

To: The Citizens Advisory Committee, Butte County General Plan 2030
From: The Executive Council of the Berry Creek Community Association
Subject: Proposed Alternative 4 for Study Area 8: Berry Creek

April 29, 2008

On April 17, 2008, at your meeting at Checker's Restaurant in Oroville, the Citizens Advisory Committee of the Butte County General Plan 2030 divided its vote for Study Area 8—10 votes for Alternative 1 and 16 votes for Alternative 2 (with some retail added). We believe that neither Alternative is appropriate for the rural community of Berry Creek, and wish to submit an Alternative 4 for consideration to replace the split vote of the 17th.

Alternative 4 is closest to Alternative 1, but attempts to incorporate the best of both Alternatives. We believe Alternative 2 is not appropriate for a rural community. In the event its standards for cluster growth is applied to our area, it would call for a density of 3 or 4 units per acre. Given the need for well water supply and septic treatment for each residence, such density is not practical in our environment. In the event Alternative 2 is interpreted as “no further growth by lot splits”, it denies property owners important rights and inhibits the community from making reasonable and responsible adjustments to the distribution of parcels available for residential development. Alternative 1 itself lacks the guidance necessary to direct the zoning to achieve our goals of preserving our rural character, development in a planned and orderly fashion, and balance between human needs and nature.

Further, we ask the Citizens Advisory Committee to recommend to the Board of Supervisors that the boundaries for Study Area 8: Berry Creek be expanded, as explained in our proposal. Already there are approved subdivisions in our larger area which lie outside the boundaries of the current Study Area 8 and which are located far from roads and services. These represent the kind of “willy-nilly” development contrary to our goals for orderly, responsible development of our community.

Thank you for your consideration of this “grass roots” alternative. We believe it will do better by both the land and its residents.

Study Area 8: Berry Creek

Alternative 4, submitted by the Berry Creek Community Association

Study Area 8 Definition

Our first issue is with the boundaries used to identify the study area for Berry Creek. The rectangular box in the middle of the larger area we call Berry Creek was apparently created in the 1970's, but its logic, if present then, has been lost over time. Since then, as a community we have become more sophisticated and educated to the awareness that we need to plan in eco-systems, not by arbitrary or political boundaries. The whole area we call Berry Creek is a naturally defined environment. The Study Area 8: Berry Creek needs to include the whole eco-system. "We all live downstream."

Berry Creek, as we define it for the Berry Creek Community Association, enjoys three natural boundaries—the North Fork of the Feather River to its west, the Middle Fork of the Feather River to its east, and Lake Oroville to its south (beginning at the north end of Bidwell Bar Bridge). The northern boundary for us is the county line, but most of the property above Mountain House is public land (U.S. Forest Service), and it may not be necessary to include in the study area. The Butte County Fire Safe Council has established boundaries for the Berry Creek area using the two forks of the Feather River, the lake, and an east-west line running between the two river forks just above Mountain House. This is what we seek as the boundaries of our Study Area 8: Berry Creek.

We ask the Citizens Advisory Committee to join the Berry Creek Community Association (as has the Planning Department of Butte County) in asking the County Board of Supervisors to "regularize" our boundaries to those used by the Butte County Fire Safe Council for purposes of defining "Study Area 8: Berry Creek".

Alternative 4: Planned Rural Development

The geographic location of the study area, the distance from urban centers, the topography, flora and fauna, the available supply of water, and all other characteristics of this community suggest that this area is, and should remain, rural in its character. With no disrespect to our good friends and neighbors in Paradise and Magalia, we envision a different future for Berry Creek than what has evolved on the Upper Ridge. We also seek a planned (not *ad hoc* and not developer-driven) development of the area. And we also desire to balance the needs of the environment with human needs. To that end, we **recommend that future zoning and development utilize the designation of Rural Residential (from 5 acres up to 40 acres or more) for properties to be developed for residential use. Other lands not suited to residential development should be designated Timber and/or Agricultural, as appropriate. Furthermore, we recommend that up to 20 acres be designated for retail/commercial use, to be disbursed in parcels distributed along the two major thoroughfares, Oro-Quincy Highway and Bald Rock Road, and another 50 acres or more be set aside for public**

uses—parks, athletic fields, a community center building, and other such public facilities. Other compatible uses, such as camps and retreat centers, nature education centers, museums, and historical and cultural sites could be allowed by use permits. **The objective is to have a safe, uncrowded rural residential community with a few retail/commercial services and some public facilities.**

Analysis of Alternative 4

A. Economics

1. Market Viability

New building in the enlarged Study Area appears to have averaged fewer than 10 units per year over the last 15 years. We do not anticipate any material change from this rate of development in the future. Growth will be modest, and largely determined by prevailing market conditions. There are existing subdivisions within the study area which have not yet been fully built out. The incremental addition of retail and community amenities will be limited by the extent to which they are supported economically by the community. At current rates of development, it can be extrapolated that fewer than 300 new residential units will be built by 2030. Therefore, we give Alternative 4 a C.

There is a desire by some that if High Speed Internet access can be brought to the area, that software development companies and other eco-friendly businesses might be attracted to Berry Creek. In the event the Stringtown Resort project is successful, Berry Creek's proximity and historical and cultural sites could be developed into a day trip destination for tourists, which would also help support some of the retail that is envisioned by this Alternative.

2. Fiscal Impacts

While it is true that the study area does not contribute as much tax revenue as some other, more populated parts of the County do, the rate of growth envisioned would be incremental in its needs for expanded services. We already enjoy a dedicated, full-time Deputy Sheriff. Fire Station 62 of Cal Fire is staffed full time, 24-7-365. The U.S. Forest Service staffs a Fire Station in Brush Creek during the fire season (summer). Fire Company 61 is a full-time volunteer unit located on Rockerfeller Road, and the expanded Study Area includes also the full-time volunteer Fire Company 60 in Brush Creek. The volunteer firefighters of Fire Companies 60 and 61 are often the first responders to an emergency call. With the exception of the need for improvements to roadways in the area (which are needed regardless of new growth), there is little "investment" needed from the county under this Alternative. Therefore, we give Alternative 4 a C.

3. Jobs/Housing Balance

It is true that there are few jobs within the Berry Creek Study area at this time. As noted above, the addition of some retail or eco-friendly businesses could change this balance.

We cannot be assured of it at this time. However, it should be noted that a significant number of residents come to Berry Creek to retire, and are therefore not in the labor pool seeking employment. Given that the rate of growth for the Study Area is governed by prevailing market conditions, one could assume that development will keep pace with the economy's ability to support it. Therefore, we give Alternative 4 a C.

B. Public Services

1. Fire and Emergency Services

As noted above, Berry Creek is served by four fire stations: one Cal Fire staffed 24-7-365; two full-time volunteer (but often the first responders); and one U.S. Forest Service staffed during fire season. Some current subdivisions in Berry Creek provide hydrants for firefighting. We also support the Berry Creek Fire Safe Council, which is active in educating homeowners on the need for defensible space around their homes and encouraging the removal of scrub growth and ladder fuels in our forests. We concur with the evaluation of this category for Alternative 1: Alternative 4 receives a C.

2. Sheriff Services

As noted above, Berry Creek has a dedicated, full-time Deputy Sheriff. We also concur with the evaluation for Alternative 1: Alternative 4 receives a C.

3. School Districts

We concur with the analysis given for Alternative 1: Alternative 4 gets an A.

C. Water

1. Water Supply

There is no resource more important in the future development of Berry Creek than its water supply. The description in the original report is factually in error on several points. No surface water from Lake Madrone is supplied as potable water to anyone by anyone. The Lake Madrone Water District supplies water from wells to the properties around the lake in its district. The Berry Creek Community Services District supplies water from wells to homeowners in the Ponderosa Pines subdivision who are located within its boundaries. All other water for use in Berry Creek is drawn from individual wells.

Berry Creek is situated on granite and other igneous rock formations which make up the eastern foothills of the Sierra Nevada Mountains. There is no water table as such—water from the surface (rain and melted snow) runs into cracks in this rock. Wells vary in depth, from a few feet of a hand dug well to the deepest well in Butte County—980 feet on Rachel Mountain. But the majority of wells find water in 35 to 200 feet. As infilling of

building on lots continues, the supply and quality of water needs to be monitored carefully. To date, however, there is no indication that the area has reached a point where it cannot meet the demands of new construction. Therefore, as with Alternative 1, Alternative 4 receives a C.

2. Groundwater Recharge Potential

As with Alternative 1, Alternative 4 receives an A.

D. Wastewater

Given the lower density per acre than Alternative 2, and the distribution of population over a wider area than envisioned in Alternative 1, we believe that wastewater treatment by septic is an acceptable method, and can be managed by zoning to achieve safe distances between septic fields and water wells. On this we give Alternative 4 a C.

E. Circulation

1. Proximity to Freeways and Major Roadways

The Oro-Quincy Highway (State Route 162 up to Foreman Creek) is the major roadway between Berry Creek and Oroville. It is 20-plus miles from the Village Market (as close as we get to “downtown Berry Creek”) to State Route 70, and takes 30-plus minutes. To the north, the Oro-Quincy Highway closes in the winter above Mountain House due to snow. We concur that in this category, Alternative 4 receives a D (but maybe that’s why some of us moved up here in the first place!).

2. Bicycle Circulation

Mountain biking and touring biking are becoming more popular. We have begun discussions on where and how to add or incorporate bike trails in our study area. A multi-purpose trail, which includes the capacity for bikes, is in the works at this time. At present, Alternative 4 deserves a D. In the future, we expect to improve.

3. Transit Service

Here’s another category that makes perfect sense in urban areas, but not out here. We do not have a region that could benefit from a local transit service, nor a population that could avail themselves of a distance transit service, except perhaps between Berry Creek and Oroville. Alternative 4 gets a D.

F. Airport Compatibility Zone Conflicts

Thankfully, not our problem. Alternative 4 gets an A.

G. Potential Loss of Agricultural Land

We grow rocks and trees in Berry Creek. Cattle grazing and large scale timbering belong more to our past than our future. Some vineyards and orchards are being planted, and infilling of housing will diminish the acreage now available for agriculture (as if it were indeed being used for that purpose at this time anyway). Alternative 4 gets a C.

H. Biological Resources

Alternative 4 designates up to 20 acres of retail/commercial, 50 acres or more of public use, and the remainder as Rural Residential, Timber, and Agriculture. We concur that the evaluations given for Alternative 1 apply for Alternative 4: B for Special-Status Animal and Plant Species, a B for Critical Habitat and other protected lands, a B for Sensitive Habitats, and a D for Deer Herd Habitat.

I. Safety and Hazards

1. Fire Hazards

Fire is our greatest potential natural disaster in Berry Creek. We say, “When...”, not “IF...” as a reminder that we all need to do our part to keep our community fire safe. Any new development needs to account for fire prevention, fire evacuation, and fire fighting capability. Higher fire risk areas would get lower density zoning. In this category Alternative 4 gets a D.

2. Flood Hazards

We are surprised to learn of flood hazards, except along water courses such as Berry Creek. Thoughtful location of new construction on a property should avoid this hazard. Alternative 4 gets a C.

3. Geologic Hazards

We are even more surprised to learn of the “Geologic Hazards” attributed to Berry Creek, especially the potential for landslides. We accept the grade of D for Alternative 4 pending further investigation.

J. Cultural Resources

We understand that we live in an area rich in history, and respect the various cultural resource sites and artifacts on these lands. Again, careful location of new building can avoid these sites. As with Alternative 1, Alternative 4 receives a B.

Summary of ratings

	<u>Alternative 1</u>	<u>Alternative 2</u>	<u>Alternative 4</u>
Market Viability	D	n/a	C
Fiscal Impacts	D	C	C
Jobs/Housing Balance	D	n/a	C
Fire and Emergency Services	C	n/a	C
Sheriff Services	C	n/a	C
School Districts	A	n/a	A
Water Supply	C	n/a	C
Ground Water Recharge Potential	A	A	A
Wastewater	D	n/a	C
Proximity to Freeways and Major Roadways	D	n/a	D
Bicycle Circulation	D	n/a	D
Transit Service	D	n/a	D
Airport Compatibility Zone Conflicts	A	A	A
Potential Loss of Agricultural Land	D	D	C
Special-Status Animal and Plant Species	B	C	B
Critical Habitat and other protected lands	B	B	B
Sensitive Habitats	B	C	B
Deer Herd Habitat	D	D	D
Fire Hazards	D	A	D
Flood Hazards	C	A	C
Geologic Hazards	D	A	D
Cultural Resources	B	B	B

