



April 14, 2008

Tim Snellings  
Director  
**Butte County**  
7 County Center Drive  
Oroville, CA 95965

Subject: Rio D'Oro *Project # 2007375*  
**RE: Butte County GP 2030 Alternatives Evaluation: Study Area**  
**27: Pacific Heights Road/Highway 70 (Rio D' Oro, GCI #2007-**  
**113)**

Dear Mr. Snellings,

On behalf of our client, JKB Homes, this letter responds to the Alternative Evaluation of Study Area 27: Pacific Heights Road/Highway 70 as presented in the Butte County General Plan 2003. We believe that the evaluation of the alternatives, specifically Alternative 3, needs to reflect the planning efforts that have been made to date by our client and our team and respectfully request that this analysis be revised to account for our proposed Specific Plan and presented to the Citizens Advisory Committee and the Board of Supervisors. Although we have not made a formal submittal to the County, we have met with staff to discuss any potential issues and our proposed methods to mitigate potential issues associated with the proposed Specific Plan for this area. JKB Homes is dedicated to working diligently and proactively with the County to ensure that the specific plan for this area is in the best interest of the County. Therefore, the following responses reflect our commitment to planning solutions that will address many of the issues raised by the Alternatives Analysis.

#### **A. Economics**

1. **Market Viability (Received an A):** We agree with these findings

**Fiscal Impacts (Received a D):** Although the County considers the property tax value as low, financing mechanisms will be created to cover the cost of services such as fire protection, sheriff protection, the maintenance of common area landscaping, bicycle paths, open spaces, walking trails, street lighting and other community features. Such mechanisms might include a Community Service District (GSD), Landscape and Maintenance District (LLMD), or other type of financing mechanism. The homeowner will be required to pay for utilities such as water and trash collection. Finally, the inclusion of a retail component will generate sales tax revenues that outweigh any fiscal deficits incurred by this area. We believe this evaluation should be reevaluated to take into account the findings of this report.

2. **Job/Housing Balance (Received a D):** The Sacramento Regional Research Institute conducted a study in 2006 to determine the Economic Benefits of Housing in California. This study reveals "Every dollar spent on new housing construction in California generates another 0.8 in total economic activity, while each job created through residential construction supports an additional 1.2 jobs." Furthermore, the

study identifies a number of economic benefits that result from the construction of new housing. Some of these include:

- a. The direct creation of construction and other construction related jobs in the County as well as the purchase of construction materials from local suppliers.
- b. An increased employment base to support existing business and attract new businesses to the County
- c. Increasing the amount of consumers to support local retailers and service providers, in turn creating enough demand to attract new business.

We believe this evaluation should be reevaluated to take into account the findings of this report.

## **B. Public Services**

**Fire and Emergency Services (Received a D):** Our Client is in discussions with Cal Fire to discuss the construction and staffing of a sheriff and fire sub-station at the corner of Palermo Road and Highway 70. Cal Fire has expressed interest in this new substation location. Placing a substation in this location would require additional land designated for commercial and public use but provide emergency and public safety services needed for this area. We believe this evaluation should be reevaluated to take into account the findings of this report.

1. **Sheriff Services (Received a C):** See comments on item 1 above.
2. **Capacity of School Districts (Received a C):** We intend to designate an elementary school site within the specific plan area to accommodate the additional K-8 students. Our land use plan delineates an elementary school site near the center of our development. Our client is working with the school district to determine the needs of the district so that we can provide an adequate site for the new school. Since the high school still has capacity, we believe that the provision of this school should increase our rating. A conceptual plan will be presented to the School Board on April 17, 2008.

## **C. Water**

1. **Water Supply (Received a B):** According to Matt Colwell from the South Feather Water and Power Agency, water supply is not an issue since development in this area would require SFWPA annexations and SFWPA State Water Resource Control Board Boundary (Place of Use) extensions. This project is just inside their LAFCO Sphere Of Influence, which would need to be modified as part of the application. South Feather Water and Power Agency is willing to provide a copy of a recent CEQA Mitigated Negative Declaration associated with their water rights and also the GIS layers associated with our existing boundaries if further information is required.

Furthermore, our client is committed to reducing water consumption through green planning techniques such as restricting the amount of turf in yards through CC&R's or Deed restrictions, providing recycled water for landscaping, and providing water saving fixtures in all new homes. We believe this evaluation should be reevaluated to take into account the findings of this report.

**Groundwater Recharge Potential (Received a D):** Although Alternative 3 calls for significant development, the consultant based their opinion solely on the development aspect. Study Area 27 proposes approximately 50% of developable area with the remaining 50% of land to remain in conservation areas and open space. A significant portion of the developable area will be landscaped providing additional ground water recharge. What the consultant failed to include in their opinion was the reclaimed water recharge for the area. Thus by applying conscious planning and construction

techniques, artificial groundwater recharge significantly improves the groundwater recharge potential. We believe this evaluation should be reevaluated to take into account the findings of this report.

**D. Wastewater (Received a C):**

1. Our client has been working with SC-OR for almost a year now. The consensus of opinion with SC-OR is that the new connection fees that SC-OR instituted will allow for their needed expansion of their plant and that SC-OR will be able to provide their services to this entire project when needed. We believe this evaluation should be reevaluated to take into account the findings of this report.

**E. Circulation**

1. **Proximity to Freeways and Major Roadways (Received an A):** We agree with this rating.

**Bicycle Circulation (Received a B):** It should be noted that the Specific Plan places a high priority on bicycle and pedestrian circulation by providing an interconnected multi-use trail system with direct links to the Freeman Bicycle Trail. The Specific Plan also places a high priority on creating pedestrian and bicycle friendly streets through the design roadway sections, intersection crossings, and traffic-calming measures and will be accounted for in our plan. We believe this evaluation should be reevaluated to take into account the findings of this report.

2. **Transit Service (Received a C):** Although transit service is not currently located on the site, we intend to discuss expanded service with the transit authority to determine if service could be expanded to the area, most importantly the retail area.

**F. Airport Compatibility Zone Conflicts (No rating due to no impact):** No comment

**G. Potential Loss of Agricultural Land (Received an A):** Due to the site's grazing land designation, we agree with this rating.

**H. Biological Resources (Received a C):** Please see attached letter from Galloway and Associates

**I. Safety Hazards**

1. **Fire Hazard (Received an A):** We agree with these findings
2. **Flood Hazard (Received a B):** We agree with these findings
3. **Geologic Hazards (Received a B):** We agree with these findings

**J. Cultural Resources (Received a C):** Please see attached letter from Galloway and Associates

Regards,

**WILLIAM HEZMALHALCH ARCHITECTS, INC.**

  
Johanna Tuite  
Associate, Senior Planner

**Enclosures:**

Letter From Gallaway Consulting, Inc and associated exhibits, RE: Butte County GP 2030  
Alternatives Evaluation: Study Area 27: Pacific Heights Road/Highway 70 (Rio D' Oro, GCI  
#2007-113), dated April 10, 2008



**GALLAWAY**  
CONSULTING, INC.

April 10, 2008

**RE: Butte County GP 2030 Alternatives Evaluation: Study Area 27: Pacific Heights Road/Highway 70 (Rio D' Oro, GCI #2007-113)**

Comments on Section H:

Gallaway Consulting, Inc. (GCI) has conducted rare plant and animal surveys within the Pacific Heights Road/Highway 70 Study Area (Study Area 27) for the past two years and is currently under contract for additional protocol-level surveys. To date, two federally listed vernal pool invertebrate species have been observed within Study Area 27, vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardi*). Through protocol-level botanical surveys, no plants of special designation have been observed.

Study Area 27 is within the *draft* Butte Regional Habitat Conservation Plan (HCP/NCCP) study area. Utilizing data from a regional scale that is still in the development stage as an evaluation tool provides an inaccurate measure of site-specific environmental constraints. Modeled habitat within the HCP/NCCP study area indicates that 16 special-status species, of federal and/or state importance, have the potential to occur within Study Area 27. Modeled habitat ranges are gross in nature and lack site-specific variables. Field surveys and a habitat assessment, conducted by GCI, identify occurrence potential for the following 10 species, of which only two have been observed on-site:

- Ahart's dwarf rush
- Greene's tuctoria
- Hairy Orcutt grass
- Hoover's spurge
- Swainson's hawk
- Vernal pool fairy shrimp (observed)
- Vernal pool tadpole shrimp (observed)
- Western burrowing owl
- Western spadefoot
- White-tailed kite

The entirety of Study Area 27 is within a U.S. Fish and Wildlife Service (USFWS) designated vernal pool "recovery region" (**Figure 1**). However, no federally designated "core recovery areas" encompass the location as stated in the Alternatives Evaluation

(Figure 2). In addition, no vernal pool “critical habitat” occurs within Study Area 27 (Figure 3). USFWS designations have been combined in the evaluation process, further confusing the assessment by inferring that “recovery regions”, “core recovery areas” and “critical habitat” are the same. From a regulatory context and environmental constraints analysis there is considerable disparity between the designations.

The Alternatives Evaluation identifies vernal pool and swale complex and blue oak woodland habitats within Study Area 27. A formal delineation of waters of the U.S. performed by Gallaway Consulting, Inc. identified scattered vernal pool and swale complexes within the site. The highest density of vernal pool and swale habitat delineated within Study Area 27 is located in a drainage corridor that is presumably unsuitable for development due to constraints associated with topography and floodplain issues and would likely be avoided. Further, the majority of the blue oak woodland habitat occurring on the site is also located within the drainage corridor and on heavily sloped areas adjacent to Pacific Heights Road. This portion of the site maintains the same topography constraint in relation to development potential as the drainage corridor.

#### Comments on Section J:

A cultural review relevant to CEQA and Section 106 of the National Historic Preservation Act was completed within Study Area 27 by Sean Jensen, M.A. of Genesis Society. The results of this review, summarized in the following paragraph, conflict with the cultural resources information for Study Area 27 provided in the Alternatives Evaluation. Although the Alternatives Evaluation compares with the review performed by Genesis Society regarding prehistoric sites, it is stated in the Alternatives Evaluation that six historical resources occur within the Study Area.

Genesis Society conducted a site-specific records search and field survey as related to cultural/historical resources, which resulted in no findings significant pursuant to CEQA or having eligibility for inclusion on the National Register under any of the relevant evaluative criteria. Consultation with the Native American Heritage Commission (NAHC) and representatives supplied on the NAHC contact list resulted in no findings of known cultural resources within Study Area 27. Additionally, no prehistoric or culturally significant items/sites were discovered during the records search or pedestrian survey.

April 17, 2008

Citizens Advisory Committee (CAC), Butte County Planning Staff & DC&E  
Butte County General Plan 2030 (GP)

Meeting Series 4B ~ South County Study Areas

General comments:

1. I would like to thank you, the members of CAC, for your time & commitment to this process. I would also like to thank you for the direct & poinyent questions you have asked throughout the process & in particular those form last week.
2. I would like to comment on David's response to the questions regarding the legalities of changing ones properties rights. It was said that it can easily be argued, legally, both ways but that making change that essentially down zones ones property will hold up. I agree that the argument is 2 sided but I also believe that ones property rights are what will prevail in court given past case law. IE: Should those of you that wish to stop all growth & development in Butte County succeed, you will have not only changed the rights of others, whether they planed on developing or not, you will have also negatively changed the entire economic vitality of the region! The result will be many lawsuits, financial burden to Butte County via lower property tax revenue, high litigation cost, etc, & basically higher taxes imposed on you & I. The General Plan (GP) will essentially have to be redone or amended to great lengths. Your efforts here will have been for not!
3. David also mentioned that down zoning land & classifying it as grazing will hold up because it can economically produce a return. That is not a safe statement to make or for us to consider during this process. It is very likely that a property currently planned for development & purchased as such would ultimately yield a loss if down zoned & designated for grazing only; hence, as mentioned before, the County would likely face legal challenges!
4. I would like to reiterate something I mentioned last week & that is; there are some Twinkies (as David put it) in these documents you have & to ask you to please be careful of the grading that was issued or assigned to the different levels of analysis.
5. My final general comment is that Alt 1 is supposed to be existing GP. I say that because 1) that is not always the case as indicated on some of the exhibits 2) there is a minor bit of disconnect between the City or Oroville & Butte County with regards to there GP's.

Scott D. Perkins  
1900 Oro Dam Blvd. Ste. 12-383  
Oroville, CA 95966

## Area 23

6.

- We are proposing that an Alternate 4 be approved which is a moderate expansion of Alt 1. Alt 1 is for the most part consistent w/ Oroville's preferred alt. The areas of these modifications are just outside the proposed new Oroville sphere. These modifications will be consistent with all of the discussions, prior mapping & the consensus of all those involved in the prior meeting series 1, 2 & 3.
- On the east side of this Area 23 we propose an extension of the residential/commercial/mixed use designation south down Miners Ranch to Oro Bangor. As I will bring up at a later date when we discuss circulation & regional traffic planning, Miners Ranch will become more of a collector or arterial to bypass Oro Dam/Olive Hwy & will become the preferred route to Lake Oroville. As Mike Evans once mentioned at a past meeting, we should call it the "gold line"! All of this will make this corridor economically feasible & vital to Oroville's future! Beyond this, the Board of Supervisors unanimously agreed to expand study area 23 for these very reasons!
- You may hear argument that the topography constrains this idea. That is not the case from Oro Bangor to SR 162. Those who I have spoken with simply did not understand the exact area & were, I believe, lumping it in with the surrounding terrain.
- On the south side of this area we are proposing a minor change be made to be consistent with not only a pending project that has been in the planning & application phase for years but also to be consistent with the exiting zoning & good common sense. You'll see on the map in front of you that the Versie's Place project fronts on Oro Bangor & connects to Monte Vista. This Proj is low in density with respect to its potential, given the R1 designation, has 15+ acres of open space, is well planned & is simply a good project with smart land use.
- Also in this area is what I call the Moss/Nissen property which is also zoned R1 & fronts on Lower Wyandotte. This area & the Versie's property are shown in Alt 1 as conservation & said to be consistent with City of Oroville's preferred alt. As I mentioned before Alt 1 is supposed to be existing GP. I also mentioned that this area, as with the east side, is outside of Oroville's newly proposed sphere. Oroville's preferred alt should not be a factor here. Additionally, though it should not be a factor,

Scott D. Perkins  
1900 Oro Dam Blvd. Ste. 12-383  
Oroville, CA 95966

the City's preferred alt does not show the Versie's project as reserve yet Butte County's does?

- I have heard the argument that this area is sensitive & warrants staying open space. This is not the case for the Versie's Place project or the Moss/Nissen property. I have current & certified environmental documents to back this up & anyone who knows these lands, which have hunted them or ridden motorcycles there or used it as a cutoff to the casino can confirm this. The old Robinson property does have some concerns & designating the tribal land as reserve is ok with me. But we can not lump these other parcels in with that adjacent land simply because they touch. Additionally, the Moss/Nissen property butts up to existing urban residential.
- Designating these properties for no development will absolutely bring litigation. A development (Versie's) will occur & its future will always be known as non-conforming. The Moss/Nissen property may or may not develop but do we as taxpayers want to ensure our money goes to lawyers simply because we made a wrong decision that contradicts what the people want in their neighborhoods. Shouldn't this GP reflect reality, be consistent with existing land use, consistent with what the people have said they want & make good planning sense for our community?
- Schools

Thank you for your time and commitment with this ongoing process.

Respectfully submitted,

Scott Perkins

Scott D. Perkins  
1900 Oro Dam Blvd. Ste. 12-383  
Oroville, CA 95966