



LEGAL AUTHORITY AND IMPLEMENTATION

LEGAL AUTHORITY

California planning law requires cities and counties to prepare and adopt a “comprehensive, long-range general plan” to guide development of the community. Statutory authority for a general plan is described in Title 7, Division 1 of the Government Code of the State of California. Article 5, Section 65302 et seq. requires cities to adopt a comprehensive general plan to guide future physical development. The plan may recognize local conditions in a format that is appropriate for the local agency. Although the general plan must address a number of mandatory subjects and elements, the City may choose the degree of specificity and level of detail that is appropriate for the City.

The General Plan could be thought of as the jurisdictions’ “constitution.” The General Plan requires a complex set of analysis, comprehensive public outreach and input, and meaningful policy direction in vast range of topic areas. Put simply the General Plan has several basic functions including:

- A vision for the future. The General Plan contains a vision statement, goals, and policies and implementation strategies to achieve the vision and goals for the future.
- Decision making guide. As decision makers change over time, the General Plan includes educational material and background information that provide a context for the policy guidance contained in the Plan. The General Plan provides continuity for guiding and influencing the many public and private decisions that together influence the community’s future.
- Legal requirement. The General Plan has been prepared to fulfill the requirements of state law and guidelines adopted by the California Office of Planning and Research. State law not only requires adoption of the General Plan, but that zoning codes, subdivision regulations, specific plans, capital improvement programs, and other local measures be consistent with the General Plan.

The question of “legal adequacy” is addressed according to the standards of State law. Further guidance is provided by the General Plan Guidelines, which are prepared by the Governor’s Office of Planning and Research (OPR). More information on the General Plan Guidelines can be found at the OPR’s web site: <http://opr.ca.gov/>

Cities and counties have the sole responsibility for the review, approval, and adoption of the general plan. However, State agencies have review and comment authority over some local government actions. Some of the agencies likely to involved are described in detail later in this section. In California, courts are frequently asked to rule on local government compliance with State general plan law.

State law specifies that each general plan address seven issue areas, known as “elements,” which must be consistent with one another. The seven required elements include:

1. Land use;
2. Transportation;



3. Open space;
4. Conservation;
5. Housing;
6. Noise; and,
7. Safety.

The plan must analyze issues of importance to the community, set forth policies for conservation and development, and outline specific programs or actions for implementing these policies. The relationship between the titles and topics presented in Live Oak’s General Plan and those addressed in State law is presented in each Element of this General Plan.

A general plan must contain development policies, diagrams, and text that describe objectives, principles, standards, and plan proposals. Descriptions of the required topics to be covered within each mandatory element are provided below. According to the Governor’s Office of Planning and Research’s (OPR) guidelines regarding general plans, topics from different elements may be combined, but all must be addressed within the general plan. Please refer to the Governor’s Office of Planning and Research General Plan Guidelines for more information. Section references below are from the Government Code, unless otherwise specified.

LAND USE

A land use element must designate the proposed general distribution and general location and extent of the uses of the land for housing, business, industry; open space including agriculture, natural resources, recreation, and enjoyment of scenic beauty; education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element must also include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the general plan.

TRANSPORTATION

A circulation element consists of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities and correlates these with the land use element of the general plan.

OPEN SPACE

The open-space element details plans and measures for the preservation of open space for natural resources, for the managed production of resources, for outdoor recreation, and for public health and safety.

CONSERVATION

A conservation element details how natural resources are conserved, developed, and utilized. Natural resources can include water and its hydraulic force, forests, soils, rivers and other waters, harbors,



fisheries, wildlife, minerals, and other resources deemed important to the community. The conservation element may also cover:

- ✓ Reclamation of land and waters;
- ✓ Prevention and control of the pollution of streams and other waters;
- ✓ Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan;
- ✓ Prevention, control, and correction of the erosion of soils, beaches, and shores;
- ✓ Protection of watersheds;
- ✓ Location, quantity, and quality of rock, sand, and gravel resources; and
- ✓ Flood control.

HOUSING

The housing element consists of standards and plans for the improvement of housing and the provision of adequate sites for housing to meet the needs of all economic segments of the community.

The California Legislature has identified the attainment of a decent home and suitable living environment for every resident as a major housing goal. Recognizing the important role of local planning programs in pursuing this goal, the Legislature has mandated that all cities and counties prepare housing elements as part of their comprehensive general plans. Section 65302(c) of the Government Code sets forth the specific components to be contained in a community's housing element.

State law establishes a schedule for updates to housing elements to reflect a community's changing housing needs. A critical measure of compliance with the State Housing Element law is the ability of a jurisdiction to accommodate its share of the regional housing construction need. The components of housing elements under state law include, but are not limited to (see also Government Code Section 65583):

- ✓ assessment of housing needs and an inventory of resources relevant to the meeting of these needs;
- ✓ analysis of potential and actual governmental and nongovernmental constraints to meeting housing needs;
- ✓ analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter;
- ✓ analysis of opportunities for energy conservation with respect to residential development;



- ✓ analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use;
- ✓ a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and,
- ✓ a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area.

NOISE

A noise element must identify and appraise noise problems in the community. By using guidelines established by the Office of Noise Control, in the State Department of Health Services, the noise element must also analyze and quantify, to the extent practicable as determined by the legislative body, current and projected noise levels for all of the following sources:

- ✓ Highways and freeways;
- ✓ Primary arterials and major local streets;
- ✓ Passenger and freight on-line railroad operations and ground rapid transit systems;
- ✓ Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation;
- ✓ Local industrial plants, including, but not limited to, railroad classification yards; and,
- ✓ Other ground stationary noise sources identified by local agencies as contributing to the community noise environment;

Noise contours must be shown for all of the above sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (L_{dn}). The noise contours are then used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise. In addition, the noise element must include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element also serves as a guideline for compliance with the state's noise insulation standards.



SAFETY

The safety element provides for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element must also map known seismic and other geologic hazards. In addition, the safety element must address evacuation routes, peak-load water supply requirements, and minimum road widths and clearances around structures as related to fire and geologic hazards.

CHANGES IN RELEVANT LAW

The legislature routinely revises sections of State law that are relevant for consideration in updating a General Plan. Some of more important changes that relate to Live Oak's General Plan update are outlined below. All section numbers listed below are in the Government Code, unless otherwise specified.

- ✓ As a part of 1996 amendments, Section 65352 was amended to require the planning agency to notify affected public agencies (e.g., cities, counties, special districts, school district, LAFCO, regional planning agencies, federal agencies, water suppliers, air pollution control districts) of a substantial amendment to a general plan.
- ✓ In 1996, the legislature amended requirements for coordination and consultation among water supply agencies relative to general plan updates (see Section 65352.5, Water supply coordination) to ensure that proper water supply planning occurs in order to accommodate projects that will result in increased demands on water supplies.
- ✓ As a part of Section 65400, the legislature included amendments that deal with implementation of the general plan. This section requires the following actions:
 - After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:
 - Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.
 - Provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the plan and progress in its implementation, including the progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to



remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

- The housing portion of the annual report required to be provided to the Office of Planning and Research and the Department of Housing and Community Development pursuant to this subdivision must be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of, Chapter 4 (commencing with Section 11370) of, and Chapter 5 (commencing with Section 11500) of, Part 1 of Division 3 of Title 2). This report must be provided to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on or before October 1 of each year.

A package of flood related bills were passed and signed in 2007 dealing with flood protection and land use planning in Central Valley. This legislation raises the standard for flood protection of urban areas, requires the State to provide updated information on the extent of floodplains, and requires local land use entitlement authorities to make more responsible land use decisions in floodplain areas. The Legislature expressed its intent in the California State Water Code Section 9601 as follows:

- (a) The Central Valley of California is experiencing unprecedented development, resulting in the conversion of historically agricultural lands and communities to densely populated residential and urban centers.
- (b) The Legislature recognizes that by their nature, levees, which are earthen embankments typically founded on fluvial deposits, cannot offer complete protection from flooding, but can decrease its frequency.
- (c) The Legislature recognizes that the level of flood protection afforded rural and agricultural lands by the original flood control system would not be adequate to protect those lands if they are developed for urban uses, and that a dichotomous system of flood protection for urban and rural lands has developed through many years of practice.
- (d) The Legislature further recognizes that levees built to reclaim and protect agricultural land may be inadequate to protect urban development unless those levees are significantly improved.
- (e) Cities and counties rely upon federal flood plain information when approving developments, but the information available is often out of date and the flood risk may be greater than that indicated using available federal information.
- (f) The Legislature recognizes that the current federal flood standard is not sufficient in protecting urban and urbanizing areas within flood prone areas throughout the Central Valley.
- (g) Linking land use decisions to flood risk and flood protection estimates comprises only one element of improving lives and property in the Central Valley. Federal, state, and local agencies may construct and operate flood protection facilities to reduce flood risks, but flood risks will nevertheless remain for those who choose to reside in Central Valley flood plains. Making those flood risks more apparent will help ensure that Californians make careful choices when deciding whether to build homes or live in Central Valley flood plains, and if so, whether to prepare for flooding or maintain flood insurance.



The 2007 statutes create new responsibilities for state agencies, such as the Department of Water Resources (DWR) the newly reorganized Central Valley Flood Protection Board (CVFPB), The California Department of Fish and Game (DFG), and the Department of Housing and Community Development (HCD).

By July 1, 2008, DWR was required to provide preliminary maps of areas within 100- and 200-year floodplains protected by “project levees” (Water Code 9610). “Project levees” are those levees that are part of the facilities of the State Plan of Flood Control. Generally, these are levees for which the Department or CVFPB are responsible for ensuring that they provide flood protection. Currently, the 100-year floodplain is the most frequently cited standard for flood risk and flood protection. DWR is also required, by December 31, 2008, to prepare maps that show levee protection zones, including those lands where flooding would be more than three feet deep if a levee were to fail (Water Code 9130). DWR will provide suggested requirements for adoption by the Building Standards Commission related to construction in areas protected by project levees where flood waters would exceed three feet in a 200-year flood (Health and Safety Code 50465).

By January 1, 2012, DWR is required to have prepared the Central Valley Flood Protection Plan (Water Code 9612). In accordance with Sections 9614 and 9616, this plan will identify and evaluate the Sacramento-San Joaquin Rivers flood management system; assess climate changes implications for flood control; outline necessary improvements to facilities in the system to provide 200-year flood protection to urban areas; propose structural and non-structural improvements to riverine ecosystem functions; and, related items. “Urban areas” are those with more than 10,000 residents protected by project levees.

The State Reclamation Board is now known as the Central Valley Flood Protection Board (CVFPB). This organization maintains its historic responsibility for oversight of project levees. In addition, the CVFPB is responsible for actually adopting the Central Valley Flood Protection Plan (described above), which is drafted by DWR.

With the addition flood related information provided by the State of California, local agencies will be required to update their plans and regulations to ensure consistency. The 2007 flood bills revised the requirements for the Land Use, Conservation, and Safety elements of city and county General Plans, with special attention to jurisdictions within the Central Valley.

Cities and counties in the Central Valley are required to update their General Plans within 24 months of adoption of the Central Valley Flood Control Plan. The updates must reflect the facilities identified in the State Plan of Flood Control; locations of other flood management facilities; maps of property protected by these facilities; and, the locations of flood hazard zones. Jurisdictions must use the data from the State Plan of Flood Control to create goals and policies that reduce the risk of flood damage. In the future, when Central Valley cities and counties look to update the General Plan safety element, consultation is required with the CVFPB, as well as any local agency that provides flood protection. Specific findings are required if the city or county rejects the advice of the CVFPB or local flood protection agencies (Government Code 65302.9).



GENERAL PLAN IMPLEMENTATION

The most important measure of a general plan is how well its policies are carried out to achieve the community's vision and goals once the plan has been adopted. The Live Oak General Plan will be implemented through a combination of private and public actions during the General Plan time horizon.

City decision makers will use the policies included throughout this General Plan as a decision making guide for a wide range of discretionary actions. The City will consider development proposals in new growth areas and within existing developed portions of the community, requiring project revisions or conditions to ensure General Plan consistency, as necessary. The City will coordinate with other public agencies on investments, such as infrastructure and public facilities to support General Plan compliant land uses. The City staff will use General Plan implementation programs as "work orders" during the planning period, consulting with the City Council to determine priorities and timing for these proactive measures.

GENERAL PLAN AMENDMENTS

As conditions and needs change, the City may consider proposed amendments to the General Plan. Some of these will be policy changes, while others may be changes to land use designations. Proposed changes to the General Plan will be analyzed and evaluated according to the merit of each proposal and consistency with the intent of the General Plan.

The City is limited in how many times it may amend any one of the mandatory general plan elements. An element may not be amended more than four times in one calendar year, except in the following circumstances:

- ✓ The element is optional;
- ✓ The amendments are requested and necessary for affordable housing;
- ✓ The amendment is necessary to comply with a court decision in a case involving the legal adequacy of the general plan;
- ✓ The amendments are made to bring a general plan into compliance with an airport land use plan; or,
- ✓ The amendments are needed in connection with the adoption of a comprehensive development plan under the Urban Development Incentive Act.

Amendments may include more than one change to the general plan. In some cases, a government may group together several proposals to be considered in one amendment. Amendments can be adopted by the governing agency, with the mandated process outlined in Section 65350, et seq., or by initiative or referendum. Any amendment must conform to all the requirements of planning law, including consistency requirements. Amendments are subject to compliance with the California Environmental Quality Act (CEQA).



When the Planning Commission and City Council are considering a proposed General Plan amendment, at a minimum, the answers to the following questions (plus additional considerations as conditions warrant) will determine the City's action:

- ✓ Is the proposed amendment in the public interest?
- ✓ Is the proposed amendment consistent and compatible with the goals and policies of the General Plan?
- ✓ Is the proposed amendment consistent with Live Oak's General Plan Vision Statement and Guiding Principles?
- ✓ Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental to the public health, safety, or welfare?
- ✓ Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act?

GENERAL PLAN REVIEW

The City will routinely review the General Plan to help set priorities and evaluate progress toward General Plan goals. The City will annually review progress toward General Plan goals and document its findings in a report to the Governor's Office of Planning and Research. The City, in its review, will consider the availability of new planning and environmental analytical tools or policy approaches, new funding sources, and any feedback from plan monitoring activities.

SPECIFIC PLANS

In accordance with State law, the City may adopt specific plans for properties within the boundaries of the Planning Area. All property owners in a specific plan are encouraged to participate in the specific planning process. If properly designed and implemented, a specific plan, as set forth in California Government Code, is a helpful tool for providing a transition between the citywide goals and policies contained in the General Plan and subsequent entitlement requests (e.g., tentative maps, conditional use permits).

The specific plan is essentially a complete "blueprint" for the development of a defined area; it includes land use and circulation diagrams, public facilities required to serve proposed land use, the cost and methods of financing needed public facilities and services, and guidance on implementation of the plan, including infrastructure phasing and development standards (i.e., zoning).

Specific plans must be consistent with the City's General Plan and the City's infrastructure master plans, as determined by the City, and contain information as required by State law and information including, but not limited to the following:

- ✓ Land use diagram and description.
- ✓ Circulation system diagram and description.



- ✓ Policies, design guidelines, and development standards.
- ✓ Parks.
- ✓ Affordable housing.
- ✓ Public facility plan, including the location and sizing of major infrastructure (e.g., water, wastewater, storm drainage) and other public facilities (e.g., parks, schools) consistent with the General Plan, City infrastructure master plans, and standards.
- ✓ Phasing and financing of all public infrastructure and facilities.
- ✓ Description of the requirements, entitlements, and process for specific plan implementation.
- ✓ Analysis of consistency with General Plan goals, policies (including diagrams), and implementation programs, as relevant.

In addition to providing well-coordinated land use and infrastructure planning, specific plans may be required to provide the information necessary to support an annexation request to LAFCO. The City may elect to forward an annexation request that does not include the entire geographic area included in an approved specific plan.

Specific plans are subject to CEQA analysis, with the City as the lead agency, pursuant to the statutory guidance, CEQA guidelines, and case law applicable at the time of processing.

THE GENERAL PLAN AND OTHER REGULATIONS

State law places the General Plan atop the hierarchy of land use planning regulations. Several local ordinances and other City plans must conform to General Plan policy direction and work to implement the General Plan.

Also, regional governmental agencies, such as the Sacramento Area Council of Governments (SACOG), the Feather River Air Quality Management District (FRAQMD), and the Regional Water Quality Control Board (RWQCB), have been established in recognition of the fact that planning issues extend beyond the boundaries of individual cities. Efforts to address regional planning issues such as air and water quality, transportation, affordable housing, and habitat conservation have resulted in the adoption of regional plans. The policies adopted by Live Oak will be affected by these plans and will in turn have effects on these other plans. The paragraphs below describe ordinances, plans, and programs that should be consulted in association with the General Plan when making development and planning decisions.

RELATIONSHIP WITH CITY REGULATIONS

The General Plan provides a governing basis for all other plans and planning documents of the City and all codes, ordinances, and policies of the City related to land use change, transportation, environmental resources, infrastructure, and other related topics.



In California, general plans are cities' and counties' guiding policy documents. Local agencies implement general plans in part through the adoption and enforcement of zoning codes, subdivision ordinances, and other regulations. General plan land use designations and planning policy provide a framework for zoning designations and development standards. Cities and counties' design regulations and guidelines are also governed by general plans. General plans often contain policy that guides any municipal code sections and ordinances that regulate grading, building permits, open space dedications, landscaping requirements, parkland dedication, off-street parking requirements, transportation infrastructure, signage, and other planning-related codes and ordinances.

Cities and counties must make a "consistency" finding with the general plan for any subdivision map, zoning action, public facility plans, and other functions of local government. Court decisions have concluded that these "consistency" determinations cannot be made if the local jurisdiction does not have a legally adequate general plan. In effect, local governments cannot issue development permits or perform many vital public functions without a legally adequate general plan.

The Zoning Code, the primary tool used to implement the General Plan, regulates development type and intensity citywide. Development regulations set limits on building height, require setbacks, and specify the percentage of a site that must be landscaped. The Zoning Code also outlines standards for residential planned unit development and affordable housing among many other land use issues. Live Oak's zoning code and municipal code will undergo a comprehensive update following the adoption of the updated General Plan to ensure consistency and effective implementation.

The City updated its infrastructure master plans (i.e., water, wastewater, stormwater drainage) in coordination with this General Plan update. For each of these respective systems, the plans designate improvement and replacements to be implemented. General plan growth projections and land use designations are used to guide the infrastructure master plans.

RELATIONSHIP WITH OTHER AGENCY REGULATIONS

The 2030 General Plan and the accompanying General Plan Program EIR both make reference to laws, plans, and regulations administered by other public agencies. In many instances, the City's policy is crafted to provide consistency with regulations of another public agency. In other cases, the City commits to seeking input from other agencies relative to particular planning/environmental issues that may arise over the course of implementing the 2030 General Plan. Unless otherwise specified, any reference to "consulting with" or "coordinating with" other agencies in no way delegates the City's responsibility for land use entitlement or lead agency responsibilities for managing land use change. Some of the key areas of interaction with other agencies are described below.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

As previously noted, the general plan is the primary document that guides growth and development in a city or county. The plan is also closely linked to the State's environmental law. CEQA recognizes the authority of the local general planning process in several areas. In law and in practice, the environmental review process is an integral part of the local planning, development review, and decision making process.



Defined as a “project” under CEQA, the general plan adoption process is subject to environmental analysis and disclosure. As a policy document, the general plan provides guidance and sets standards for several areas of mandatory environmental review for other “projects” undertaken by local governments and the private sector. In recognition of this close relationship between general plan policy and the environmental review process, the Live Oak General Plan has been prepared to respond to changes in the State’s CEQA regulations, CEQA Guidelines, and relevant and applicable CEQA case law. It is possible that CEQA review administered by the City would have one or more responsible agencies or even co-lead agencies, as appropriate.

SUTTER COUNTY

The land use and development standards of lands located outside the City boundaries are subject to the rules and regulations of Sutter County. When these lands are located within the City’s Sphere of Influence but outside the City’s corporate boundaries, development projects pursued at the County level are referred to the City for review and comment.

SUTTER LOCAL AGENCY FORMATION COMMISSION

The provisions of California’s Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 set forth procedures for LAFCOs throughout the state to review annexation applications. The Act was adopted to:

- ✓ encourage orderly development;
- ✓ ensure that populations receive efficient and high quality governmental services; and
- ✓ guide development away from open space and prime agricultural lands, unless such action promotes planned, orderly, and efficient development.

Sutter County LAFCO must adhere to adopted guidelines pursuant to State law in its review of future City annexations. The Sutter County LAFCO is comprised of two members of the Sutter County Board of Supervisors appointed by the Board; two City Council members appointed by the City Selection Committee (one member from the City of Yuba City and one member from the City of Live Oak); two Special District members appointed by the Independent Special District Selection Committee; and one public member appointed by the other Commissioners.

Responsibilities of the Sutter County LAFCO include annexations and detachments of land to cities or special districts, the formation and dissolution of governmental agencies including cities and districts and the establishment of spheres of influence which identify the probable future boundaries of governmental agencies.

Live Oak’s General Plan does not propose land use change for any areas outside the existing Sphere of Influence. However, LAFCO review and approval will be required for annexations to the City during buildout of the General Plan.



REGIONAL WATER QUALITY CONTROL BOARD

The Central Valley Regional Water Quality Control Board (CVRWQCB) is a nine-member state board with the primary duty of protecting the quality of the waters within the Central Valley Region for all beneficial uses. This duty is performed by formulating and adopting water quality control plans for specific ground and surface water basins and by prescribing and enforcing requirements on waste discharges. The CVRWQCB will be responsible for approving storm drain and wastewater discharge permits required by the City to implement its stormwater management and wastewater system master plans.

CALIFORNIA DEPARTMENT OF TRANSPORTATION

California Department of Transportation (Caltrans) plans and oversees the state highway system and works with other governmental agencies and local jurisdictions to plan, develop, manage, and maintain California's transportation system.

The state is divided into 12 Caltrans planning districts. Live Oak is located in District 3 which also includes the Sacramento Valley counties of Sutter, Yolo, Yuba, Colusa, Glenn, Butte, Sacramento, and four mountain counties (Placer, El Dorado, Nevada, and Sierra). Caltrans has permitting authority for all access to, and from State Route 99, and therefore works closely with the City to ensure that this important roadway continues to function in a safe and efficient manner.

The City and Caltrans will need to coordinate from time to time regarding improvements to Highway 99, as well as construction projects in or near the Highway 99 right-of-way.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

The Feather River Air Quality Management District (FRAQMD) attains and maintains air quality conditions in Yuba and Sutter counties through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean-air strategy of FRAQMD includes the preparation of plans and programs for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. FRAQMD also inspects stationary sources, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements other programs and regulations.

FRAQMD and the other air districts in the air basin have jointly prepared and adopted air quality attainment plans (AQAP) and reports. The most recent AQAP, completed in 2003, addresses all of the following:

- ✓ air quality modeling to identify the reductions needed and design strategies to effectively reduce emissions;
- ✓ programs to comprehensively reduce emissions and to take advantage of zero- and near-zero-emission technologies; and,
- ✓ the impacts of pollutant transport air quality planning efforts.



In 1998, FRAQMD published the *Indirect Source Review Guidelines* (FRAQMD 1998). More recently FRAQMD has provided California Environmental Quality Act (CEQA) planning guidance online (FRAQMD 2007) to assist with identification of significant adverse air quality impacts and suggest amenities that will reduce potential project emissions early in the planning process. Because stationary sources such as industrial facilities are largely regulated, the guidelines focus on transportation and land use control measures to reduce emissions to achieve and maintain federal and state health-based air quality standards.

Projects developed under the 2030 General Plan are subject to FRAQMD rules and regulations in effect at the time of construction. Specific rules that may be include the following:

- ✓ Rule 3.0—Visible Emissions. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines.
- ✓ Rule 3.2—Particulate Matter Concentration. A person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.
- ✓ Rule 3.15—Architectural Coatings. No person shall: (i) manufacture, blend, or repackage for sale within the District [FRAQMD]; (ii) supply, sell, or offer for sale within FRAQMD; or (iii) solicit for application or apply within FRAQMD, any architectural coating with VOC [volatile organic compound] content in excess of the corresponding specified manufacturer's maximum recommendation.
- ✓ Rule 3.16—Fugitive Dust Emissions. A person shall take every reasonable precaution not to cause or allow the emissions of fugitive dust from being airborne beyond the property line, from which the emission originates, from any construction, handling or storage activity, or any wrecking, excavation, grading, clearing of land or solid waste disposal operation.
- ✓ Rule 4.1—Permit Requirements. Any person operating an article, machine, equipment, or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain a written permit from the Air Pollution Control Officer (APCO). Stationary sources subject to the requirements of Rule 10.3, Federal Operating Permit Program, must also obtain a Title V permit pursuant to the requirements and procedures of that rule.