill Boulevard and Canyon Drive.

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-8:** Widen State Route 162 to four lanes though this section.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-8 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a State facility and the County lacks the authority to require the State to implement the mitigation measure, the County cannot guarantee its implementation. The State has identified completion of this mitigation measure as conceptual. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of Caltrans, and that Mitigation Measure TRAF-8 can and should be adopted by that agency. (DEIR p. 4.13-57.)

**Impact TRAF-9:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on Cohasset Road between State Route 99 and East Avenue.

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-9:** Construct a raised median on this roadway section to enhance capacity.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-9 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a City of Chico facility and the County lacks the authority to require the City to implement the mitigation measure, the County cannot guarantee its implementation. The City has recently constructed improvements at the Cohasset Road and East Avenue intersection that increased traffic capacity. The City contemplates other improvements along Cohasset Road between State Route 99 and East Avenue, but satisfaction of our mitigation measure to construct a raised median is not contemplated. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of the City of Chico, and that Mitigation Measure TRAF-9 can and should be adopted by that agency. (DEIR pp. 4.13-57 through 4.13-58.)

**Impact TRAF-10:** Implementation of General Plan 2030 would lead to unacceptable LOS D operations on Midway between the planned Southgate Extension and Durham-Dayton Road.

**Mitigation Identified, but Not Adopted, by the County:**

Mitigation Measure TRAF-10: Widen Midway to four lanes though this section.

**Finding:** The County finds that the above-stated mitigation measure, if incorporated into the proposed Project, would reduce the potential effects to less-than-significant. However, the County chooses not to adopt the mitigation measure. Thus, Impact TRAF-10 will remain **significant and unavoidable**. The County finds that there are no other feasible mitigation measures that the County could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in

Mitigation Measure TRAF-10 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, given the environmental constraints that exist in this location and the County's desire to maintain this roadway as a two-lane rural facility, the County is not adopting Mitigation Measure TRAF-10, and this impact is considered significant and unavoidable. The expansion of the Midway from two to four lanes also raises issues of compatibility with the goals and policies contained in the Durham-Dayton-Nelson Planning Area, especially the retention of a rural lifestyle, protection of natural resources, and planned orderly development consistent with this rural agricultural area. The expansion would require the removal of heritage trees which are of aesthetic value to this scenic drive between Chico and Durham. The expansion could also encourage or induce suburban residential development that exceeds the planned population growth and the capacity of public facilities and services. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. (DEIR p. 4.13-58.)

**Impact TRAF-11:** Implementation of General Plan 2030 would lead to unacceptable LOS F operations on the Skyway between State Route 99 and Notre Dame Boulevard.

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-11: Construct a raised median on this roadway section to enhance capacity.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-11 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a City of Chico facility and the County lacks the authority to require the City to implement the mitigation measure, the County cannot guarantee its implementation. The City is constructing significant improvements in the vicinity of the Skyway and Notre Dame Boulevard that will expand capacity on the Skyway between State Route 99 and Notre Dame Boulevard, but satisfaction of our mitigation measure to construct a raised median is not contemplated. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA

Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of the City of Chico, and that Mitigation Measure TRAF-11 can and should be adopted by that agency. (DEIR pp. 4.13-58 through 4.13-59.)

**Impact TRAF-12:** Implementation of General Plan 2030 would lead to unacceptable LOS D/E operations on the Skyway between Neal Road and Bille Road.

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-12: Convert this section of the Skyway to a four-lane limited access expressway.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-12 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a Town of Paradise facility and is not compatible with the Town's plans for this facility, and the County lacks the authority to require the Town to implement the mitigation measure, the County cannot guarantee its implementation. The Town indicates that this segment is built out to its ultimate standard (C-1 Road Standard). This segment crosses through "Downtown Paradise," and the Town's efforts will be to clam traffic and increase pedestrian safety, rather than to increase speeds. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of the Town of Paradise, and that Mitigation Measure TRAF-12 can and should be adopted by that agency. (DEIR p. 4.13-59.)

**Impact TRAF-13:** Implementation of General Plan 2030 would lead to unacceptable LOS D/E operations on the Skyway between Bille Road and Pentz Road.

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-13: Widen the section of the Skyway between Bille Road and Wagstaff Road to a four-lane, divided arterial, and widen the section of the Skyway from Wagstaff Road to Pentz Road to a four-lane, undivided arterial.

**Finding:** The County finds that the above-stated mitigation measure is within the responsibility and jurisdiction of another public agency. The mitigation measure can and should be adopted by that public agency, but until such time as that public agency authorizes the change, the impact is **significant and unavoidable**. With the mitigation measure, the impact would be reduced to a less-than-significant level. The County finds that there are no other feasible mitigation measures which it could adopt at this time that would reduce the impact to less-than-significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, or other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Construction of the improvement in Mitigation Measure TRAF-13 would mitigate the impact on this segment by improving traffic flow to the County's required level of service. However, since this is a Town of Paradise facility and the County lacks the authority to require the Town to implement the mitigation measure, the County cannot guarantee its implementation. Although the Town's 1994 General Plan proposed a four lane roadway over this segment, there has been no serious effort to convert this segment to a four lane roadway. A more recent study, the 2008 BCAG Skyway study, proposed leaving part of this segment as a three lane roadway. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), the County finds that this roadway segment is within the responsibility and jurisdiction of the Town of Paradise, and that Mitigation Measure TRAF-13 can and should be adopted by that agency. (DEIR pp. 4.13-59 through 4.13-60.)

**Impact TRAF-14:** Implementation of General Plan 2030 would cause increased traffic that would exacerbate existing deficiencies along regional roadways, contributing to a cumulatively significant transportation impact.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact TRAF-14 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Within the horizon of General Plan 2030, the number of Butte County residents commuting to jobs in Yuba City, Marysville, Lincoln, and Roseville could increase as the number of job-generating uses in these communities increases. Segments of State Routes 70, 99, and 65 are already experiencing severe peak hour congestion. Although some improvements,

such as the Lincoln bypass, are planned, full funding for these improvements is not guaranteed. Increased traffic resulting from development in Butte County would exacerbate existing deficiencies along State Routes 65, 70, and 99. Because mitigation for these deficiencies outside Butte County is beyond the County's ability to regulate or control, the cumulative impact to regional roadways is considered significant and unavoidable. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. (DEIR pp. 4.13-52 through 4.13-53.)

## **F. Greenhouse Gas Emissions**

**Impact CC-1:** Implementation of General Plan 2030 would result in greenhouse gas emissions that would contribute to cumulative greenhouse gas emissions and global climate change. The 2020 greenhouse gas forecast for the county indicates that emissions would be greater than 85 percent of current (2006) conditions, creating a significant contribution to greenhouse gas emissions and associated climate change impacts. Policies and actions would provide a comprehensive framework for reducing greenhouse gas emissions in the county, but they would not ensure that the County can meet the reduction goal.

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Finding:** Impact CC-1 will be **significant and unavoidable**. The County finds that there are no feasible mitigation measures that the County could adopt at this time that would reduce the impact to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed Project.

**Facts and Reasoning that Support Finding.** Proposed General Plan 2030 policies and actions provide a comprehensive framework for reducing greenhouse gas emissions in the county. In particular, the Climate Action Plan requirements under Action COS-A1.1 would assist California in meeting the reduction goals for 2020 that are embodied in AB 32, and would ensure that greenhouse gas emissions in Butte County would not contribute considerably to cumulative greenhouse gas emissions and associated climate change effects. However, until the Climate Action Plan is fully developed, it cannot be assured that all measures to achieve the needed greenhouse gas reduction are feasible. Furthermore, although Action COS-A1.1 requires that the County update the Climate Action Plan by 2020 to include reduction measures to achieve the adopted 2030 reduction goal, State action beyond 2020 is uncertain as there are no adopted State plans to achieve reductions beyond 2020. Thus, even if the County were to achieve its stated 2030 reduction goals, given the limitations on County authority (e.g. lack of authority over vehicle emissions), greenhouse gas emissions in the county would still contribute considerably to 2030 cumulative

emissions. Therefore, the proposed project would have a significant greenhouse gas emission impact.

As part of the General Plan 2030 process, the County considered a wide range of policies and actions to reduce greenhouse gas emissions, and all feasible measures are included. However, they do not ensure that the County will meet its reduction goal, so the impact is considered cumulatively significant and unavoidable. For the social and economic reasons outlined above, there are no feasible mitigation measures to reduce this impact to a less than significant level. (DEIR pp. 4.15-33 through 4.15-65.)

## **X. FINDINGS REGARDING MONITORING OF MITIGATION MEASURES**

General Plan 2030 is largely a self-mitigating document because the goals, policies, and actions set forth in it reduce potential impacts to a less-than-significant level. Nevertheless, mitigation measures are provided for 13 significant impacts in the General Plan 2030 EIR. The significant impacts are found under Impact TRAF-1 through Impact TRAF-13. 12 of the significant impacts, all excluding Impact TRAF-10, fall within the jurisdiction of another public agency. Although carrying out the mitigation measures would mitigate the impacts, the County lacks the authority to require the other public agency to implement the mitigation measures. Thus, these mitigation measures will be adopted and monitored through a mitigation monitoring plan, but the County is only able to encourage the voluntary implementation of the mitigation measures by the other public agencies. For the significant impact that falls within Butte County's jurisdiction, Impact TRAF-10, a mitigation measure has been identified, but is not being adopted. A Mitigation Monitoring and Reporting Plan has been prepared for General Plan 2030, and is included in the FEIR. The Board of Supervisors adopts the mitigation measures set forth in Impact TRAF-1 through Impact TRAF-9 and Impact TRAF-11 through Impact TRAF-13 and the Mitigation Monitoring and Reporting Plan that applies to these mitigation measures. The Board finds that the Plan is the best approach for the County to enforce the mitigation measures.

## **XI. FINDINGS RELATED TO CUMULATIVE IMPACTS**

CEQA Guidelines require consideration of the potential cumulative impacts that could result from a proposed project in conjunction with other projects in the vicinity. Such impacts can occur when two or more individual effects create a considerable environmental impact or compound other environmental consequences. In the case of a countywide planning document such as Butte County General Plan 2030, cumulative effects are effects that combine impacts from implementation of the project in the unincorporated county with effects of development in other portions of the region, including the incorporated municipalities and the surrounding counties.

The cumulative analyses in the DEIR evaluate aggregated impacts from projected development in the incorporated municipalities of Butte County and adjacent counties. The cumulative analyses consider anticipated levels of growth and development within the following jurisdictions:

- Municipalities in Butte County:
  - City of Biggs
  - City of Chico
  - City of Gridley
  - City of Oroville
  - Town of Paradise
- Adjacent Counties:
  - Colusa County
  - Glenn County
  - Plumas County
  - Sutter County
  - Tehama County
  - Yuba County
- Adjacent Municipalities:
  - City of Colusa
  - City of Corning
  - City of Live Oak
  - City of Marysville
  - City of Orland
  - City of Portola
  - City of Red Bluff
  - City of Tehama
  - City of Wheatland
  - City of Williams
  - City of Willows
  - City of Yuba City

Significant cumulative impacts are disclosed in Section IX. No other significant cumulative impacts were found in the EIR.

## **XII. STATEMENT OF OVERRIDING CONSIDERATIONS**

### **A. Introduction**

In determining whether to adopt General Plan 2030, CEQA requires a public agency to balance the benefits of a project against its unavoidable environmental risks. (CEQA Guidelines, section 15093). In accordance with Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the Board of Supervisors has, in determining whether or not to adopt General Plan 2030, balanced the economic, social, technological, academic, and other benefits of the Plan against its unavoidable environmental effects, and has found that the

benefits of the Plan outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. This statement of overriding considerations is based on the Board of Supervisors' review of the DEIR and FEIR and other information in the administrative record. The Board of Supervisors finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of General Plan 2030 notwithstanding the Plan's significant unavoidable impacts.

By incorporating policies intended to avoid environmental impacts and by steering development to existing urbanized areas and unincorporated communities, General Plan 2030 is largely self-mitigating. Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in the EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether. Implementation of General Plan 2030 has the potential to generate 24 significant environmental impacts. Of these impacts, 18 are the result of General Plan 2030, 5 are the result of General Plan 2030 combined with other cumulative development in the larger region, and 1 is considered an impact of both General Plan 2030 and cumulative development.

Significant and Unavoidable Project Impacts:

- AG-1
- AG-2
- HYDRO-1
- HYDRO-2
- NOISE-1
- TRAF-1
- TRAF-2
- TRAF-3
- TRAF-4
- TRAF-5
- TRAF-6
- TRAF-7
- TRAF-8
- TRAF-9
- TRAF-10
- TRAF-11
- TRAF-12
- TRAF-13

Significant and Unavoidable Cumulative Impacts:

- AG-3
- BIO-1
- HYDRO-3
- NOISE-2
- TRAF-14

Significant and Unavoidable Project and Cumulative Impacts:

- CC-1

The County recognizes that General Plan 2030 will cause the 24 significant and unavoidable impacts as listed above. The County has carefully balanced the benefits of General Plan 2030 against the unavoidable adverse impacts identified in the DEIR, FEIR and the County's Findings of Fact. Notwithstanding the disclosure of impacts identified as significant and which have not been eliminated to a level of insignificance, the County, acting pursuant to section 15093 of the CEQA Guidelines, hereby determines that the benefits of General Plan 2030 outweigh the significant unmitigated adverse impacts.

## **B. Specific Findings**

### Project Benefits Outweigh Unavoidable Impacts

The remaining significant and unavoidable impacts of General Plan 2030 are acceptable in light of the economic, fiscal, social, planning, land use, and other considerations set forth herein because the benefits of General Plan 2030 outweigh its significant and unavoidable adverse environmental impacts.

### Balance of Competing Goals

The County finds it imperative to balance competing goals in adopting General Plan 2030 and the environmental documentation for General Plan 2030. Not every policy or environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. Accordingly, in some instances the County has chosen to accept certain environmental impacts because to eliminate them would unduly compromise important economic, social, or other goals. The County finds and determines that the text of General Plan 2030 and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, fiscal, social, planning, land use, and other benefits to be obtained by General Plan 2030 outweigh the environmental and related potential impacts of General Plan 2030.

## **C. Overriding Considerations**

Substantial evidence is included in the record of these proceedings and in documents relating to General Plan 2030 demonstrating the benefits which the County would derive from the implementation of the Plan. The County has balanced the economic considerations of General Plan 2030 against the unavoidable environmental impacts identified in the DEIR and FEIR and concludes that the economic benefits that will be derived from the implementation of General Plan 2030 outweigh those environmental impacts. In particular, the County considered whether there would be any impacts related to: aesthetics; agriculture; air quality; biological resources; cultural resources; geology, soils, and mineral resources; hazards and safety; hydrology and water quality; land use; noise; population and housing; public services and recreation; transportation and circulation; utilities; and greenhouse gas emissions. Upon balancing the environmental risks and countervailing benefits, the County concludes that the benefits which the County will derive from the implementation of General Plan 2030 outweigh those environmental risks.

More particularly, General Plan 2030 will provide for the orderly development of residential, mixed use, retail and office, industrial, and public uses, while maintaining significant areas of open space, agriculture, and public lands. The County anticipates continued pressure for development within unincorporated Butte County. General Plan 2030 defines a vision of what the County desires to be in 20 years, and serves as a

comprehensive guide for decisions about land use, housing, economic development, agriculture, water resources, circulation, conservation and open space, health and safety, and public facilities and services. The County finds that this level of comprehensive planning is desirable and beneficial to the county and provides a more environmentally sustainable vision and development plan for the county than the previously adopted General Plan. For example, General Plan 2030 eliminates the Agricultural Residential designation, which allowed the expansion of rural residential development into agricultural areas, and designates the largest portion of this area Agriculture. General Plan 2030 increases the minimum parcel sizes allowed for Agriculture and Timber designations. In addition, General Plan 2030 contains extensive new policies that reduce single occupancy vehicle trips (such as the Policies under Goals CIR-2, CIR-3, and CIR-4), conserve energy (such as the Policies and Actions under Goals COS-2, COS-3, and COS-4), conserve water resources (such as the Policies under Goal W-4), reduce greenhouse gas emissions (such as the Policies and Actions under Goal COS-1), and promote environmental sustainability.

The adoption of General Plan 2030 would provide the County with a “constitution” for land use and development that would guide the county’s growth over the next 25 years in a manner that aligns with the goals of Butte County and its residents. General Plan 2030 would also create a variety of housing types that would allow the County to meet its fair share housing allocation without dividing established communities. This furthers the County’s General Plan Housing Element Goal 1, which is to “Provide for the County's regional share of new housing for all income groups and future residents as identified in the Housing Needs Assessment.”

The County finds that the above described benefits which will be derived from adopting General Plan 2030, when weighed against the absence of a general plan, override the significant and unavoidable environmental impacts of the Plan.

The Board of Supervisors has considered and carefully balanced the economic, legal, social, technological and other benefits of General Plan 2030 against its potentially significant and unavoidable adverse environmental effects. The Board of Supervisors has determined that the specific economic, legal, social, technological, and other benefits of the project, as more specifically identified below, outweigh the unavoidable adverse environmental effects of the project, which are thus considered acceptable by the Board. The Board of Supervisors hereby determines that the project is in the public interest and should, therefore, be approved.

The DEIR and FEIR recognize that certain specified adverse environmental impacts may be caused by the approval of General Plan 2030, which cannot be mitigated to a level of insignificance by the application of feasible mitigation measures or an alternative to the project. Despite the finding in the EIR that such unavoidable adverse environmental impacts may be caused by the project, the Board of Supervisors nevertheless finds, after a thorough review and independent consideration of such potentially adverse environmental impacts, that the benefits of the project outweigh the unavoidable adverse

environmental impacts. Those impacts are therefore deemed to be acceptable by the Board. Each benefit set forth below constitutes a separate, independent, and severable overriding consideration warranting approval of the project, despite the unavoidable impact.

Substantial evidence in the record demonstrates that the County would derive the following benefits from adoption and implementation of General Plan 2030:

- The project updates and modernizes the existing General Plan, which would become increasingly out of date, and put the County at risk of a legal challenge which could potentially restrict the County's ability to approve new development projects (residential, agricultural, commercial, and industrial).
- The project updates the General Plan policies and the Land Use Map to account for changing land use patterns, economic conditions, socioeconomic changes, technological advances, and the need to address environmental impacts, such as global climate change.
- The project would assist the County to make appropriate land use decisions. The land use designations of General Plan 2030 would allow decision makers to approve development within the county consistent with the County's vision for growth.
- General Plan 2030 best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development.
- General Plan 2030 balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The project represents the best compromise in terms of satisfying the County's obligations to social, environmental, and housing considerations, all within the constraints of the County's limited budget.
- General Plan 2030 ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.
- The project includes goals, objectives, and policies that provide substantial additional protection of the County's important natural resources, such as biological resources and timber and agricultural resources, while

recognizing the rights of private property owners.

- The project will provide for future County housing needs. General Plan 2030 will provide necessary housing for future conditions, thereby addressing, among other things, the need for moderate priced workforce housing.
- The project would provide additional employment opportunities in the County. Land use designations and policies of General Plan 2030 encourage the establishment of uses that will generate employment opportunities for the residents of the County.
- The project would increase County revenues, through increased property taxes from property developed as a result of General Plan 2030, and through funds collected from development impact fees and other exactions imposed upon such development.
- The project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.
- General Plan 2030 includes policies and implementation measures that address greenhouse gas emissions and commit the County to developing a Climate Action Plan.
- General Plan 2030 includes policies and implementation measures that protect groundwater and other water supplies, to the extent feasible, by providing measures to ensure that water supply and delivery systems are available in time to meet the demand created by new development, and by requiring development project approvals to include best management practices for water use efficiency and to demonstrate specific water conservation measures. General Plan 2030 also commits the County to protect and preserve groundwater supplies and quality in Butte County.
- General Plan 2030 includes policies and implementation measures that promote recycling and solid waste reduction.
- General Plan 2030 accommodates a reasonable amount of growth, while including policies and implementation measures to ensure that the impacts of such growth on Butte County are mitigated to the extent feasible, and that development projects contribute their reasonable share of costs toward needed public infrastructure.
- The amount, density, and compactness of development contemplated and allowed by General Plan 2030 will support the establishment of infrastructure (water, wastewater, roads, public facilities, etc.) and levels

of service to address the needs and impacts of growth in Butte County.

- General Plan 2030 provides for Special Planning Areas that require coordinated, master-planned, high density development in appropriate locations, which furthers the County's vision for growth, avoids urban sprawl, and assists in reducing development pressure on agricultural and resources lands elsewhere.
- General Plan 2030 further protects, to the extent feasible, agricultural lands, open space, and natural resources (which include grazing, timber, and wildlife lands), by not allowing land divisions intended for residential use to be developed in areas that are not specifically designated for such development in the General Plan.
- General Plan 2030 provides appropriate minimum parcel sizes for agricultural lands throughout the County.
- The project supports the local economy by reserving an appropriate and feasible amount of land for development, while balancing the protection of agricultural and environmentally sensitive lands and resources. The project promotes a strong, diverse, and sustainable economy by attracting and retaining businesses that both provide jobs and provide opportunities for businesses and consumers to purchase needed goods and services locally.

The Board of Supervisors hereby finds it is imperative to balance competing goals when approving General Plan 2030 and associated environmental documentation. Not every environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. The Board has chosen to accept certain environmental impacts because complete eradication of impacts would unduly compromise some other important community goals.

The Board has found and determined that General Plan 2030 and supporting environmental documentation provide for a positive balance of the competing goals and that the social, environmental, land-use and other benefits to be obtained by the project outweigh any remaining environmental and related potential detriment of the project.

### **XIII. INCORPORATION BY REFERENCE**

The EIR is hereby incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant unavoidable adverse impacts.

#### **XIV. SUMMARY**

Based on the foregoing findings and the information contained in the Record, the Board of Supervisors has made one or more of the following findings with respect to each of the significant environmental effects of General Plan 2030:

- 1) Changes or alterations have been required in, or incorporated into, General Plan 2030 which mitigate or avoid the significant effects on the environment.
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Based on the foregoing findings and the information contained in the record, it is determined that:

- 1) All significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible.
- 2) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in subsection XII C., above, and the County finds that General Plan 2030 should be approved.

#### **XV. CERTIFICATION**

The Board of Supervisors of the County of Butte hereby certifies the Final Environmental Impact Report prepared for General Plan 2030 (consisting of the DEIR, FEIR, and all appendices and errata), adopts the Statement of Overriding Considerations set forth herein, and approves the Mitigation Monitoring and Reporting Program discussed in section X above. The Director of Development Services shall promptly file a Notice of Determination as provided in California Code of Regulation, title 14, section 15094.

#### **XVI. VOTE**

For the reasons set forth above, the Board of Supervisors makes the specified findings of fact, rejects the three alternatives, adopts a Mitigation Monitoring and Reporting Plan, and adopts a statement of overriding considerations.

PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, at its regular meeting held on the 26<sup>th</sup> day of October, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
NOT VOTING:

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BILL CONNELLY, Chair  
Butte County Board of Supervisors

ATTEST:  
PAUL HAHN, Chief Administrative Officer  
and Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy