

6. Review of definitions for “Unique” and Visual Resources Information

**(a) CEQA definition, Public Resources Code
Chapter 2.6 Section 21083.2.**

PUBLIC RESOURCES CODE - PRC



DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.3] (*Division 13 added by Stats. 1970, Ch. 1433.*)

CHAPTER 2.6. General [21080 - 21098] (*Chapter 2.6 added by Stats. 1972, Ch. 1154.*)

^{21083.2.} (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

(e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:

- (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
- (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation

measures undertaken within the site boundaries of a housing project consisting of a single unit.

(3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:

(A) Two hundred dollars (\$200) per unit for any of the next 99 units.

(B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.

(C) One hundred dollars (\$100) per unit in excess of 500 units.

(f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

(g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

(h) As used in this section, "nonunique archaeological resource" means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

(i) As part of the objectives, criteria, and procedures required by Section 21082 or as part of conditions imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

(j) This section does not apply to any project described in subdivision (a) or (b) of Section 21065 if the lead agency elects to comply with all other applicable provisions of this division. This section does not apply to any project described in subdivision (c) of Section 21065 if the applicant and the lead agency jointly elect to comply with all other applicable provisions of this division.

(k) Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.

(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

(Amended by Stats. 1993, Ch. 375, Sec. 1. Effective January 1, 1994.)

(b) Webster Dictionary definition.

<http://www.merriam-webster.com/>

unique

Tweet

adjective \yü-'nēk\

—used to say that something or someone is unlike anything or anyone else

: very special or unusual

: belonging to or connected with only one particular thing, place, or person

Full Definition of *UNIQUE*

1

: being the only one : sole <his *unique* concern was his own comfort> <I can't walk away with a *unique* copy. Suppose I lost it? — Kingsley Amis> <the *unique* factorization of a number into prime factors>

2

a : being without a like or equal : unequaled <could stare at the flames, each one new, violent, *unique* — Robert Coover>

b : distinctively characteristic : peculiar 1 <this is not a condition *unique* to California — Ronald Reagan>

3

: unusual <a very *unique* ball-point pen> <we were fairly *unique*, the sixty of us, in that there wasn't one good mixer in the bunch — J. D. Salinger>

— unique·ly *adverb*

— unique·ness *noun*

See unique defined for English-language learners

See unique defined for kids

Usage Discussion of *UNIQUE*

Many commentators have objected to the comparison or modification (as by *somewhat* or *very*) of *unique*, often asserting that a thing is either unique or it is not. Objections are based chiefly on the assumption that *unique* has but a single absolute sense, an assumption contradicted by information readily available in a dictionary. *Unique* dates back to the 17th century but was little used until the end of the 18th when, according to the Oxford English Dictionary, it was reacquired from French. H. J. Todd entered it as a foreign word in his edition (1818) of Johnson's Dictionary, characterizing it as “affected and useless.” Around the middle of the 19th century it ceased to be considered foreign and came into considerable popular use. With popular use came a broadening of application beyond the original two meanings (here numbered 1 and 2a). In modern use both comparison and modification are widespread and standard but are confined to

the extended senses 2b and 3. When sense 1 or sense 2a is intended, *unique* is used without qualifying modifiers.

Examples of *UNIQUE*

1. She's in the *unique* position of running for office against her husband.
2. Humans are *unique* among mammals in several respects.
3. There are no clear blueprints to be discovered in history that can help us shape the future as we wish. Each historical event is a unique congeries of factors, people, or chronology. —Margaret McMillan, *Dangerous Games*, 2008
4. [Tiger] Wood's unique skill set was on display again at last week's U.S. Open, but this victory was more visceral. It was all heart. —Alan Shipnuck, *Sports Illustrated*, 23 June 2008
5. Space is a strange and unique item—you can't take it to a lab and analyze it like beef jerky. —Bob Berman, *Astronomy*, November 2007
6. A century ago a doctor was considered to be part of a social elite. He—and medicine was then very much a masculine endeavor—had a unique mastery of a special body of knowledge. He professed a commitment to levels of competence and integrity that he expected society to respect and trust. —Richard Horton, *New York Review of Books*, 31 May 2007
7. Most stars are not born in isolation but instead in groups of several thousand to tens of thousands, all of which emerge from the same parent cloud of gas. Each cloud has a unique and homogeneous mix of chemical elements and isotopes, which its stellar progeny inherits. Even when the stars disperse, they retain their unique chemical tag ... —Rodrigo Ibatá et al., *Scientific American*, April 2007
8. As a dozen new books will testify, our nation is in the midst of a great barbecue renaissance, with each region proudly claiming its own unique style. —Ruth Reichl, *Gourmet*, July 2005
9. [\[+\]more\[-\]hide](#)

Origin of *UNIQUE*

French, from Latin *unicus*, from *unus* one — more at [one](#)
First Known Use: 1602

Related to *UNIQUE*

Synonyms

[idiomatic](#), [individualized](#), [particular](#), [patented](#), [peculiar](#), [personal](#), [personalized](#),
[private](#), [privy](#), [separate](#), [singular](#), [subjective](#), [individual](#)

**(c) Tulare County General Plan Policies
(Unique & Unique Natural Features).**

UNIQUE AND UNIQUE NATURAL FEATURES

TULARE COUNTY GENERAL PLAN 2030 UPDATE POLICIES

PLANNING FRAMEWORK ELEMENT

PF-1.5 Planning Areas

County policies reflect the unique attributes of the various locations and geographic areas in the County. As such, there are policies applicable to one area of the County that are not applicable to others based on natural setting, topography, habitat, existing development, or other attributes which are unique within the planning context of the County.

AGRICULTURE ELEMENT

AG-1.11 Agricultural Buffers

The County shall examine the feasibility of employing agricultural buffers between agricultural and non-agricultural uses, and along the edges of UDBs and HDBs. Considering factors include the type of operation and chemicals used for spraying, building orientation, planting of trees for screening, location of existing and future rights-of-way (roads, railroads, canals, power lines, etc.), and unique site conditions.

LAND USE ELEMENT

LU-4.4 Travel-Oriented Tourist Commercial Uses

The County shall require travel-oriented tourist commercial uses (for example, entertainment, commercial recreation, lodging, fuel) to be used in areas where traffic patterns are oriented to major arterials and highways. Exceptions may be granted for resort or retreat related developments that are sited based on unique natural features.

SCENIC LANDSCAPES ELEMENT

SL-1.2 Working Landscapes

The County shall require that new non-agricultural structures and infrastructure located in or adjacent to croplands, orchards, vineyards, and open rangelands be sited so as to not obstruct important viewsheds and to be designed to reflect unique relationships with the landscape by:

1. Referencing traditional agricultural building forms and materials,
2. Screening and breaking up parking and paving with landscaping, and
3. Minimizing light pollution and bright signage.

WATER RESOURCES ELEMENT

WR-2.5 Major Drainage Management

The County shall continue to promote protection of each individual drainage basin within the County based on the basins unique hydrologic and use characteristics.

RURAL VALLEY LANDS PLAN

RVLP-1.3 Tulare County Agriculture Zones

In order to protect and maintain the agricultural viability of the valley area, the County shall

maintain several exclusive agricultural zones, each containing a different minimum parcel size. The County shall apply such zones to lands located outside adopted UDBs and HDBs, where such boundaries have been adopted, generally below and west of the 600-foot elevation contour line as it occurs in Tulare County, except where otherwise designated by the Land Use Element of the Tulare County General Plan (Part II-Figure 1-1). The County recognizes that there may be unique circumstances under which parcels as small as ten (10) acres in size may be agricultural in nature. The County further recognizes that twenty (20) acre, forty (40) acre, and eighty (80) acre minimum parcel sizes are necessary to maintain and protect the agricultural viability of significant portions of the County. A determination as to the most appropriate minimum parcel size for a particular area shall be made on the basis of factors relevant to the protection and maintenance of existing and/or potential agricultural uses of land including, but not limited to, factors such as existing land use patterns, land capability ratings for agriculture, and the occurrence of agricultural preserves. Nothing herein is intended to prevent the application of exclusive agricultural zones developed pursuant to this policy to lands located outside the above described area.

RVLP-1.4 Determination of Agriculture Land

The County shall not allow re-zoning of parcels that accumulate 17 or more points according to the RVLP Development Criteria (contained in Section 1.3 of this chapter). If the number of points accumulated is 11 or less, the parcel may be considered for non-agricultural zoning. A parcel receiving 12 to 16 points shall be determined to have fallen within a "gray" area in which no clear cut decision is readily apparent. In such instances, the Planning Commission and Board of Supervisors shall make a decision based on the unique circumstances pertaining to the particular parcel of land, including factors not covered by this system.

FOOTHILL GROWTH MANAGEMENT PLAN

The Corridor Areas

The **First Level** involves the designation of lands that are potentially suitable for development. These areas are designated as development corridors. Inclusion of properties in a development corridor is generally dependent upon meeting all of the following requirements:

1. The property has reasonable access to a publicly maintained road or highway (for example, within one mile),
2. The property is within a reasonable "response time" (15 minute attack time) of a Tulare County fire station,
3. The property has a slope less than 30 percent, and
4. The property does not contain any unique physical, biological, archaeological or land use factors, which, if included in a development corridor, would be inconsistent with certain policies of the FGMP. For the purpose of this plan, Rocky Hill is considered unique. The consideration of unique for future projects will be evaluated on a case by case basis as documented through the environmental review process.

FGMP-1.7 Commercial Recreation

The County shall encourage commercial recreation uses near unique natural features, thus enabling the visiting public to enjoy the recreational and visual amenities the area has to offer. Criteria for the location and approval of commercial recreation are as follows:

1. The use shall have access from a State Highway,
2. The use shall meet the policies and development standards of the FGMP,
3. The use shall not detract from the visual amenities of the foothills. Landscaping, sufficient setback distances, and well designed buildings and signs are tools that shall be used to protect the visual environment, and

4. Proposed commercial recreation shall be consistent with uses outlined in the Planned Development-Foothill Zone.

FGMP-4.1 Identification of Environmentally Sensitive Areas

The County shall identify and protect those environmentally sensitive areas in the foothill development corridors which should be maintained as open space, such as areas characterized by floodplains, steep slopes (30 percent or greater), unstable geology, unique archaeological/historical sites, habitat of special status species, and scenic vistas.

FGMP-8.19 Preservation of Unique Features

The County shall encourage maintenance and protection of unique open space areas such as riparian woodlands, oak woodlands, interesting rock formations, and scenic vistas.

(d) Sonoma County General Plan (Visual Resources).

4.11 VISUAL RESOURCES

Visual Resources – Environmental Setting

This section addresses impacts on the visual resources and aesthetic character of Sonoma County's natural environment. Issues include potential impacts to scenic views and vistas, and impacts associated with an increase of urban light sources within the area. The topics discussed in this section overlap with other sections of this EIR, including the *Sections 4.1 Land Use, Population, and Housing; 4.6 Biological Resources; 4.8 Agricultural and Timber Resources; and 4.10 Cultural Resources*. Visual resource impacts are most closely related to the Open Space and Resources Conservation Element of the *Draft GP 2020*.

The unique scenic quality of Sonoma County results from the attractiveness and diversity of its landscape. Visual characteristics of Sonoma County range from the flat valley floors where vineyards dominate the landscape to the mountain ranges in the northwest and eastern portions of the county. Redwood forests and the coastal mountain range are prominent in the west. Rolling foothills and grazing lands form the visual landscape in the southern portion of the county. However, a significant characteristic of the quality of Sonoma County's scenic environment is the interface of small rural communities and the natural landscape.

Three main highway corridors pass through the county, generally following a north-south course that parallels both the coastline and the mountain ranges. US 101 runs through the center of the county, traversing its entire length and passing through the major urbanized areas. It is along this highway that urban development is most noticeable. Highway 12 runs from the Napa County line north to Santa Rosa on the southeastern side of the county and then west to Sebastopol. The rural ambiance, steep mountains, and broad grasslands along the Sonoma Valley portion of this highway have earned it a State Scenic Highway designation. Highway 116 from Sebastopol through the Lower Russian River area has been similarly recognized for its unique beauty. Highway 1 runs along the western edge of the county, generally following the coastline. The magnificent views of the Pacific Ocean, coastal bluffs, wide coastal terraces, and redwood groves distinguish this part of the county from the others. Visible from many parts of the county and beyond, the 4,345 foot majestic Mount Saint Helena is a key component of the county's landscape.

Sonoma County also has a number of unique geologic formations. The granite on Bodega Head is the dominant surface exposure of this Pacific plate formation in the area. Serpentine exposures in the northern half of the county develop unique soils that support a distinctive vegetation community with rare plant species. In addition, large blocks of serpentine frequently form visible knobs and ridges, comprising a somewhat unique landscape. Mount Saint Helena, Sonoma Mountain, and other prominent peaks of Napa and Sonoma counties dominate the visual landscape in eastern Sonoma County.

The existing General Plan establishes three types of scenic resources that signify particularly important areas of the county that warrant protection; Community Separators, Scenic Landscape Units, and Scenic Corridors. Each of these scenic resource areas are discussed below.

**(e) Caltrans Highway 101 Prunedale Freeway
(Visual Scenic Resources).**



Definition of Visual/Scenic Resources

[Previous](#)

Viewer response to the visual quality of an area is evaluated by considering differing viewer groups and the number of viewers in a particular group, the duration and frequency of their exposure, their distance from the road, and their level of sensitivity - that is, their activity or purpose as they use the road. Two general viewer groups are considered in a visual impact assessment: those with views from the road, and those with views of the road. Users with views from the road include: the regional highway user, who most often experiences an overview of the area; the local user, who has long-term familiarity with the area's visual resources and will be acutely aware of changes; the commuter, who is somewhat less aware of his or her surroundings, due to the repetitive nature of the activity; and the tourist, who generally has a high awareness of visual resources yet is less sensitive to specific changes in an unfamiliar environment. Viewers of the road include nearby property owners, employees and customers of commercial areas, and recreational users such as equestrians or joggers. These observers have longer duration views of the highway and their awareness of visual resources and change is high.

The ability of an area to absorb visual change is dependent on its context. To provide a framework for understanding the visual effects of the proposed project, the existing regional landscape is divided into visual assessment units or "outdoor rooms" with certain visual characteristics that distinguish one area from another. Key observer viewpoints which are representative of a range of visual resources within the unit, as well as being representative of the perspective of various viewer groups, are evaluated. These sensitive view locations on the road and in the surrounding area are selected because of population concentrations, critical visual resources, or at important visual transitions. Observer viewpoints are rated for the vividness, intactness, and unity of the visual conditions before and after the proposed project. Photographs of existing conditions are compared to visual simulations of what the project would look like immediately after it is completed, and with the implementation of mitigation measures, if it is determined that the proposed alternative would have a negative effect on the visual character of the proposed corridor.

Mitigation measures to reduce adverse visual impacts for both residents and

motorists on either alignment may include:

- Planting of trees at interchange structures to soften views and provide a sense of scale; and screen planting to block unwanted views;
- Landscaping for screening and ornamental aesthetics, planting for replacement of native habitat and suppression of exotic weed species, and seeding and planting for storm water pollution prevention and erosion control;
- Architectural detailing of walls and bridges, including the selection of textures, colors, and aesthetic themes developed with input from the community, to complement the character of the region and to reduce the visual obtrusiveness of large structures
- Adjustments to the vertical and horizontal alignments to minimize grading and the loss of vegetation; and to screen unwanted views;
- Rounding of cut and fill slopes to provide a more natural appearance;
- Use of steeper cut slopes where appropriate to preserve native vegetation, and natural rock outcroppings or other scenic resources;
- Sparing use of road signs, screening of utilities and discouragement of billboards to preserve either alignment as a scenic asset for the region in the future.

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