RESOLUTION PC 15-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHASTA LAKE ADOPTING AN ENVIRONMENTAL FINDING OF MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PLAN FOR THE SHASTA LAKE WASTEWATER TREATMENT FACILITY

WHEREAS, the Planning Commission of the City of Shasta Lake considered the Initial Study, Response to Comments to the Initial Study, and the Mitigation Monitoring Plan (MMP) filed by the City of Shasta Lake for the Shasta Lake Wastewater Treatment Facility (WWTF) Upgrade Project located at 3700 Tibbitts Road with the nearest intersections being Ashby Road and Pine Grove Avenue (APN: 064-150-070-000, 064-160-005-000, and 064-160-007-000; and

WHEREAS, the project was referred to various affected public agencies and City departments for review and comments; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on February 17, 2015, and considered public testimony provided regarding the Environmental Determination for the project, closed the Public Hearing and then their continued action on the Mitigated Negative Declaration to the March 19, 2015 Planning Commission Hearing; and,

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) that concludes that completion of the project as proposed will not result in significant adverse affects on the environment which could not be mitigated.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Shasta Lake:

A. Makes the following findings:

1) The proposed use as conditioned is consistent with the objectives, policies, general land uses, and programs of the General Plan. The General Plan designation for the subject property is Public Facilities, which is intended to provide for public facilities including but not limited to schools, parks, and public utilities and facilities. Based on the limitations on hours for construction activity, the project is consistent with the Noise Element of the General Plan. With inclusion of the identified mitigation measures, the project does not exceed establish thresholds of the Air Quality Element of the General Plan.

2) The proposed project as mitigated is consistent with the requirements of the Zoning Code. Zoning of the property is Public Facilities (PF). Pursuant to Zoning Code Section 17.60.010, the PF district is intended to be applied to lands upon which public agencies operate public facilities. The PF District is consistent with all general plan land use designations.

3) The proposed development will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City. Mitigation measures are included to reduce potential impacts in the areas of air quality, biological resources, cultural resources, geology, hazards and hazardous materials, hydrology/water quality, and noise, to a less than significant level as discussed in detail in the Initial Study.

Prior to issuance of a building permit for any phase of development, including prior to the issuance of an RFP or construction contract, site plans shall be reviewed and approved by the Development
Services Director for compliance with the City’s adopted development standards and these mitigation measures incorporated into the Mitigated Negative Declaration.

4) Based on the whole record including the Initial Study, all supporting documentation (including specific studies attached to the Initial Study as Exhibits), the Response to Comments and the mitigation measures incorporated into the project as included in the Mitigation Measure Plan, the City of Shasta Lake has determined that there is no substantial evidence that the project will have a significant effect on the environment.

5) The Mitigated Negative Declaration, with its supporting documentation, reflects the independent judgment and analysis of the lead agency, which is the City of Shasta Lake.

6) The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program (MMP). Adoption of the MMP constitutes fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA.

7) The location and custodian of the documents and any other materials that constitute the record of proceedings upon which the City based its decision to adopt this Mitigated Negative Declaration are: Development Services Director, City of Shasta Lake, Planning Division, 1650 Stanton Drive, Shasta Lake, California.

8) Pursuant to Section 15074.1 of the California Environmental Quality Act, Mitigation Measure Number 14.4 (Condition 47) as amended is equivalent in mitigating or avoiding potential significant effects and that it, in itself, would not cause any potentially significant effect on the environment.

B. Adopts an Environmental Determination of Mitigated Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act Guidelines, finding the project will not have a significant adverse affect on the environment which could not be mitigated.

C. Adopts the attached Mitigation Monitoring Program (MMP) pursuant to Section 21081.6 of CEQA.

D. Approves the project, which includes construction and operation of the Shasta Lake Wastewater Treatment Facility Upgrade Project, as described under the Project Description section of the Initial Study. The Development Services Director or his/her designee, in consultation with the City’s Technical Advisory Committee, may approve minor modifications. Any substantial revisions may require further environmental review. The locations of improvements are generally as shown in Figure 4 of the Initial Study.

E. The use is subject to the following conditions of approval, which shall be satisfied prior to commencement of the use(s) unless otherwise noted. The Applicant shall remain in compliance with all conditions of approval throughout the life of the project.

MITIGATION MEASURES

Air Quality

AQ-1 The City shall ensure through contractual obligations that the following SCAQMD and City Standard Mitigation Measures shall be implemented during construction:

a. During land moving operations water exposed areas at least two times per day. Watering can be done using either potable or tertiary treated water.
b. Reduce vehicle speeds on unpaved roads to 15 miles per hour.

c. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless otherwise deemed infeasible by the SCAQMD. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.

d. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development and construction.

e. All material excavated, stockpiled, or graded should be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.

f. All land clearing, grading, earth moving or excavation activities on a project shall be suspended when winds are expected to exceed 20 miles per hour.

g. All inactive portions of the development site should be seeded and watered until a suitable grass cover is established.

h. Approved non-toxic soil stabilizers (according to manufacturer's specifications) shall be applied to all inactive construction areas (previously graded areas which remain inactive for 96 hours).

i. When construction activity occurs during wet weather, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip. Locations of wheel washers shall be identified and approved by the City Public Works Division prior to the issuance of any clearing or grading permits.

j. All trucks hauling dirt, sand, soil or other loose material should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. This provision shall be enforced by local law enforcement agencies.

k. All material transported off-site shall be either sufficiently watered or securely covered to prevent a public nuisance.

l. Paved streets adjacent to the development site should be swept or washed at the end of each day to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.

m. Require the use of diesel particulate matter filters on construction equipment greater than 50 horsepower.

n. Reestablish ground cover on the construction site through seeding and watering upon completion of construction.

**Biological Resources**

**BIO-1** The following measures shall be implemented to avoid potential short-term adverse effects to waters of the U.S., riparian habitat, and special status fish species during construction activities associated with the Proposed Project:
a. Minimize clearing and grading and cut-and-fill activities within the riparian area. The disturbance or removal of vegetation shall not exceed the minimum necessary to complete construction activities. Precautions shall be taken to avoid other damage to vegetation by people or equipment, including staking the riparian area with orange fencing to avoid unnecessary disturbance. The disturbed portions of the stream channel within the normal high water mark of the stream shall be restored to as near their original conditions as possible. Re-vegetation shall be completed as soon as possible after construction activities in those areas cease.

b. The City shall obtain a Section 404 CWA permit from the Corps, a Section 401 Water Quality Certification from the RWQCB, and a 1600 SAA from the CDFW for construction activities within Churn Creek. All permit conditions shall be implemented. Best Management Practices shall be implemented to ensure that no pollutants will be discharged into jurisdictional waters. Full restoration of the site would mitigate for the temporary impacts of construction.

c. Consultation with NMFS for impacts to fish and essential fish habitat will be conducted in accordance with Section 7 of the FESA and Magnuson Stevenson’s Fisheries Act and any requirements resulting from that consultation will be adhered to.

d. Implement Mitigation Measure HYD-1 to comply with the State’s NPDES General Permit through preparation and implementation of a site specific SWPPP.

**BIO-2:** The following measures shall be implemented to avoid or minimize adverse impacts to western pond turtle during construction activities associated with the Proposed Project:

a. A qualified biologist shall conduct a preconstruction survey within 14 days prior to commencement of construction activities anticipated to occur within 100 feet from riparian vegetation surrounding Churn Creek. A report shall be submitted to the City to document the reports of the preconstruction survey.

b. Prior to commencement of any groundbreaking activities, all construction personnel will receive training on identification of western pond turtle and procedures to be implemented in the event that western pond turtle is encountered during construction activities.

c. Prior to commencement of daily construction activities within a 100-foot buffer of riparian vegetation surrounding Churn Creek, a qualified biologist will conduct two preconstruction surveys for WPT. The first survey shall be conducted within 14 days prior to construction, and the second survey will be conducted within 24 hours prior to construction. If WPT is present, the qualified biologist will be allowed sufficient time to move the species from the work site before work activities begin.

d. Because WPT may take refuge in cavity-like and den-like structures such as pipes and may enter stored pipes and become trapped, all construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods will be either securely capped prior to storage or thoroughly inspected for these animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way. In the event that WPT enters a 100 foot buffer of on-going construction activities, a qualified biologist shall be contacted and construction activities shall be placed on hold until the WPT is confirmed to have left the project area or is relocated by a qualified biologist.

**BIO-3:** The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the Proposed Project:

a. For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist should conduct preconstruction surveys of
all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of the preconstruction survey in a letter report to the City within 30 days following the survey. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 14 days.

b. If any active special status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest. The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, and line-of-sight between the nest and disturbance. These buffers shall be no less than:

1) A 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and

2) A 250-100-foot buffer zone will be created around the nests of other migratory or special status birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar projects; however, they may be modified in coordination with CDFW based on existing conditions at the project site. A qualified biologist will monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the City and CDFW following the fledging of the nestlings to document the results.

c. If vegetation removal activities are delayed or suspended for more than two weeks after the preconstruction survey, the areas should be resurveyed. BIO-4: The following mitigation measures shall be implemented to ensure preservation of the maximum number of protected trees within the study area and replacement for oak trees lost due to construction of the Proposed Project.

BIO-4: The following mitigation measures shall be implemented to ensure preservation of the maximum number of protected trees within the study area and replacement for oak trees lost due to construction of the Proposed Project.

a. Final design of the Proposed Project shall avoid impacts to oak trees to the maximum extent feasible.

b. Before the start of any clearing, excavation, construction, or other work on the site, the drip line of every tree designated for preservation shall be clearly delineated in the field. The delineation markers shall remain in place for the duration of all work. A plan shall be established for the removal and disposal of brush, earth, and other debris prior to construction and submitted to the City for approval in order to avoid injury to any protected tree which is to be saved.

c. Where project construction will result in encroachment within the drip line of a protected tree, the following measures shall be incorporated to allow the roots to obtain oxygen, water, and nutrients.

1) To reduce the effects of trenching, excavation, and equipment use within the drip line of trees to be preserved, construction methods should avoid exposing roots during hot, dry weather, and trenches should be backfilled as soon as possible with soil and soaked with water the same day. If trenches must be left open, all roots must be kept moist by wrapping them in peat moss and burlap.
2) No roots greater than 2 inches in diameter shall be cut without the approval of an Arborist.

3) Tunneling under roots is the approved alternative. Any approved excavation, demolition, or extraction of material shall be performed with equipment that is kept outside the drip line of preserved trees. Hand digging, hydraulic, or pneumatic excavation are permitted methods for excavation within the drip line.

d. No storage of materials or substances that may be harmful to trees shall occur within the drip line of any protected tree.

e. Tree removal should be avoided to the maximum extent feasible; however, in the event that avoidance is infeasible, the following tree-planting standard shall be adhered to consistent with Section 12.36.070 of the City of Shasta Lake Tree Protection Ordinance:

1) A minimum of two 15-gallon trees shall be planted for every one protected tree removed.

2) In addition to the previous measure, three 15-gallon trees shall be planted for each protected tree removed that exceeds ten inches DBH.

3) The species of any tree used for replacement pursuant to the Tree Protection Ordinance shall be suited to the City's climate zone and be chosen with consideration of any site specific limitations. The use of native shade trees is preferred by not required. The replacement tree shall be planted in a manner that is recognized as a standard accepted practice unless a specific method is prescribed by an arborist.

Cultural Resources

CR-1: In the event of any inadvertent discovery of archaeological resources, all such finds shall be subject to PRC 21083.2 and CEQA Guidelines 15064.5. Procedures for inadvertent discovery include the following:

a) All work within 50 feet of the find shall be halted until a professional archaeologist, or paleontologist if the find is of a paleontological nature, can evaluate the significance of the find in accordance with NRHP and CRHR criteria.

b) If any find is determined to be significant by the archaeologist, or paleontologist as appropriate, then representatives of the City shall meet with the archaeologist, or paleontologist, to determine the appropriate course of action. If necessary, the Applicant shall provide a Treatment Plan, prepared by an archeologist (or paleontologist), outlining recovery of the resource, analysis, and reporting of the find. The Treatment Plan shall be submitted to the City for review and approval prior to resuming construction.

c) All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to current professional standards.

CR-2: In the event that human remains are encountered during construction activities, the City shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and PRC Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the NAHC to identify the most likely descendants of the deceased Native Americans. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed in Section 15064.5 (e) has been completed.
Geology and Soils

GEO-1 Implement Mitigation Measure HYD-1.

Hazards and Hazardous Materials

HAZ-1: The City shall ensure through the enforcement of contractual obligations that all contractors transport, store, and handle construction-required hazardous materials in a manner consistent with relevant regulations and guidelines, which may include, but is not limited to, transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using approved protocols.

HAZ-2: An accidental spill prevention and response plan shall be developed which will include a list of all hazardous materials used and/or stored on the project site during construction activities; appropriate information about initial spill response, containment, and cleanup strategies; and a list of appropriate City contact information. The spill prevention and response plan shall be included as a component of the SWPPP described in Mitigation Measure HYD-1. The plan shall require containment equipment and sufficient supplies to combat spills of oil or hazardous substances shall be on site at all times during construction.

HAZ-3: Construction staging shall be established a minimum distance of 100 feet away from Churn Creek and its unnamed tributary. The storage of construction materials, including oils and hazardous substances will be at a distance of 100 feet from all drainage courses to prevent spills from reaching the aquatic environment. No vehicle maintenance shall occur on-site during construction.

HAZ-4: During construction, staging areas, welding areas, or areas slated for development using spark producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a fire break.

HAZ-5: Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

Hydrology and Water Quality

HYD-1: The City shall comply with the SWRCB NPDES General Permit. The SWRCB requires that all construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the CWA. To comply with the NPDES permit, the City will file a Notice of Intent with the SWRCB and prepare a SWPPP prior to construction, which includes a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills) including a description of the type and location of erosion and sediment control BMPs to be implemented at the project site; and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the Proposed Project site. A copy of the SWPPP must be current and remain on the project site. Control measures are required prior to and throughout the rainy season. Water quality BMPs identified in the SWPPP could include, but are not limited to, the following:

a) Areas where ground disturbance would occur shall be identified in advance of construction and limited to only approved areas.

b) All vehicular construction traffic shall be confined to the designated access routes and staging areas. See Figure 4 for the location of potential staging areas.
c) All equipment maintenance and cleaning shall be confined to staging areas. Staging areas utilized for equipment maintenance and cleaning shall be located a minimum of 100 feet from streams and waterways, including Churn Creek and its unnamed tributary. No vehicle maintenance shall occur on-site during construction.

d) All supervisory construction personnel shall be informed of environmental concerns, permit conditions, and final project specifications. Said Personnel will be responsible for instructing all on-site work to meet the requirements of the SWPP including making sure all work is conducted outside of protected trees’ drip lines to the extent possible.

e) Restore disturbed areas to pre-construction contours to the fullest extent possible.

f) Hay/straw bales and silt fences would be used to control erosion during stormwater runoff events.

g) Salvage, store, and use the highest quality soil for native re-vegetation/seedling.

h) Leave drainage gaps in topsoil and spoil piles to accommodate/reduce surface water runoff.

i) Sediment control measures shall be in place prior to the onset of the rainy season and will be maintained until disturbed areas have been re-vegetated. Erosion control structures must be in place and operational at the end of each day if work activities are to occur during the rainy season.

j) Fiber rolls shall be placed along the perimeter of disturbed areas to ensure sediment and other potential contaminants of concern are not transported off-site or to open trenches. Locations of fiber rolls will be field adjusted as needed and according to the advice of the certified SWPPP inspector.

k) Vehicles and equipment stored in the construction staging area shall be inspected regularly for signs of leakage. Leak-prone equipment will be staged over an impervious surface or other suitable means will be provided to ensure containment of any leaks. Vehicle/equipment wash water or solvents will not be discharged to surface waters or drainage areas.

l) During the rainy season (October 1 through April 30) identified in Chapter 15.08.120 of the City of Shasta Lake Municipal Code, soil stockpiles and material stockpiles will be covered and protected from the wind and precipitation. Plastic sheeting will be used to cover the stockpiles and straw wattles will be placed at the base for perimeter control.

m) All contractors shall immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. All leaks and spills shall be reported to the designated representative of the lead contractor and shall be evaluated to determine if the spill or leak meets mandatory SWPPP reporting requirements. Contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

Noise

**N-1** The following measures shall be implemented to reduce potential impacts to noise during construction:

a) Construction activities shall be limited to between the daytime hours of 7:00 A.M. and 7:00 P.M., Monday through Friday, and 8:00 A.M. and 5:00 P.M., on Saturdays. Construction activities shall be prohibited on Sundays.
b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers’ recommendations. Equipment engine shrouds shall be closed during equipment operation.

PASSED AND ADOPTED this 19th day of March 2015 by the following vote:

AYES: HUEY, KIRKLAND, PALMER, TIEDGEN, WALTER, VAN WYHE
NOES: NONE
ABSENT: KERR

[Signature]

RICHARD VAN WYHE, Chair
Planning Commission,
City of Shasta Lake, State of California

ATTEST:

[Signature]

CARLA L. THOMPSON, AICP
Planning Commission Secretary