

**DRAFT**

# ***Certification of Consistency***

## **Step 1 - Agency Profile**

**A. GOVERNMENT AGENCY:**                      **State Agency**

Government Agency:                      Contra Costa County Department of Conservation and Development

Primary Contact:                              Will Nelson

Address:    30 Muir Road

City, State, Zip:                              Martinez, CA 94553

Telephone/Fax:                              (925) 655-2898

E-mail Address:                              will.nelson@dcd.cccounty.us

**B. GOVERNMENT AGENCY ROLE IN COVERED ACTION:**

**Will Approve / Will Carry Out**

## **Step 2 - Covered Action Profile**

**A. COVERED ACTION PROFILE:**    **Plan**

Title: Contra Costa County 2045 General Plan

**B. PROPONENT CARRYING OUT COVERED ACTION** (If different than State or Local Agency):

Proponent Name:                              Contra Costa County

Address:    30 Muir Road

City, State, Zip:                              Martinez, CA 94553

**C. OPEN MEETING LAWS**

Agencies whose actions are not subject to open meeting laws (Bagley-Keene Open Meeting Act [[Gov. Code sec 11120 et seq.](#)] or the Brown Act [[Gov. Code sec 54950 et seq.](#)]) must post their draft certification on their website and in their office for public review and comment, and mail to all persons requesting notice (Administrative Procedures Governing Appeals, Rule 3). A state or local public agency that is subject to open meeting laws is encouraged to post the draft certification on their website and in the office for public review and comment and to mail to all persons requesting notice.

Any state or local public agency that is subject to open meeting laws with regard to its certification is also encouraged to take those actions. It is encouraged to upload any evidence that the project, plan or program went through for public review and comment as part of a Bagley-Keene or Brown Act meeting.

Is your agency subject to open meeting laws (Bagley-Keene Open Meeting Act [Gov. Code sec 11120 et seq.] or the Brown Act [Gov. Code sec 54950 et seq.]? (Note: Select "Yes" if your agency or organization is subject to open meeting laws. Select "No" if your agency or organization is not subject to open meeting laws.)

Please attach any supporting evidence of the public review and comment period by clicking the upload button. Such evidence could include but is not limited to: a meeting agenda and attachment demonstrating that this certification was made publicly available, a screenshot with date and link to a website where the materials were posted, or other similar documentation.

Note: Any public comments received during this process must be included in the record submitted to the Council in case of an appeal.

**D. COVERED ACTION SUMMARY:** (Project Description from approved CEQA document may be used here)

Contra Costa County has adopted a new General Plan and supporting Climate Action and Adaptation Plan. The Contra Costa County 2045 General Plan is a long-range planning document containing goals, policies, and actions that will guide County decision-making related to land use and infrastructure over the next 20 years. The 2045 General Plan plans for 23,200 new homes, 1.2 million square feet of new commercial and office space, and 5 million square feet of new industrial space. The 2045 General Plan includes broad community goals and hundreds of specific policies and implementing actions aimed at achieving those goals. The updated General Plan modernizes the County's land use policy framework consistent with the requirements of State law, with emphasis on environmental justice, economic development, community health, and sustainability. The updated General Plan also includes numerous land use changes in unincorporated communities where change or enhancement of existing uses is desired through 2045. The 2045 General Plan contains all chapters, or "elements," required by statute. The content of the elements is outlined in State law, but local agencies may organize the elements as they see fit. Local agencies may also adopt additional elements pertaining to planning issues within their jurisdiction. The 2045 General Plan contains the following elements: -Stronger Communities -Land Use -Transportation -Housing -Conservation, Open Space, and Working Lands -Public Facilities and Services -Health and Safety -Growth Management Pursuant to Senate Bill 1000, environmental justice must be addressed either in its own element or throughout a general plan. Contra Costa County has taken a hybrid approach, with the Stronger Communities Element containing the bulk of the environmental justice content. The Housing Element was updated in process parallel to the rest of the General Plan update. The updated Housing Element was adopted by the County Board of Supervisors on December 12, 2023, and certified by the California Department of Housing and Community Development on January 22, 2024. The Climate Action and Adaptation Plan 2024 Update contains strategies to reduce greenhouse gas (GHG) emissions consistent with State goals, adapt to a changing climate, and mitigate the GHG emissions resulting from implementation of the 2045 General Plan. Attached Files Public Hearing Draft Contra Costa County 2045 General Plan Public Hearing Draft Contra Costa County Climate Action and Adaptation Plan 2024 Update Contra Costa County 2045 General Plan and Climate Action Plan Draft Environmental Impact Report [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#), [Exhibit B - Public Hearing Draft Contra Costa County Climate Action and Adaptation Plan 2024 Update.pdf](#), [Exhibit C - Contra Costa County 2045 General Plan and Climate Action Plan Draft Environmental Impact Report.pdf](#)

**E. STATUS IN THE CEQA PROCESS:** Final Certified Document

**F. STATE CLEARINGHOUSE NUMBER:(if applicable)** 2023090467

**G. COVERED ACTION ESTIMATED TIME LINE:**

ANTICIPATED START DATE: (If available) 11/05/2024

ANTICIPATED END DATE: (If available) 12/31/2045

**H. COVERED ACTION TOTAL ESTIMATED PROJECT COST:** \$7,000,000

**I. IF A CERTIFICATION OF CONSISTENCY FOR THIS COVERED ACTION WAS PREVIOUSLY SUBMITTED, LIST DSC REFERENCE NUMBER ASSIGNED TO THAT CERTIFICATION FORM:**

**J. Supporting Documents:**

[Board Action to Adopt 2045 General Plan and CAAP - November 5, 2024.pdf](#), [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#), [Exhibit B - Public Hearing Draft Contra Costa County Climate Action and Adaptation Plan 2024 Update.pdf](#), [Exhibit C - Contra Costa County 2045 General Plan and Climate Action Plan Draft Environmental Impact Report.pdf](#), [Exhibit D - Contra Costa County 2045 General Plan and Climate Action Plan Final Environmental Impact Report.pdf](#), [Exhibit E - Mitigation Monitoring and Reporting Program.pdf](#), [Exhibit F - CEQA Findings of Fact and Statement of](#)

### Step 3 - Consistency with the Delta Plan

#### DELTA PLAN CHAPTER 2

[G P1/Cal. Code Regs., tit. 23, § 5002](#) - Detailed Findings to Establish Consistency with the Delta Plan.

G P1/Cal. Code Regs., tit. 23, § 5002 identifies what must be addressed in a certification of consistency filed by a State or local public agency with regard to any covered action and only applies after a "proposed action" has been determined by a State or local public agency to be a covered action because it is covered by one or more of the regulatory policies listed under Delta Plan Chapters 3, 4, 5, and 7 of this form. Inconsistency with this policy may be the basis for an appeal.

A certification of consistency must include detailed findings that address each of the regulatory policies identified in Cal. Code Regs., tit. 23, §§ 5002-5013 and listed on this Form that is implicated by the covered action.

As outlined in Cal. Code Regs., tit. 23, § 5002 (b)(1), the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

#### Specific requirements of this regulatory policy:

a. [G P1\(b\)\(1\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(1\)](#) - Coequal Goals

As outlined in **Cal. Code Regs., tit. 23, § 5002 (b)(1)**, the Delta Stewardship Council acknowledges that in some cases, based upon the nature of the covered action, full consistency with all relevant regulatory policies may not be feasible. In those cases, the agency that files the certification of consistency may nevertheless determine that the covered action is consistent with the Delta Plan because, on whole, that action is consistent with the coequal goals. That determination must include a clear identification of areas where consistency with relevant regulatory policies is not feasible, an explanation of the reasons why it is not feasible, and an explanation of how the covered action nevertheless, on whole, is consistent with the coequal goals. That determination is subject to review by the Delta Stewardship Council on appeal.

#### Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

G P1(b)(1): The covered action is consistent with this and all remaining applicable regulatory policies contained in the Delta Plan. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

b. [G P1\(b\)\(2\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(2\)](#) - Mitigation Measures

**G P1(b)(2)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(2)** provides that covered actions not exempt from CEQA, must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018, (unless the measure(s) are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute [mitigation measures](#) that the agency that files the certification of consistency finds are equally or more effective. For more information, see Cal. Code Regs., tit. 23, § 5002, and Delta Plan Appendix O, Mitigation Monitoring and Reporting Program, which are referenced in this regulatory policy.

#### Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

GP1(b)(2): The Contra Costa County 2045 General Plan and Climate Action Plan Final Environmental Impact Report (EIR) (State Clearinghouse Number 2023090467) includes mitigation measures to reduce potential environmental impacts associated with adoption and implementation of the General Plan and CAAP. Although these specific mitigation measures clearly could not have been identified in the preceding Delta Plan Program EIR, they are specific to the proposed General Plan and CAAP (covered action) and therefore are equally effective. [Exhibit C - Contra Costa County 2045 General Plan and Climate Action Plan Draft Environmental Impact Report.pdf](#), [Exhibit D - Contra Costa County 2045 General Plan and Climate Action Plan Final Environmental Impact Report.pdf](#), [Exhibit E - Mitigation Monitoring and Reporting Program.pdf](#), [Exhibit F - CEQA Findings of Fact and Statement of Overriding Considerations.pdf](#), [Contra Costa County 2045 General Plan NOD.pdf](#)

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**c. [G P1\(b\)\(3\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(3\)](#) - Best Available Science**

**G P1(b)(3)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(3)** provides that, relevant to the purpose and nature of the project, all covered actions must document use of best available science. For more information, see [Appendix 1A](#), which is referenced in this regulatory policy.

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

G P1(b)(3): The Contra Costa County 2045 General Plan and Climate Action Plan Final EIR provides an objective, factually supported, full-disclosure analysis of the environmental consequences associated with the adoption and implementation of the proposed project. All documents cited in the environmental analysis and used in the preparation of the Draft EIR are incorporated by reference via footnotes. [Exhibit C - Contra Costa County 2045 General Plan and Climate Action Plan Draft Environmental Impact Report.pdf](#), [Exhibit D - Contra Costa County 2045 General Plan and Climate Action Plan Final Environmental Impact Report.pdf](#), [Exhibit E - Mitigation Monitoring and Reporting Program.pdf](#), [Exhibit F - CEQA Findings of Fact and Statement of Overriding Considerations.pdf](#), [Contra Costa County 2045 General Plan NOD.pdf](#)

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**d. [G P1\(b\)\(4\)/Cal. Code Regs., tit. 23, § 5002, subd. \(b\)\(4\)](#) - Adaptive Management**

**G P1(b)(4)/Cal. Code Regs., tit. 23, § 5002, subd. (b)(4)** provides that an ecosystem restoration or water management covered action must include adequate provisions, appropriate to its scope, to assure continued implementation of adaptive management. For more information, see [Appendix 1B](#), which is referenced in this regulatory policy. Note that this requirement may be satisfied through both of the following:

(A) An adaptive management plan that describes the approach to be taken consistent with the adaptive management framework in Appendix 1B; and

(B) Documentation of access to adequate resources and delineated authority by the entity responsible for the implementation of the proposed adaptive management process.

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

G P1(b)(4): The covered action does not include ecosystem management or water management, but the Contra Costa County 2045 General Plan does include policies supporting such management. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

### DELTA PLAN CHAPTER 3

[WR P1 / Cal. Code Regs., tit. 23, § 5003](#) - Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

Is the covered action consistent with this portion of the regulatory policy?

N/A

WR P1(a) through (c): The covered action would not directly result in one or more water suppliers receiving water from the Delta as Contra Costa County is not a water supplier; therefore, the policy does not apply to the covered action. Nevertheless, the Contra Costa County 2045 General Plan includes the following policies and actions that increase water efficiency and reduce demands on all water supplies, including supplies originating in the Delta: o Policy PFS-P4.1 Support the goal of regional self-sufficiency as part of new water system planning efforts, where all regions in the state are required to implement a variety of local water supply options and institute conservation and reuse programs to reduce reliance on exports from the Delta. o Policy PFS-4.5 Require new development to demonstrate the availability of a safe, sanitary, and environmentally sound water delivery system with adequate capacity. o Action COS-A7.4 Publish information on the Contra Costa County Department of Conservation and Development (DCD) website about alternative sources of water for irrigation and other non-potable needs, such as greywater, rainwater, air conditioning condensation, and foundation drainage. o Policy COS-P9.1 Advocate for increased freshwater flow into, through, and from the Delta into San Francisco Bay, and support other efforts to protect and improve Delta water quality. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

Answer Justification:

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[WR P2 / Cal. Code Regs., tit. 23, § 5004](#) - Transparency in Water Contracting

Is the covered action consistent with this portion of the regulatory policy?

N/A

WR P2: The covered action does not include entering into or amending an existing water supply or water transfer contract for water from the State Water Project and/or the Central Valley Project; therefore, this policy does not apply to the covered action. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

Answer Justification:

### DELTA PLAN CHAPTER 4

[Cal. Code Regs., tit. 23, § 5002, subd. \(c\)](#) - Conservation Measure

**Cal. Code Regs., tit. 23, § 5002, subd. (c)** provides that a conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan that was: (1) Developed by a local government in the Delta; and (2) Approved and permitted by the California Department of Fish and Wildlife prior to May 16, 2013 is deemed to be consistent with the regulatory policies listed under Delta Plan Chapter 4 of this Form (i.e. sections 5005 through 5009) if the certification of consistency filed with regard to the conservation measure includes a statement confirming the nature of the conservation measure from the California Department of Fish and Wildlife.

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

G P1(c): The covered action does not include a conservation measure proposed to be implemented pursuant to a natural community conservation plan or a habitat conservation plan. The Contra Costa County 2045 General Plan discusses that the County partners with (and staffs) the East Contra Costa County Habitat Conservancy, a Joint Powers Authority that oversees implementation of the County's adopted East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The HCP/NCCP provides a comprehensive regional strategy to conserve habitat and the species that rely on it while improving and streamlining the permit process for projects that will impact such habitat and species. The HCP/NCCP not only offsets impacts of development, but seeks to go above and beyond mitigation and conserve between 24,000 and 30,000 acres of habitat.

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[ER P1 / Cal. Code Regs., tit. 23, § 5005](#) - Delta Flow Objectives

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

ER P1: The covered action would not significantly affect flow in the Delta either through inputs or outputs; therefore, this policy is not applicable to the covered action. Nevertheless, the Contra Costa County 2045 General Plan includes the following policies and actions that support improving water flow for the Delta: o Policy COS-P9.1 Advocate for increased freshwater flow into, through, and from the Delta into San Francisco Bay, and support other efforts to protect and improve Delta water quality. o Policy COS-P9.3 Oppose all efforts to construct an isolated conveyance, such as a peripheral canal or tunnel, or any other water diversion system that reduces Delta water flows unless and until it can be conclusively demonstrated that such a system would protect, preserve, and enhance water quality and fisheries of the San Francisco Bay/Delta estuary system. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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[ER PA/Cal. Code Regs., tit.23, § 5005.1](#) - Contributions to Restoring Ecosystem Function and Providing Social Benefits

**Effective Date April 1, 2025**

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

ER PA: The covered action does not include protection, enhancement, or restoration of the ecosystem; therefore, this policy does not apply to the covered action. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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[ER P2 / Cal. Code Regs., tit. 23, § 5006](#)- Restore Habitats at Appropriate Elevations

**For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of the amended policy is April 1, 2027.**

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

ER P2: The covered action does not include habitat restoration; therefore, this policy does not apply to covered action. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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[ER P3 / Cal. Code Regs., tit. 23, § 5007](#) - **Protect Opportunities to Restore Habitat**

**For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of the amended policy is April 1, 2027.**

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

ER P3: Appendix 5 includes one area within unincorporated Contra Costa County, Winter Island, which is labeled as part of the “Western Delta.” Winter Island is outside the County’s Urban Limit Line (ULL) and the Contra Costa County 2045 General Plan designates most of Winter Island “Resource Conservation” (RC), which offers a high level of protection from development and supports habitat restoration. The 2045 General Plan does not include changes that directly affect Winter Island. Immediately north of Winter Island is an approximately 50-acre island, the northern tip of which is labeled “Point San Joaquin” on the Antioch North United States Geological Survey (USGS) 7.5-minute quadrangle map. The 2045 General Plan changed the land use designation for this island from “Agricultural Lands,” which allows a wide range of agricultural uses, to RC, again offering a higher level of protection. The 2045 General Plan also includes the following policies that support and protect opportunities for habitat restoration for the Delta: o Policy COS-P2.11 Support soil conservation and restoration programs. Encourage agricultural landowners to work with agencies such as the United States Department of Agriculture’s (USDA) Natural Resources Conservation Service (NRCS) and Contra Costa Resource Conservation District (RCD) to reduce erosion and soil loss. o Policy COS-P4.2 Support land conservation and restoration consistent with the HCP/NCCP and discourage development in areas where such conservation is planned, as shown on Figure COS-3. Support actions to preserve land and resources within Priority Conservation Areas (PCAs) mapped by the Association of Bay Area Governments (ABAG), as shown on Figure COS-4. o Policy COS-P5.1 Support protection, restoration, and enhancement of wetlands, marshes, sloughs, tidelands, natural watercourses, and riparian corridors, and emphasize the role of these features in climate change resilience, air and water quality, and wildlife habitat. o Policy COS-P9.4 Work with the Delta Protection Commission to advise agencies undertaking habitat restoration projects within the Delta Primary Zone of their obligation to comply with California Constitution Article XIII D, Section 4, which requires public projects to continue paying benefit assessments unless the project demonstrates that it would not receive the relevant services. o Policy COS-P12.5 Require restoration of natural contours and vegetation after grading and other land disturbances. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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[ER P4 / Cal. Code Regs., tit. 23, § 5008](#) - **Expand Floodplains and Riparian Habitats in Levee Projects**



For covered actions with a Notice of Preparation, Negative Declaration, or Mitigated Negative Declaration issued before April 1, 2025, the effective date of the amended policy is April 1, 2027.

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

ER P4: The covered action does not include new levee construction or substantial rehabilitation or reconstruction of existing levees, and none of the Setback Levee Evaluation Areas shown in Appendix 8 are in unincorporated Contra Costa County; therefore, this policy does not apply to the covered action. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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[ER P5 / Cal. Code Regs., tit. 23, § 5009](#) - Avoid Introductions of and Habitat for Invasive Nonnative Species

Is the covered action consistent with this portion of the regulatory policy?

N/A

Answer Justification:

ER P5: The covered action does not include activities that would introduce invasive nonnative species; therefore, this policy does not apply to the covered action. Nevertheless, the Contra Costa County 2045 General Plan includes the following policies and actions that would help reduce invasive species and support native species: o Policy COS-P4.10: Require majority use of California native plant species in large landscaped areas in new developments, and require construction practices that avoid spread of invasive plant species by minimizing surface disturbance; seeding and mulching disturbed areas with certified weed-free native mixes; disinfecting/decontaminating equipment; and using native, noninvasive, drought-resistant species in erosion-control plantings. o COS-P4.11: Support preservation, enhancement, and reestablishment of native and sport fisheries. Assist conservation agencies and organizations with identifying and addressing barriers to fish passage and other challenges to fish survival in natural watercourses. o COS-P5.8: Discourage ornamental landscaping within setback areas along natural watercourses and require use of California native plant species when revegetating those areas. o COS-P6.4: Support removal of invasive, non-native trees, shrubs, and grassland weeds, especially those that are ecologically harmful or pose threats to public safety. o COS-P8.3: Support development and implementation of a long-term, area-wide integrated vegetation management program to control invasive weeds in a way that reduces pesticide use and preserves water quality. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

## DELTA PLAN CHAPTER 5

[DP P1 / Cal. Code Regs., tit. 23, § 5010](#) - Locate New Urban Development Wisely

Is the covered action consistent with this portion of the regulatory policy?

Yes

Answer Justification:

DP P1: The County is prohibited from redesignating land for residential, commercial, or industrial use outside the voter-approved Contra Costa County 2006 ULL. The County has redesignated land for such uses inside the 2006 ULL since May 16, 2013, which is consistent with this policy. The Contra Costa County 2045 General Plan does not redesignate land for new residential, commercial, or industrial development outside the 2006



ULL. The 2045 General Plan redesignates several hundred acres on Bethel Island from residential and commercial use to agricultural use in support of this policy. The 2045 General Plan also includes the following policies related to residential, commercial, or industrial development in the Delta:

- o Policy LU-P2.1 Continue implementing the 65/35 Land Preservation Standard, using the County ULL to focus future development in the county's established urban and suburban communities while preserving agricultural land, rangeland, natural habitats, watersheds, and open space.
- o Policy LU-P2.3 Limit development outside the ULL to non-urban uses, such as agriculture, mineral extraction, wind and solar energy production, natural carbon sequestration, other resource-based uses, and essential infrastructure.
- o Policy LU-P2.8 Discourage extension of water and sanitary sewer lines into areas outside the ULL, except to serve public and semipublic uses that are not growth inducing, or when such extension is necessary to address a declared public health emergency. When lines are extended outside the ULL, they should be designed to service the intended use only, and not allow for additional future service connections.
- o Policy LU-P2.9 Consistently advise the Contra Costa County Local Agency Formation Commission (LAFCO) to support the 65/35 Land Preservation Standard and County ULL when considering requests for annexation to water and wastewater districts and extension of services.
- o Policy LU-P5.1 Allow development only where requisite community services, facilities, and infrastructure can be provided.
- o Policy LU-P6.1 Ensure that County projects and decisions on private development and land use activities within the Legal Delta are consistent with the following plans:
  - Land Use and Resource Management Plan for the Primary Zone of the Delta adopted by the Delta Protection Commission.
  - Delta Plan adopted by the Delta Stewardship Council.
 In addition, screen proposed General Plan amendments affecting the Primary Zone for consistency with Public Resources Code Section 29763.5, including a specific analysis of consistency with each subsection thereof.
- o Policy LU-P-10.3(c) and (d) Preserve the rural character of the following areas, which are displayed in Figure LU-6:
  - Delta Primary Zone;
  - and - Agricultural Core between Brentwood and Discovery Bay.
- o Policy COS-P3.7 Support rural property owners who apply to the Contra Costa LAFCO to detach agricultural land outside the ULL from special districts that provide urban services.
- o Policy COS-P9.5 Plan for land uses along shorelines that do not pose a threat to Bay or Delta resources, including water quality and shoreline and marshland habitats.
- o Policy COS-P9.7 Prohibit private development on tule islands, sand dunes, and levee remnants.
- o Policy COS-P9.9 Require design excellence for new development along Bay and Delta waterways to enhance the visual quality of these areas.
- o Policy PFS-P9.4 Oppose efforts by school districts to locate new schools outside the ULL.
- o Policy TR-P2.5 Ensure new highways constructed outside the ULL are not growth-inducing through land-use controls, access limitations, and other appropriate measures.

[Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

N/A

Answer Justification:

DP P2: The covered action does not include the siting of water management facilities, ecosystem restoration, or flood management infrastructure; therefore, this policy does not apply to the covered action. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

## DELTA PLAN CHAPTER 7

[RR P1 / Cal. Code Regs., tit. 23, § 5012](#) - **Prioritization of State Investments in Delta Levees and Risk Reduction**

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

RR P1: The covered action does not invest State funds in Delta levee projects that are inconsistent with the policy; therefore, this policy does not apply to the covered action. Nevertheless, the Contra Costa County 2045 General Plan includes the following policies and actions that improve operation and maintenance of Delta levees and other risk reduction strategies:

- o Policy PFS-P5.1 Support public and private efforts to improve protection against flooding, subsidence, and inundation, especially projects that achieve 200-year flood protection or better, factoring in anticipated sea level rise, in areas of the County covered by the Central Valley Flood Protection Plan (CVFPP).
- o Policy PFS-P5.2 Partner with responsible parties, public and private, to ensure ongoing funding exists for maintenance and rehabilitation of flood management facilities and structures (e.g., levees, pump stations, canals, channels, and dams), particularly those that do not meet adopted State or federal flood protection standards.
- o Action HS-A4.1 Update the capital project planning and budgeting processes to account for anticipated effects of climate change hazards on County capital investments, including buildings and infrastructure, by integrating either the Contra Costa County Vulnerability Assessment or the best-available climate science data related to impacts, risks, sensitivities, adaptive capacities, and vulnerabilities.
- o Action PFS-A5.2 Coordinate with responsible parties, public and private, to develop a flood risk management plan for the levee systems protecting the unincorporated county that: (a) Identifies the entities responsible for operation and maintenance of the levees. (b) Determines the anticipated flood levels in the adjacent waterways and the level of protection offered by the existing levees along the waterways. (c) Establishes a long-term plan to upgrade the system as necessary to provide at least a 100-year level of flood protection, and 200-year level of flood protection where required. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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[RR P2 / Cal. Code Regs., tit. 23, § 5013](#) - **Require Flood Protection for Residential Development in Rural Areas**

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

RR P2: The Contra Costa County 2045 General Plan includes the following policies related to new residential development in the specified areas:

- o Policy HS-P5.1 Prohibit urban development in areas designated 100- or 200-year (or 500-year when used as a proxy for the 200-year) floodplain, as shown on Figure HS-2, or in areas subject to increased flood hazards due to subsidence or other changes, unless appropriate mitigations to

reduce flood risk to the standards of the Flood Disaster Protection Act of 1973 or above are implemented. o Policy HS-P5.2 Require flood-proofing of new and expanded buildings and structures in any area subject to flooding. Flood-proofing methods will be determined on a project-by-project basis by the Floodplain Manager, and may include, but not be limited to: a) Anchoring to prevent flotation, collapse, or lateral movement. b) Using flood-resistant construction materials. c) Elevating building pads and habitable building floors above the base flood elevation plus required freeboard. d) Providing adequate venting to allow for equalization of hydrostatic forces. e) Employing any other construction methods and practices appropriate to minimize flood damage. o Policy HS-P5.4 Evaluate development within the Sacramento-San Joaquin Valley for consistency with the California Department of Water Resources (DWR)'s Urban Level of Flood Protection Criteria. Prohibit new single-family residences, density increases, subdivision maps, or development agreements for any property within a 200-year floodplain in an urban or urbanizing area, unless an adequate finding can be made pursuant to California Water Code Sections 9600 to 9603. o Action HS-A5.1 Review flooding policies and maps in this General Plan on an annual basis and incorporate best-available information regarding 100-, 200-, and 500-year floodplains and projected sea level rise due to climate change. o Policy HS-P6.1 Require new development to locate habitable areas of buildings above the highest water level expected, based on Figures HS-6 through HS-9, accounting for sea level rise and other changes in flood conditions, or construct natural and nature-based features, or a levee if necessary, adequately designed to protect the project for its expected life. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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**[RR P3 / Cal. Code Regs., tit. 23, § 5014](#) - Protect Floodways**

**Is the covered action consistent with this portion of the regulatory policy?**

Yes

Answer Justification:

RR P3: The Contra Costa County 2045 General Plan supports this policy through the following policies and actions: o Policy COS-P5.4 Require new buildings and structures on private property be set back at least 75 feet from the edge of any wetland area, unless a peer-reviewed, site-specific evaluation indicates that a different setback is appropriate for protecting the wetland and adjacent upland habitat areas. Allow encroachment into a required wetland setback area only when a parcel would otherwise be rendered unbuildable or impacts have been adequately mitigated. o Policy COS-P5.10 Allow encroachments into required setback areas along natural watercourses and wetlands for the purpose of constructing low-impact public improvements or public-serving amenities, such as footbridges, trails, and nature viewing areas, provided a qualified biologist confirms that the improvements/amenities are compatible with protection of ecological values. o Policy HS-P5.5 Prohibit permanent buildings and structures in designated floodways where such impediments could increase risks to human life or restrict the floodway's carrying capacity. o Policy HS-P6.1 Require new development to locate habitable areas of buildings above the highest water level expected, based on Figures HS-6 through HS-9, accounting for sea level rise and other changes in flood conditions, or construct natural and nature-based

features, or a levee if necessary, adequately designed to protect the project for its expected life. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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[RR P4 / Cal. Code Regs., tit. 23, § 5015](#) - Floodplain Protection

**Is the covered action consistent with this portion of the regulatory policy?**

N/A

Answer Justification:

RR P4: The Contra Costa County 2045 General Plan does not cover the areas included in this policy and does not include any policies or actions that would encroach or construct in the three floodplains included in this policy: (1) The Yolo Bypass within the Delta; (2) the Cosumnes River-Mokelumne River Confluence, or (3) the Lower San Joaquin River Floodplain Bypass. Therefore, this policy is not applicable to the covered action. [Exhibit A - Public Hearing Draft Contra Costa County 2045 General Plan.pdf](#)

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**01/01/0001**