

Butte Environmental Council



116 W. Second Street, Suite 3
Chico, CA 95928
(530) 891-6424
(530) 891-6426 FAX

www.becnet.org

Activities and Events

Environmental Advocacy
Environmental Education
Groundwater Protection
Endangered Species Faire
Bidwell Park Cleanups
Chico Area Creek Cleanups
Recycling Referrals
Wetlands Preservation

Staff

Nikki Schlaishunt

Administrative Director

Robin Huffman

Advocacy Director

Mary Muchowski

Education & Outreach Coordinator

Maggi Barry

Program/Administrative Assistant

Board of Directors

Jim Gregg, Chair

Lynn Barris, Vice Chair

Armeda Ferrini, Treasurer

Pamela Posey, Secretary

Nora Burnham

Mike McLaughlin

John Scott

June 5, 2010

Dan Breedon, Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965

Subject: New Comments on the Draft General Plan 2030 and DEIR

The following are additional BEC comments on the DEIR for the Draft General Plan 2030 in time for the June 7 deadline. As you know I have been following the process from the very first session several years ago, attending many meetings and participating in many discussions in my formal role as Paradise Town Councilwoman, as a citizen of the county, and now for Butte Environmental Council. I admit at the outset that I have not read the DEIR cover-to-cover word-for-word. I will make these new comments as specific as possible and try not to repeat what I have previously submitted by e-mail or letter for the DEIR, anticipating that those comments will receive adequate attention.

This first section organizes my comments by areas accepted for development, which is how I have suggested that the DEIR be organized to make it more understandable. After that I will go through the DEIR as it is currently organized. The presentations to the Planning Commission and to the Board of Supervisors should look at the impacts on the environment by proposed growth area.

But first, let me say that the county should have a goal to change the way that the Butte County Association of Governments (BCAG) distributes the State's annual allocation to the county for accommodating the projected population growth. Currently, as you know, the methodology is to distribute the population growth equally among the municipalities and county by current population. There is another way that would have less impact on the environment. The current method induces sprawl throughout the county. Directing the majority of the population growth to Oroville should be adopted as a means of the population growth having less impact on the environment. Oroville has a large area accepted for growth, and it could be planned to have the least impact on the environment while being appreciated to improve the economies of scale in Oroville for increased business opportunities, public transit, and other public services. Oroville is also closer for commuters to the Sacramento area and to the Bay Area, and growth at the southern end of Butte County to the east of the best soils for agriculture and within a generally urbanized area makes a lot of sense for sustainable development. Why this has not already been part of the planning scenario discussion could be because this idea didn't fit the meeting agendas somehow.

Overall, because of the Oroville option, there is no justifiable reason to prematurely rezone land that has the potential to have "significant and unavoidable" detriments to the environment in areas that have significant environmental constraints and sensitivities.

Comments on Specific Growth Areas

Magalia: Though the plan for Magalia is to zone for fewer residential units than are currently allowed, the area nevertheless is a growth area in the draft General Plan 2030. The topography of the area has constraints, more or less identified in the DEIR and associated documents. The cumulative effect of the lot-by-lot development that is the probable scenario for most all of the growth will make Magalia a more unsafe place to live. Given the current population and the lack of a reasonable circulation route, Magalia is effectively on a dead end and will remain on a dead end even should FH171 be paved to Butte Meadows. Any additional residential units means more lives at stake because Magalia is in forests surrounded by canyons with no evacuation route except a one lane road over Magalia dam, which is not the direction to go if the big fire occurs below Magalia. Magalia, specifically, currently needs a real fire evacuation route more than any other area in the county. The county should state a goal with action items, such as asking legislators for assistance, that Clark Road, SR191, be made a through route to SR32, much as BCAG's May 9, 1994 Feasibility Study of State Route 191 Extension in Butte County proposed. The alternative for a tall bridge would have the least environmental impact, coupled with strong support for the

protection of the very sensitive Forks of Butte Creek area. The county is seeking to widen the road over the Magalia dam; however, not as aggressively as possible given its lower priority to projects in the valley. There are also alternatives that should be considered again more seriously, such as using Bader Mine Road and Coutolenc Road and finding ways to achieve the goal of better circulation in and through Magalia. In fact, Figure 3-5 does not even show the name Magalia, which seems really odd. Magalia is not part of Paradise, though it is in their sphere of influence, except for those properties that go beyond the sphere. The second big constraint and safety issue is water for fighting fires as well as for safe yield, which the area is at the brink of breaching even in normal hydrologic years. The impact on the environment of allowing more homes to be built in Magalia before the circulation and water constraints are solved would be the source of increased environmental disaster for Magalia. Magalia really needs a specific plan and more infrastructure and safety personnel and facilities, police and fire, before any more development occurs, and this needs to be emphasized in the DEIR more than it is now.

Paradise: The southeast area of Paradise has two big areas projected for residential buildout that also have serious environmental constraints and significant impacts on air quality, biological resources, hazards and safety, hydrology and water quality, land use, and just about every other area of environmental evaluation that could, in fact, be avoided by Paradise simply choosing infill and compact growth as a strategy and/or by the County choosing the Oroville option. Paradise still has some unique farmland not identified on Figure 4.2-1, perhaps because it is within a sphere of influence; yet, some unique farmland within the Oroville sphere of influence appears in that map.

Skyway: Do not approve any more rezones on the Skyway between Paradise and Chico that will be sprawl inducing, such as residential units. The hazards and safety that development along the Skyway induce are significant and avoidable by not developing there. There is no proof that recreational uses would suffer by not approving additional housing, only testimonials. There will be proof that watering Blue Oaks like watering to keep grass green will lead to environmental degradation.

Butte Creek Canyon: Include a special planning area to preserve the historic and rural nature of the area as well as to increase the safety of recreational uses so that the environment is not harmed.

Chico: There is much concern about the growth in the north between the airport and SR99. This area should have a unique agricultural overlay zone such as in an area of Oroville. At the other end of Chico at 99 and Honey Run road, the tentatively approved sprawl is too close to Butte Creek Canyon. In the Doe Mill area along Hwy 32 to the canyon rim overlooking Butte Creek Canyon, this is also unnecessary sprawl that will have environmental impacts that are avoidable. None of these should be part of any general plan. The environmental impacts are significant and avoidable as stated above.

Butte Valley: A special planning area is called for in this most special part of the county where lot-by-lot splits and ranchettes are becoming all too common and threatening the agricultural uses and the environmental sustainability of the area.

Yankee Hill: The deep brick color on the map of dwelling units estimated for buildout without accompanying jobs and businesses really seems unwise, especially given the topography and generally arid environment, subject to periodic fires going through.

In short, the county has little business providing extensive growth areas. This is what the municipalities should provide, cities whose growth would not impact agricultural soils, some of the most prime in the world. Growth should especially be targeted for concentrated growth in the City of Oroville, which has indicated growth would be appreciated where it would be appropriate. Other higher density buildout proposed east of Oroville, east of SR162 by Forbestown, I defer to people more familiar with the area. The best alternative to the proposed project is concentrating most growth in Oroville.

DEIR 4.1-4.15

4.1 – Aesthetics

Seek to include the Skyway as a California Scenic Highway. This has been proposed but has been deferred to future consideration. County Scenic Highways and Scenic Highway Zoning should be expanded and enhanced. There are many scenic vistas along the Skyway and along other roads of the county that should be preserved that the draft General Plan 2030 does not adequately protect.

4.2 – Agriculture

This section, like the previous section is very general, so it is difficult to make specific comments. Agricultural lands within spheres of municipalities needs to be better indicated. The Figure 4.2-1 map is very general, a summary that could use more detail and comparison with other available and well regarded soil mapping.

4.3 – Air Quality

Since the Butte County Air Quality is currently and periodically out of compliance with state and federal standards for health and safety, more needs to be done to come into compliance. Compact urban development incorporating more non-motorized forms of transportation along with more availability of public transportation will help bring Butte County into compliance and provide healthier air for its citizens. Sprawl of urbanization into rural areas decreases air quality, and this is an avoidable impact by directing development towards higher density zoning in existing incorporated areas and unincorporated pockets within those areas. Public transit and “complete streets” transportation systems are more feasible when development is compact.

4.4 – Biological Resources

More needs to be included in this section about the Butte Regional Conservation Plan and the significance of this plan to the conservation of biological resources in Butte County. Certain areas should be singled out as priorities for conservation, particularly areas which have been consistently threatened by development, such as, but not exclusive to, Butte Creek Canyon, Butte Valley, and their canyon rims.

It is odd that Paradise and Magalia reservoirs are not identified in the Reservoirs section, since they are of major significance to the second most highly urbanized areas in the county. Indeed, the water use is of more urban significance to water users in Butte County than the water from the Oroville Reservoir which mostly goes out of county.

The restoration of Butte Creek, as a primary example of protection of waterways, should be supported by the county more so than by recognizing the “Anadromous Fish Restoration Program (AFRP) and other organizations”. The county should instead take a lead in establishing the goal and associated policies and action items to restore Butte Creek and its natural flows throughout Butte County.

The migratory deer herd areas map has been questioned by a number of people, and it appears to Butte Environmental Council that the number of deer has been underestimated. To exclude all of the Paradise Ridge and Magalia from the Deer Herd mapping and simply give the area over to urbanization is wrong, an unnecessary “unavoidable” impact. Instead, there should be a way for the deer to be accommodated even within and near Paradise and Magalia and Butte Creek Canyon and Butte Valley, instead of being killed by cars in mass numbers. There should be wildlife corridors provided through these areas after a study of where these corridors could safely and most readily be provided through these and other urbanized and semi-rural areas.

4.5 – Cultural Resources

This section is entirely too general. Specific areas of the county having certain or concentrated cultural resources should be mapped. Certainly Butte Creek Canyon is one such concentrated area

in need of more organized county protection of cultural resources. Magalia Depot is as of yet unprotected. The Historic Sawmill Trail and the rest of the old railroad grade from Chico to Stirling City and beyond is also largely available for preservation and continued public use. Many significant cultural resources could be preserved and conserved with an increased transit occupancy tax supporting a county tourism department and with more related stated goals and associated policies and action items in the draft General Plan 2030.

4.6 – Geology, Soils, and Mineral Resources

Environmental priorities should be indicated in this section, such as clean-up of existing dredge mining before premature loss of prime agricultural lands for aggregate mining. The types of known mineral resources left in Butte County are not specified or mapped, which is puzzling, though some particular mines are mentioned as having “mineral resources” and mapped. Existing mining operations are not mapped, and should be, along with an overlay of elevations and hydrologic layers, and perhaps property lines.

4.7 – Hazards and Safety

Already mentioned are circulation concerns and fire hazards, especially for Paradise and Magalia. Magalia is not identified on the map, again in Figure 4.7-1, and the priority for roads and a moratorium on building is not indicated as significant and avoidable. There is only a description of the hazards, not a description of the significance of the buildout expected or possible given the land use on the Ridge in the proposed General Plan 2030.

Land use designations and zoning in and around existing airports could be better allocated away from airports to avoid the noise impacts and increase safety for people. “Downzoning” in areas that are inappropriately designated residential would be appropriate and worth pursuing near airports, wherever this is still possible.

4.8 – Hydrology and Water Quality

The well spacing requirements should be related to the actual geology of the area, which varies considerably in different areas of the county. The well spacing in the mountains, foothills, canyons, and valley should not be a “one size fits all” requirement. Likewise with wastewater requirements, which are under review and critical to preserving water quality since large urbanized areas of the county are on septic systems, many near reservoirs, rivers, creeks, and streams and in recharge zones.

The County could play a role in regulating the purchase and subsequent use of pollutants of various urban types, and increase their advocacy for curtailing agricultural pollutants and converting to a truly green, organic devolution.

Development in known flood zones, and in areas with the potential for flooding, should be accompanied with special building standards to avoid environmental impacts in a flood event.

We question the statement that “approximately 75 percent of the County’s residential water supply is extracted from groundwater.” What is the significance of this statement? Shouldn’t particular municipalities be identified as to their use of ground and surface water? Section 3 is a particularly general section. Figure 4.8-2 is also very general. What is the significance of a “basin”, such as the East Side Basin? Are these not recharge zones for the basins? The DEIR should at least speculate what will happen when massive development occurs in the East Side Basin, as is arguably probable given the draft General Plan 2030, that is, probable - versus maximum - theoretical buildout. The DEIR fails to analyze the probable theoretical buildout adequately.

4.9 – Land Use

Note in the DEIR that FH171 is mostly not in Lassen National Forest, but through private land, and that the paving of FH171 from Stirling City to Butte Meadows could be sprawl inducing

without specific general plan goals, policies, and action items to discourage this scenario, either from lot-by-lot development or larger projects or both.

The land use maps Figures 4.9-2 and 4.9-3 are not easily understood by their titles. What does "existing" mean? Are these "existing" in the old general plan or in the draft General Plan 2030? Clarify this in the titles. Same with the "existing" zoning map, figure 4.9-4. If "existing" means the old general plan, then indicate (in any case) what these maps have to do with the impact on the environment of the draft General Plan 2030 by overlaying the old and the new land use maps and zoning maps so the differences become visible. The significance of these visuals to the DEIR is not easily apparent, though it may be clear in the text.

4.10 – Noise

The comparison charts of existing and future traffic noise levels shows significant noise impacts along many sections of state routes and major corridors. These could be avoided by not sprawling into some of these areas, instead increasing the densities in existing urban areas, providing for more public transit, and providing for more non-motorized vehicle corridors.

4.11 – Population and Housing

The statement on page 4.11-10 that there are no significant impacts related to population and housing as a result of General Plan 2030 is counterintuitive for people like me who live here. Page 4.11-6 makes a blanket statement that "the majority of the new residential units are projected to develop within the Spheres of Influence (SOIs) of the incorporated municipalities and in existing unincorporated communities." There is no analysis community by community as to the need of the sprawl into SOIs and other county areas. There is an assertion that 33,800 new residents would be added to county areas, but there is no indication of the total new residents to the county or whether those 33,800 could also fit within the incorporated municipalities instead of within the SOIs or unincorporated communities. The point is that large areas of county lands are poised to be unnecessarily rezoned to potentially accommodate 33,800 new residents sprawled through environmentally sensitive areas of the county, contributing to air pollution and unsustainable type development, and there is no indication in the DEIR that this is at all called for. On the contrary to the closing statement on page 4.11-10, mitigation measures are surely required for the loss of habitat of the sensitive species that live in the areas to be rezoned, the loss of water to recharge zones, among other environmental concerns from noise to lighting to circulation to health and safety, not to mention the economic effect of spreading 33,800 new residents throughout the unincorporated areas of the county, people who will need public services of many types.

4.12 – Public Services and Recreation

The finding that the fire protection service impacts would be "less than significant" is from the county's perspective in that they have a policy of not providing services to rural areas to the standard of urban areas; however, this policy has been less than satisfactory to rural residents. Magalia, with a density as high or higher than Oroville, is considered to be rural by county standards and is notably underserved by sheriff and fire personnel. They have been underserved recreationally as well. Isolated subdivisions in newly urbanized areas that are not large enough to pay for their own safety personnel will be underserved as well; this should be considered instead "significant" and such development should certainly not be part of a general plan. At the least, significant mitigation measures should be put in place for the developers and new residents to pay for the public services and recreation that people moving into the new developments will surely expect, including reasonable access to public education for K-12 students that does not adversely impact the already stressed economics of the current residents of the county.

4.13 – Transportation and Circulation

Besides the issues already mentioned above, there are many deficiencies in transportation and circulation. Paradise, for example, does not have a budget to improve or to maintain roads much

beyond fixing major potholes. In the fire of 2008 it was very apparent that Pentz road in Paradise needs to be widened to accommodate two lanes downhill and one lane uphill in the event of an emergency evacuation. Other improvements are needed, but there is no money. The "existing deficient roadway segments" map, figure 4.13-2 is very generous in its showing only one or two short segment of road each in Chico, Paradise and Oroville. Public transit discusses only the bus system; what is missing is improvements to rail systems, or identifying and planning to retain corridors for future rail systems. The bicycle system should include a future class 1 along the Durham Pentz Road from the class 1 on the Midway to Butte College, and there should be class 1 routes planned in Butte Valley. Horse trails should also be planned in places like Butte Valley. Complete Streets development should be considered feasible for all areas of the county and implemented in conjunction with development everywhere development occurs and planned for in existing communities of all densities.

4.14 – Utilities

It is interesting that given changes to the way energy is expected to be used with new State regulations, according to the DEIR, that the new development is considered not significant relating to future energy consumption. If energy transmission lines, for example, are not needed to new developments between municipalities, that would be a less than significant impact regarding electricity; however, that will not likely be the case. This example is curiously not cited.

4.15 – Greenhouse Gas Emissions

The impact is considered cumulatively significant and unavoidable. Could the impacts be avoidable with compact urban growth within existing municipalities instead of the sprawl proposed in the General Plan 2030? This scenario does not appear to be adequately addressed throughout the DEIR; however, it is noted in the alternatives section in general as the Concentrated Growth Alternative. The maps provided, however, include study areas that were rejected for development. The maps were based on proposed study areas, and three alternatives for those given areas, not on guiding principles for the county as a whole. A map that shows concentrated growth according to principles of smart growth would best show a true concentrated growth alternative for the county, which best matches the county's guiding principles.

The product to date, the draft General Plan 2030 and the accompanying DEIR is an imperfect document based on an imperfect process. How can we make these documents and the next steps in the process more perfect from here? In addition to the suggestions above, I urge you to compare the products to date to the guiding principles, and slowing down with the introduction of the rezone documents.

Respectfully submitted,



Robin Huffman
Advocacy Director