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MEMORANDUM

DATE October 12, 2009
TO Butte County Development Services
FROM DC&E
RE **General Plan 2030 Policies Required for CEQA**

As indicated in the Introduction chapter of the Public Review Draft General Plan 2030, some General Plan policies are required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative "shall," and in all cases are mandatory. These policies will be marked with an asterisk (*) in the Final General Plan. Since the list of policies that are required for environmental impact mitigation under CEQA had not yet been finalized when the Public Review Draft General Plan 2030 was published, this list is being provided separately for use during the review of the Public Review Draft General Plan, and will be incorporated into the Final General Plan document prior to adoption.

The list of policies required for environmental mitigation is as follows.

Land Use Element:

- ◆ Policy LU-P4.1: The integrity and stability of existing residential neighborhoods shall be promoted and preserved.
- ◆ Policy LU-P5.3: New industrial uses shall be designed to avoid adverse impacts to adjacent uses, particularly residential neighborhoods, with respect to, but not limited to, noise, dust and vibration, water quality, air quality, agricultural resources, and biological resources.

Agriculture Element:

- ◆ Policy AG-P5.3: The Zoning Ordinance shall require that a buffer be established on property proposed for residential development in order to protect existing agricultural uses from incompatible use conflicts. The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances.

Water Resources Element:

- ◆ Policy W-P1.8: Agriculture, logging, mining, recreational vehicle use, and other open space uses shall follow best management practices to minimize erosion and protect water resources.
- ◆ Policy W-P2.9: Applicants for new major development projects, as determined by the Department of Development Services, shall demonstrate adequate water supply to meet the needs of the project, including an evaluation of potential cumulative impacts to surrounding groundwater users and the environment.
- ◆ Policy W-P3.4: Wetland areas shall be preserved to support groundwater recharge.
- ◆ Policy W-P4.7: New development shall adopt best management practices for water use efficiency and demonstrate specific water conservation measures.
- ◆ Policy W-P5.2: New development shall identify and adequately mitigate its water quality impacts from stormwater runoff.
- ◆ Policy W-P5.4: Temporary facilities shall be installed as necessary during construction activities in order to adequately treat stormwater runoff from construction sites.
- ◆ Policy W-P6.2: Where streambanks are already unstable, as demonstrated by erosion or landslides along banks, tree collapse, or severe in-channel sedimentation, proponents of new development shall prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff.

Conservation and Open Space Element:

- ◆ Policy COS-P5.2: Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.
- ◆ Policy COS-P5.4: Stationary air pollutant emission sources, such as factories, shall be located more than 500 feet and/or upwind from residential areas and other sensitive receptors.
- ◆ Policy COS-P5.5: Residential developments and other projects with sensitive receptors shall be located more than 500 feet from stationary air pollutant sources.
- ◆ Policy COS-P5.6: New sources of toxic air pollutants shall prepare a Health Risk Assessment as required by Section 44300 of the California Health and Safety Code. The Assessment shall be used to establish appropriate land use buffer zones around those areas posing substantial health risks based upon the California Air Resources Board's guidance provided in the Air Quality Land Use Handbook.
- ◆ Policy COS-P7.3: Creeks shall be maintained in their natural state whenever possible, and creeks and floodways shall be allowed to function as natural flood protection features during storms.

- ◆ Policy COS-P7.4: New development shall mitigate its impacts in sensitive habitat areas through on- or off-site habitat restoration, clustering of development, and/or project design.
- ◆ Policy COS-P7.5: No new development shall occur in wetlands or within significant riparian habitats.
- ◆ Policy COS-P7.6: New development shall include setbacks and buffers along riparian corridors and adjacent to sensitive habitat.
- ◆ Policy COS-P7.7: Construction barrier fencing shall be installed around sensitive resources on or adjacent to construction sites. Fencing shall be installed prior to construction activities and maintained throughout the construction period.
- ◆ Policy COS-P7.8: Construction employees shall be trained by a US Fish and Wildlife Service-approved biologist about on-site biological resources, including sensitive natural communities, special-status plant and wildlife habitats, nests of special-status birds, and avoidance of invasive plant introduction and spread, as well as penalties for not complying with biological mitigation requirements.
- ◆ Policy COS-P7.9: A biologist shall be retained to conduct construction monitoring in and adjacent to all sensitive habitats when construction is taking place near sensitive habitat areas.
- ◆ Policy COS-P8.4: Introduction or spread of invasive plant species during construction of projects shall be avoided by minimizing surface disturbance; seeding and mulching disturbed areas with certified weed-free native mixes; and using native, noninvasive species in erosion control plantings.
- ◆ Policy COS-P9.1: A biological resources assessment shall be required for any proposed project where special-status species or critical habitat may be present. Assessments shall be carried out under the direction of Butte County. Additional focused surveys shall be conducted during the appropriate season if necessary.
- ◆ Policy COS-P9.2: If special-status plant or animal species are found to be located within a development site, proponents of the project shall engage in consultation with the appropriate federal, State, and regional agencies and mitigate project impacts in accordance with State and federal law. Examples of mitigation may include:
 - a. Design the proposed project to avoid and minimize impacts.
 - b. Restrict construction to specific seasons based on project-specific special-status species issues (e.g. minimizing impacts to special-status nesting birds by constructing outside of the nesting season).
 - c. Confine construction disturbance to the minimum area necessary to complete the work.
 - d. Mitigate for the loss of special-status species by purchasing credits at an approved conservation bank (if a bank exists for the species in question), funding restoration or habitat improvement projects at existing preserves in Butte County, or purchasing or donating mitigation lands of substantially similar habitat.

- e. Maintain a minimum 100-foot buffer on each side of all riparian corridors, creeks and streams for special-status and common wildlife.
 - f. Establish setbacks from the outer edge of special-status species habitat areas.
 - g. Prohibit livestock grazing or drainage into the setback of special-status species habitat areas.
 - h. Construct barriers to prevent compaction damage by foot or vehicular traffic.
- ◆ Policy COS-PI2.2: Mineral resources identified by the State to be of regional or statewide significance for mineral resource extraction shall be conserved.
 - ◆ Policy COS-PI5.1: Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.
 - ◆ Policy COS-PI5.2: Any archaeological or paleontological resources on a project site shall be either preserved in their sites or adequately documented as a condition of removal. When a project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.
 - ◆ Policy COS-PI6.4: If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.
 - ◆ Policy COS-PI7.1: Views of Butte County's scenic resources, including water features, unique geologic features, and wildlife habitat areas, shall be maintained.
 - ◆ Policy COS-PI7.2: Ridgeline development near scenic resources shall be limited in order to minimize visual impacts.
 - ◆ Policy COS-PI7.3: Light fixtures shall be designed and sited so as to minimize light pollution, glare and light trespass into adjoining properties.

Health and Safety Element:

- ◆ Policy HS-PI.1: New development projects proposed in areas that exceed the land use compatibility standards in Tables HS-2 and HS-3 shall require mitigation of noise impacts.
- ◆ Policy HS-PI.2: Noise from transportation sources shall not exceed land use compatibility standards in Table HS-2.
- ◆ Policy HS-PI.3: New noise-sensitive land uses shall not be located within the 55 L_{dn} contour of airports, roadways, and other noise-generating uses, with the exception of the Chico Municipal Airport.
- ◆ Policy HS-PI.4: New noise-sensitive land uses shall not be located within the 60 L_{dn} contour of the Chico Municipal Airport.

- ◆ Policy HS-P1.9: The following standard construction noise control measures shall be required at construction sites in order to minimize construction noise impacts:
 - a. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
 - c. Utilize quiet air compressors and other stationary noise-generating equipment where appropriate technology exists and is feasible.

- ◆ Policy HS-P1.10: To reduce impacts from ground borne vibration associated with rail operations, residences or other vibration-sensitive buildings shall be sited at least 100 feet from the centerline of the nearest railroad track whenever feasible. Development of vibration-sensitive buildings, such as those containing precision medical and industrial equipment or television, radio, and recording studios, within 100 feet from the centerline of the nearest railroad track shall require a study demonstrating that groundborne vibration issues associated with rail operations have been adequately addressed through building siting or construction techniques.

- ◆ Policy HS-P2.4: Development on lands within the 100-year flood zone, as identified on the most current available maps from FEMA, shall be allowed only if the applicant demonstrates that it will not:
 - a. Create danger to life and property due to increased flood heights or velocities caused by excavation, fill, roads and intended use.
 - b. Create difficult emergency vehicle access in times of flood.
 - c. Create a safety hazard due to the height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - d. Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.
 - e. Interfere with the existing water conveyance capacity of the floodway.
 - f. Substantially increase erosion and/or sedimentation.
 - g. Contribute to the deterioration of any watercourse or the quality of water in any body of water.
 - h. Require storage of material or any substantial grading or substantial placement of fill.
 - i. Conflict with the provisions of the applicable requirements of Government Code Sections 65865.5, 65962 or 66474.5.

- ◆ Policy HS-P2.5: The lowest floor of any new construction or substantial improvement within Flood Zones A, AE, AH, and shaded Zone X, as shown in Figure HS-1 or the most current maps available from FEMA, shall be elevated 1 foot or more above the 100-year flood elevation. (County Flood Ordinance Sec. 26-22). Within urban or urbanizing areas, as defined in Government Code 65007, the lowest floor of any new construction or substantial improvements shall be elevated a minimum of 1 foot above the 200-year flood elevation.

- ◆ Policy HS-P3.2: Applicants for new development shall provide plans detailing existing drainage conditions and specifying how runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility.
- ◆ Policy HS-P3.3: All development shall include stormwater control measures and site design features that prevent any increase in the peak flow runoff to existing drainage facilities.
- ◆ Policy HS-P6.1: Appropriate detailed seismic investigations shall be completed for all public and private projects in accordance with the Alquist-Priolo Earthquake Fault Zoning Act.
- ◆ Policy HS-P7.1: Site-specific geotechnical investigations shall be required to assess landslide potential for private development and public facilities projects in areas rated "Moderate to High" and "High" in Figure HS-4 or the most current available mapping.
- ◆ Policy HS-P8.1: Site-specific geotechnical investigations shall be required to assess erosion potential for private development and public facilities in areas rated "Very High" in Figure HS-5 or the most current available mapping.
- ◆ Policy HS-P9.1: Site-specific geotechnical investigations shall be required to assess risks from expansive soils for private development and public facilities in areas rated "High" in Figure HS-6 or the most current available mapping.

Public Facilities and Services Element:

- ◆ Policy PUB-P1.2: County facilities shall be designed, constructed, and operated to be environmentally sustainable, and beneficial to the community and the region.
- ◆ Policy PUB-P12.3: New community sewerage systems shall be managed by a public County sanitation district. Proponents shall demonstrate the financial viability of constructing, operating, and maintaining the proposed community sewerage system.