

## COMMENTING PARTIES

Letter 9 – Public Interest Law Project (December 28, 2017)



Michael Rawson  
Director  
Extension 145  
mrawson@pilpca.org

Craig Castellonet  
Staff Attorney  
Extension 132  
ccastellonet@pilpca.org

Lauren Hansen  
Staff Attorney  
Extension 127  
lhansen@pilpca.org

Valerie Feldman  
Staff Attorney  
Extension 125  
vfeldman@pilpca.org

Noah Kirshbaum-Ray  
Legal Assistant  
Extension 110  
nkirshbaum-ray@pilpca.org

Linda Hill  
Office Manager  
Extension 123  
lhill@pilpca.org

Deborah Collins  
(Retired)

Judith Gold (1952 - 2016)

December 28, 2017

**VIA EMAIL ONLY**

Kent Hector  
Senior Planner  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street, Suite 103  
Redding, CA. 96001  
khector@co.shasta.ca.us

**RE: Tierra Robles EIR**

Dear Mr. Hector,

On behalf of our client Tracy Bowman, Legal Services of Northern California and the Public Interest Law Project submit these comments regarding the Tierra Robles Environmental Impact Report (EIR). The County does not have an updated Housing Element, a mandatory element of the County's General Plan, as required by law and has not identified sites to accommodate the County's housing needs for lower income households. Despite this, the County is planning to rezone to accommodate additional low density residential development, land that can address the housing needs of moderate and above-moderate income households while the County is far behind in meeting the housing needs of the County's lower income households. As noted below, the EIR does not comply with the CEQA Guidelines.

9-a

**General Plan Inconsistencies**

**1. Required Identification of Inconsistencies**

The Tierra Robles' EIR must identify and discuss any inconsistencies the proposed project has with the County's General Plan. *Highway 66 Coalition v. County of Monterey*, 14 Cal. App. 5<sup>th</sup> 883, 893 (2017). Currently, the County's Housing Element of the General Plan includes programs to identify sites to

9-b

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accommodate its entire Regional Housing Needs Allocation (RHNA), including a program to rezone land to make up for the shortfall of sites available to accommodate the County's need for homes affordable to lower income households (Program 8). The EIR's Land Use and Planning Section does not identify or discuss whether the proposed project is consistent with the County's Housing Element Programs, specifically Program 8, to zone land for higher-density residential use. This required analysis is missing and must be included in order to comply with the CEQA Guidelines. *Id.*

9-b  
Cont.

The County's Housing Element identified adequate sites to meet the housing needs of moderate and above-moderate income households. Indeed, the 2009-2014 Housing Element identified land for thousands of units in excess of the needs identified for these income groups. Now, despite the surplus of sites to meet higher income households needs, this proposed project is going to add to this surplus of sites while the housing needs of lower income households are almost completely ignored by the County.

## 2. Invalid General Plan

Further, it is questionable whether the proposed project can be considered consistent with the General Plan at all. State law requires all mandatory elements of the General Plan be consistent with one another. Gov Code Section 65300.5. The County has not adopted the required 5<sup>th</sup> revision of the Housing Element due on June 30, 2014, and therefore the County currently lacks an updated and legally compliant Housing Element as part of its General Plan. The General Plan must include all of the mandatory elements to be valid. *Neighborhood Action Group v. County of Calaveras*, 156 Cal. App. 3d 1176, 1184 (1984). The mandatory elements of the General Plan cannot be consistent with each other if one element is missing or invalid. *Id.*

9-c

No action can be consistent with a General Plan that is itself internally consistent. The County cannot find that the proposed project is consistent with the General Plan and therefore a discussion of the inconsistency must be included in the EIR. *Highway 66 Coalition* at 893.

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**Rezoning Should Include High-Density Sites**

As the County has yet to rezone sites to a higher density to accommodate the housing needs of the last planning period (2009-2014) and still needs to identify adequate sites for the current housing element planning period (2014-2019), the proposed project should include rezoning sites to a density of 20 units/acre. The proposed project gives the County an opportunity to complete rezonings that are long overdue under the law and zone sites for low density residential uses as well.

9-d

We encourage the County to consider these comments regarding the Tierra Robles EIR. If your office has any questions please contact Lauren Sanchez at Legal Services of Northern California. She can be reached after January 2, 2018 at (530) 241-3565.

9-e

Sincerely,



Valerie Feldman  
Staff Attorney

## Response to Letter 9 – Public Interest Law Project

**Response 9-a:** The commenter makes an introductory statement regarding the status of the County’s *General Plan* Housing Element and needs for lower income households. The commenter notes that the project site could be rezoned to accommodate lower income housing needs. The commenter refers to additional comments regarding the Draft EIR not complying with CEQA.

The comment is specific to the Shasta County *General Plan* and Housing Element, rather than specific to the EIR analysis of physical environmental impacts, mitigation measures, and level of significance associated with the proposed project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.

The additional comments referenced above are addressed individually below. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.

**Response 9-b:** The commenter states that the Draft EIR must identify and discuss any inconsistencies the proposed project has with the County’s *General Plan* and cites *Highway 68 Coalition v. County of Monterey*, 14 Cal. App. 5<sup>th</sup> 883, 893 (2017). The commenter states that the EIR’s Land Use and Planning section does not identify or discuss whether the proposed project is consistent with the County’s Housing Element Programs, specifically Program 8, to zone land for higher-density residential use. The required analysis is missing and must be included in order to comply with the State *CEQA Guidelines*. The commenter states that this proposed project adds to the surplus of sites while the housing needs of lower income households are almost completely ignored by the County.

The commenter is correct in the summary of that case regarding CEQA requiring an evaluation of inconsistencies with the *General Plan*. As stated on page 12 of the decision:

“[w]hile there is no requirement that an EIR itself be consistent with the relevant general plan, it must identify and discuss any *inconsistencies* between a proposed project and the governing general plan. [Citation]” [Citation.] “Because EIRs are required only to evaluate ‘any inconsistencies’ with plans, no analysis should be required if the project is *consistent* with the relevant plan. [Citation].”

The commenter also cites Program 8 of the Housing Plan, which is located in Section V. Housing Plan of the Shasta County *General Plan*. The commenter states that the proposed project should evaluate consistency with this Program. In part, Program 8 states the following:

“As part of the General Plan update, Shasta County shall identify adequate sites with appropriate land use designations to accommodate 800 housing

units for lower income households. Each site selected will require a minimum density of 20 units per acre and must be capable of supporting at least 16 units per site (i.e., each site must have at least 0.80 acres of developable land) based on parcel size, configuration, development standards, water and sewer service and other factors. Each site must allow for rent and owner-occupied multi-family housing without the need for a conditional use permit. At least 50 percent of the total housing units will be accommodated by sites in which the zoning does not allow for non-residential uses. Sites Shasta County will consider for rezoning to accommodate the lower-income portion of the RHNA consists of the following specific parcels.”

Immediately following the above, page 102 lists the 19 assessor parcel numbers that Shasta County will consider: 5 within the Burney Area, 12 within the Cottonwood Area, and 2 within the Fall River Mills Area. None of the assessor parcel numbers are within the proposed project site nor is the proposed project in proximity to any of the aforementioned locations. In addition, page 102 further states:

“Approximately 40 acres of land, at 20 units per acre, is required. As shown by the above list, the County has identified *substantially more land than would be required* to accommodate for the extremely low and very low income household portion of the RHNA. All identified sites are vacant and (in order to reduce the costs of development) *located within water and sewer districts with existing service lines either on or adjacent to the property*. Most of the identified sites are either free of major *environmental constraints or, where they do exist, only the developable portion of the property will be considered*. The selected sites will be rezoned to the existing Multiple-Family Residential (R-3) district, which allows only residential and residential accessory uses, with a modification to allow 20 units per acre. Parcels currently zoned for commercial use, may be rezoned to Mixed Use with a modification to allow 20 units per acre. 103 To assist the development of housing for lower income households on larger sites, the County will facilitate land divisions or lot line adjustments resulting in parcel sizes that allow multifamily developments affordable to lower income households in light of state, federal and local financing programs (i.e., parcels of 2 to 10 acres). *The County will work with property owners and non-profit developers to target and market the availability of sites with the best potential for development*. In addition, the County will offer information and assistance related to all incentives adopted by the County for the development of affordable housing.”

The commenter is directed to the aforementioned italicized section in the preceding cited paragraph. As stated, the County has already identified more land than would be needed, therefore, using the proposed project for lower income housing would be extraneous. In addition, as discussed at length in Section 5.17, UTILITIES AND SERVICE SYSTEMS, of the Draft EIR, use of the project site for higher density residential units would be constrained by water supply and there are no current developed sewer service lines within the project site. Lastly, as illustrated immediately above, the use of the proposed project site for higher density development would exacerbate the

existing environmental constraints as discussed and disclosed in the various section of the Draft EIR, and hence, the proposed project site does not possess, “the best potential for development,” for affordable housing.

Therefore, discussion of Program 8 in terms of this proposed project would be consistent, and as cited in the noted court case, unnecessary based on Case Law and State *CEQA Guidelines* for discussion within the Draft EIR.

The County is currently reviewing and revising the housing needs and updating the Shasta County *General Plan* Housing Element. As required by law, this Housing Element update will identify sites that meet the various income level needs of the County residents. This process is outside of this proposed project and Draft EIR.

The comment, however, is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.

**Response 9-c:** The commenter states that it is questionable whether the proposed project can be considered consistent with the Shasta County *General Plan* because the County has not adopted the required 5<sup>th</sup> revision of the Housing Element and therefore the County currently lacks an updated and legally compliant Housing Element as part of its *General Plan*. The *General Plan* must include all of the mandatory elements to be valid. No action can be consistent with a *General Plan* that does not have all mandatory elements.

Refer to **Response 9-b**, immediately above. The proposed project would include a Zone Amendment (Z10-002) to change the current zoning to Planned Development (PD) zone district. This zone change is consistent with the currently adopted Shasta County *General Plan* Land Use Designations. No general plan amendment is required as a result of the proposed project. By law, if zoning changes increase housing density beyond the general plan land use designations, then a general plan amendment would also be required. Furthermore, while the 5<sup>th</sup> revision of the Housing Element has not yet been adopted, this does not mean the Shasta County *General Plan* is invalid. State Planning and Zoning law sets forth the legal consequences for an agency failing to adopt a required Housing Element revision by the statutory deadline which does not include the automatic invalidation of the agency’s general plan. (*See Gov. Code, §65750 et seq.*) As mentioned above, Shasta County is currently reviewing and revising the housing needs and updating the Shasta County *General Plan* Housing Element. As required by law, this Housing Element update will identify sites the meet the various income level needs of the County residents. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 9-d:** The commenter restates that the proposed project site should be rezoned to accommodate higher density housing needs. The commenter further elaborates that the project should include rezoning sites to allow 20 units per acre.

Please refer to **Response 9-b** and **Response 9-c**, immediately above, which describes why such a rezone would be inappropriate for the project site, for reasons to include

numerous sites are already accounted for in Program 8, the proposed rezone of the project site for high density residential would be inconsistent with Program 8, and use of the proposed project site for high density residential would exacerbate environmental impacts. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.

**Response 9-e:** The commenter concludes the letter encouraging the County to consider the previous comments.

Please refer to **Response 9-a** through **Response 9-d**, immediately above. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.

Letter 10 – Wintu Audubon Society (December 28, 2017)



# Wintu Audubon Society

## Birding in Northern California

PO Box 994533  
Redding, CA 96099-4533  
wintuaudubon.org

December 28, 2017

Kim Hunter, Planning Manager  
Shasta County Department of Resource Management  
1855 Placer St, Suite 103  
Redding, CA 96001

Subject: Draft Environmental Impact Report for Tierra Robles Planned Development, SC# 2012102051

Dear Ms. Hunter:

Wintu Audubon thanks you for the opportunity to comment on the subject document and project. Wintu Audubon has approximately 450 members in Shasta County. We are concerned about bird and wildlife conservation and the impacts on native bird and wildlife species that may result from this land development project. Former Conservation Chair Claudia Lyons Yerion commented on the 2012 NOP for this project in 2012.

10-a

The DEIR states that the project site contains widespread robust oak woodlands totalling approximately 88% of the 715 acre project site (638 acres). These oak woodlands and open spaces provide habitat for a myriad of bird and bat species, including forage, shelter and nesting habitats. Elimination of approximately 146 acres of these oak woodlands will result from road and utility construction and residential lot development. As mitigation for the direct loss of oak woodlands, Mitigation Measure (MM) 5.4-1 proposes that offsite credits be purchased and preserved in perpetuity at the ratio of 2 acres preserved for each acre lost. We note that this mitigation ratio is not consistent with mitigation norms for most other projects in California which impact increasingly scarce wildlife habitat types such as oak woodlands, particularly when such habitat is in ever shorter supply in the rural areas of Shasta County adjacent to the urban core and between the communities of Bella Vista and Palo Cedro. The DEIR states that a ratio of 2:1 is supported by the UC Integrated Hardwood Range Management Program decision matrix, however, the IHRMP decision matrix does not in fact make a specific mitigation ratio recommendation. Appendix 1, paragraph 5.1 and 2 of the IHRMP matrix does not specify a recommended ratio, leaving this determination to the resource manager. A typical reasonable mitigation replacement ratio for lost wildlife habitat of this type, as typically recommended by the CA Dept of Fish and Wildlife or the US Fish and Wildlife Service, might be a minimum of 3:1, and might

10-b

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range upward from there. We suggest a minimum ratio of 3:1 be required. A number of uncertainties in the adequacy of this type of offsite preservation substantiate the appropriateness of at least a 3:1 ratio. A minimum ratio of 3:1 is typically justified because the offsite preservation is not proposed (nor possible) to be newly created (as may be possible with, for example, constructed vernal pool habitat), but instead is habitat that already exists elsewhere. Additionally, although it will be preserved in perpetuity, one cannot be certain the offsite acreage acquired and preserved is at imminent risk of development, nor that it has optimally comparable species compositions or wildlife values as the acreages lost.

10-b  
 Cont.

The oak woodland wildlife habitat not directly removed by the project will nonetheless be subjected to a number of new impacts including light intrusion, noise, edge effects, accessory buildings, recreation activities including trails, human intrusion, and domestic animals. Additionally, a Fire Management Plan is required, calling for trimming of all grasslands to 6" high and management of hardwoods to reduce wildland fire risk. Although these actions may result in a more aesthetically pleasing "park like" environment for the residents, they will result in a tendency to reduce the quality, density and variability of oaks and associated vegetation including understory and grasslands due to management for fire prevention, and consequently reduce the wildlife habitat values. The DEIR proposes that credits against the project's direct impacts to oak woodlands are appropriate because management of the remaining oak woodlands will have positive impacts on them. Although an argument can be made that hardwood carrying capacity might be enhanced by active management, and that suppression of fire may have positive virtues for wildlife, the post development value of these remaining oak woodlands as wildlife habitat can never be said to equal, much less exceed, their present value in the undisturbed state. The DEIR provides no substantial evidence, short of declarative statements, that habitat values will be increased due to oak management. Instead, the impacts listed above are widely known by wildlife managers and trustee agencies to have typical irreversible negative impacts on wildlife. If credits for on-site preservation of oak woodlands against off-site mitigation requirements are to be made, they are only justified at ratios substantially less than 1:1.

10-c

The support document titled "Biological Evaluation for Geringer's Capitol Tierra Robles Ranch (Revised 2016)" states that impacts to migratory wildlife routes are significant unless mitigation is provided (p41), and proposes five mitigation measures, but these measures are not reflected in the DEIR. Instead, the DEIR states at Impact 5.4-3 that impacts to wildlife corridors are not significant and therefore need no mitigation. Thus these impact conclusions are inconsistent. We believe that significant impacts to wildlife movement corridors within the project could result due to on-site roads, human intrusion, new sources of light, domestic animals and tree canopy thinning for wildfire suppression. The discussion following Impact 5.4-3 states that movement corridors adjacent to streams would be managed by individual lot owners. This is an ineffective way to prevent impediment of wildlife movements, and oversight by the RCD may not be effective in preventing human intrusion or effects from domestic animal harassment or predation by house cats.

10-d

Also, Impact 5.4-3 of the DEIR states the project will not impede the use of native wildlife nursery sites, yet Impact 5.4-1 necessitates several mitigation measures to prevent impacts to bird nests and bat nurseries (MM 5.4-1f,g,h and k). These impact conclusions are thus inconsistent.

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MM 5.4-1c prohibits dogs within all RMAs. This will likely be impossible to enforce, particularly since wildlife fencing as specified in the Oak Management Plan will not impede passage by most dogs.

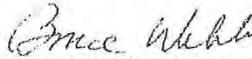
10-e

A number of acreage calculations in the DEIR are not consistent with resource documents that the DEIR apparently relies on. For example, the Oak Woodland Management Plan states that 75% of the 715 acre site is in oak woodland, whereas the DEIR states at page 5.4-38 that 88% of the site is oak woodland. Other inconsistencies and a thorough reconciliation of all acreage calculations between all support documents and the DEIR should be provided so that mitigation acreage calculations can be consistently applied and compared.

10-f

Thank you again for the opportunity to comment. If you have any questions you may contact the undersigned at the phone numbers provided.

10-g

 *BW for JW*  
Bruce Webb (530-515-5324) and Janet Wall (530-547-1189)  
Co-Chairs, Conservation  
Wintu Audubon Society

Cc: Wintu Audubon Board of Directors  
California Audubon

## Response to Letter 10 – Wintu Audubon Society

**Response 10-a:** The commenter expresses concern about bird and wildlife conservation and the impacts on native bird and wildlife species that may result from this project. The commenter also mentions that former Conservation Shari commented on the 2012 Notice of Preparation (NOP).

The Lead Agency analyzed impacts to biological resources in Section 5.4, BIOLOGICAL RESOURCES, of the Draft EIR. In addition, technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, and 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR. In addition, the 2012 NOP and associated comment letters, as well as the 2016 NOP and associated comment letters, are provided in Appendix 15.1, NOTICE OF PREPARATION. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 10-b:** The commenter states that the elimination of approximately 146 acres of oak woodlands will result from the project. The commenter requests that the mitigation ratio for oak woodland be 3:1 rather than the 2:1 ratio identified in the Draft EIR.

Please refer to preceding **Response 3-b**, above, as it related to oak woodland mitigation ratios. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 10-c:** The commenter states that the proposed project impacts, such as light intrusion, noise, edge effects, and domestic animals, in addition to the Fire Management Plan, will result in a tendency to reduce the quality, density, and variability of oaks and associate vegetation inclining understory and grasslands due to management for fire prevention, and consequently reduce the wildlife habitat values. The commenter states that the Draft EIR provides no substantial evidence, short of declarative statements, that habitat values will be increased due to oak management. The commenter also suggested that if credits for onsite preservation of oak woodlands against offsite mitigation requirements are to be made, they should be at ratios less than 1:1.

With respect to the oak woodland wildlife habitat, habitat values, and mitigation, please refer to **Master Response-4** and **Response 3-b** related to RMA's, ecological integrity of oak woodlands, mitigation ratio's, and fire management; **Response 3-c** related to edge effects, lighting, noise, and human disturbance, **Response 3-d** related to fire suppression and fuel management prescriptions, and **Response 3-e** related to maintenance of oak woodland function and diversity of species, above. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 10-d:** The commenter states that the impact conclusions within the Draft EIR itself as well as between the Draft EIR and the associated technical studies are inconsistent as related to wildlife corridor movements and native wildlife nursery sites. The commenter believes that significant impacts to wildlife movement corridors with the project would result from project implementation. The commenter feels that mitigation measures provided in the technical studies are not reflected in the Draft EIR.

With respect to wildlife movement corridors, please refer to preceding **Response 3-q**, above. As shown on Figure 3-6, PROPOSED TENTATIVE MAP, of the Draft EIR, the project would provide approximately 526 acres designated as RMA or open space, which is approximately 73.6% of the project site. As shown in Figure 3-6, these areas allow for wildlife movement throughout the project site, including drainages and well as along upland areas. The RMAs and open space have been designed to link the entire project site to facilitate movement on land by providing contiguous areas of sufficient size (width and cover). These areas would act as movement corridors. The RMAs within each residential lot has been created to establish setbacks from property lines, stream channels, and/or critical natural resources. These areas would remain undisturbed and would be managed by the probate land owner under direction of the Tierra Robles Community Services District (TRCSD).

With respect to wildlife nursery sites page 5.4-54 of the Draft EIR has been revised to reflect the following (also refer to ES2, ERRATA TO THE DRAFT EIR):

Streams corridors are considered primary locations for wildlife migration corridors. However, implementation of the proposed project, would not incur development along streams. The RMA within each residential lot has been created to establish setbacks from property lines, stream channels and/or critical natural resources. These areas would remain undisturbed and would be managed by the private land owner under direction of the TRCSD. These areas would allow for travel corridors for wildlife. Additionally, the open space preserves, which accounts for more than a quarter of the total acres of the site, would also remain undeveloped under management of the TRCSD and would allow for wildlife movement and continued use for bird or bat nurseries. Regardless, wildlife movement would be impeded to some degree, but would not be considered a significant impact. Native wildlife nursery sites would be potentially impacted as discussed in Impact 5.4-1, above; however, implementation of Mitigation Measure (MM) 5.4-1g, Mitigation Measure (MM) 5.4-1h, Mitigation Measure (MM) 5.4-1i, and Mitigation Measure (MM) 5.4-1k would reduce impacts to birds and bats.

With respect to consistency of the mitigation measures discussed in the Draft EIR versus the technical studies, although the language and specific elements of the mitigation measures in the *Biological Evaluation for Geringer's Capitol Tierra Robles Ranch (Revised 2016)* may differ, and the mitigation measures have been modified and expanded for clarity, enforceability, and scope, the intent of the changes to the referenced mitigation measures as they are now contained in the Draft EIR, is to reduce impacts to biological resources, which is the same. In addition, some elements of the previously identified mitigation measures are inherent to project design and similar mitigation would not be required.

Accordingly, in relation to the commenter's specific note of Mitigation Measures 1 and 2 5 relating to migratory routes and corridors associated impacts are discussed in the Draft EIR. Page 5.4-41 notes that Mitigation Measure (MM) 5.4-1c requires RMAs to be maintained in perpetuity. The RMAs would be managed for their oak woodland habitat values and for fire-hazard reduction, would provide a degree of connectivity

with larger wildlife habitats and corridors, and would maintain a woodland structure capable of supporting nesting birds and small- to medium-sized wildlife species.

On page 5.4-53, Impact 5.4-3 discusses impacts to wildlife corridors and states, “Streams corridors are considered primary locations for wildlife migration corridors. However, implementation of the proposed project, would not incur development along streams. The RMA within each residential lot has been created to establish setbacks from property lines, stream channels and/or critical natural resources. These areas would remain undisturbed and would be managed by the private land owner under direction of the TRCSD. These areas would allow for travel corridors for wildlife. Additionally, the open space preserves, which accounts for more than a quarter of the total acres of the site, would also remain undeveloped under management of the TRCSD and would allow for wildlife movement. Regardless, wildlife movement would be impeded to some degree, but would not be considered a significant impact.” In addition, Mitigation Measure (MM) 5.4-1c relates directly to Mitigation Measure 3 in terms of a fuel management plan.

In relation to Mitigation Measures 4 and 5, page 5.4-37 of the Draft EIR states, “The proposed project has been designed to avoid streams and wetlands, and thus, would not result in the permanent fill of these features which could result in the loss of habitat for animal species that spend all or a portion of their lifecycle in water, particularly aquatic macroinvertebrates. However, temporary indirect effects to downstream waters could occur if sediments or pollutants enter drainages and degrade habitat for fish and other aquatic life (refer to Figure 5.4-2, WATERS OF THE U.S.). Temporary impacts to the streams and wetlands will be avoided/minimized through implementation of standard erosion control and spill prevention measures (refer to Section 5.9, HYDROLOGY AND WATER QUALITY). No mitigation measures are warranted.”

Lastly, Impact 5.4-2 states that “the proposed roadway network would result in the crossing of Clough Creek at two bridge locations. The two crossings are designed as 40-foot span bridges to ensure the placement of the bridge piers would be outside the limits of the riparian zone along the stream channel. Other smaller crossings of natural onsite drainages will require shorter precast concrete structures. The proposed project would not result in the permanent fill of wetlands. Potential indirect impacts to jurisdictional waters would be reduced through compliance with conditions of the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.” This impact is concluded to be *less than significant* and therefore mitigation is not required.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 10-e:** The commenter states that prohibiting dogs in all RMAs as required by Mitigation Measure (MM) 5.4-1c would be difficult, especially since the wildlife fencing required in the *Tierra Robles Oak Woodland Management Plan* would allow passage of all animals, including dogs.

The impacts of domesticated pets are discussed throughout Section 5.4, BIOLOGICAL RESOURCES, of the Draft EIR. As discussed on page 5.4-48, implementation of the proposed project would include residential development which could result in an increased number of domesticated animals being present on the site. The Draft EIR further states that the County cannot reasonable forecast the intensity of domesticated animals that could be onsite and any effort to quantify the potential degradation of onsite habitat and/or species would be speculative. However, Mitigation Measure (MM) 5.4-1b and Mitigation Measure (MM) 5.4-1c require open space and RMAs to be protected through establishment of conservation easements and deed restriction. The deed restrictions would prohibit dogs in these areas. The RMAs will be managed by the TRCSD.

As part of the deed restrictions, the *Tierra Robles Design Guidelines* state that all fences must conform to *Tierra Robles Master Fencing Plan* and be subject to conditions as described in the Lotbook, which designated the location and design of fencing for individual homesites. The *Tierra Robles Design Guidelines* further state that side yard and rear yard fences shall be open view fencing consisting of six feet high black painted wrought iron fencing, although upgraded fencing will be considered on a case by case basis. Chain link and wood fences will not be permitted on residential home sites. Fencing requirements vary depending on lot and location. These wrought iron fences for side and rear yards, would contain domesticated animals such as dogs, to the development envelope of the project site. This would allow for dogs to be contained within their own yards, and not wander into the open space and easement areas. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 10-f:** The commenter states that there are discrepancies between the Draft EIR and the technical studies, especially related to the oak woodland numbers. The commenter requests reconciliation of all acreage calculations so that mitigation acreage calculations can be consistently applied and compared.

The commenter only specifies an inconsistency with the percent of the project area considered oak woodland and does not provide specific detail regarding the “other inconsistencies.” The Draft EIR is based on the technical studies provided in Appendices 15.1 through 15.10. Prior to public circulation, the Draft EIR went through four rounds of consultant, County, and applicant peer reviews and edits. In addition, Section E2, ERRATA TO THE DRAFT EIR TEXT, includes minor edits or revisions to the Draft EIR. The ERRATA has been prepared in response to comments received on the Draft EIR. Additional editorial changes initiated by County staff are hereby incorporated. These clarifications and modifications are not considered to result in any new or greater impacts than identified and addressed in the Draft EIR. To avoid redundancy, it should be assumed that additions, modifications, or deletions of text within Section 5.1 through Section 5.18 of the Final EIR, where applicable, are reflected in Section 2.0, EXECUTIVE SUMMARY, and Section 9.0, INVENTORY OF MITIGATION MEASURES.

Regarding the consistency with oak woodland percentages, these vary depending on the type of oak woodland or grassland and the project impacts being discussed. As shown in Figure 3 of the *Tierra Robles Oak Management Plan* (refer to Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT), as well as Figure 5.4-1, PRIMARY HABITAT TYPES, of the Draft EIR, the project site contains approximately 88 acres of

annual grassland and approximately 633 acres of oak woodland (approximately 307 acres of Blue Oak Grassland, approximately 306 acres of Blue Oak Woodland/Gray Pine, and approximately 20 acres of Interior Live Oak). Therefore, the project site currently contains approximately 12% annual grassland and approximately 88 % oak woodlands, assuming rounding to the nearest whole number. In addition, depending on the context of the discussion, these numbers may vary depending on the impact discussed, the type of habitat discussed, and rounding. Thus, the numbers between the Draft EIR and the technical studies are consistent, when taking into consideration the context of the numbers and whether rounding the numbers to the nearest whole number was a factor. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 10-g:** The commenter expressed thanks for the opportunity to comment on the Draft EIR and provided contact information.

The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Letter 11 – California Oaks (December 29, 2017)



*Preserving and perpetuating California's oak woodlands and wildlife habitats*

December 29, 2017

Kim Hunter, Division Manager  
Shasta County Department of Resource Management  
1855 Placer Street, Suite 103  
Redding, CA 96001

Re: Tierra Robles Project

Dear Ms. Hunter:

California Oaks appreciates the opportunity to comment on the Tierra Robles Project EIR. Review of the EIR finds that the project fails to comprehensively analyze or feasibly mitigate direct and indirect greenhouse gas (GHG) emissions pursuant to CEQA requirements. Specifically, the failure to fully account for the foreseeable carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), black carbon and hydrofluorocarbon emission effects due to biomass disposal decomposition, combustion and transportation. These EIR omissions represent a failure to proceed in the manner prescribed by CEQA.

11-a

Tierra Robles Forest Land Impacts

Direct impacts to 146.2 blue oak woodland acres and indirect impacts to 300.4 woodland acres, total 446.6 acres impacted. Proposed mitigation include purchase of 137.8 offsite woodland acres and 304.2 of "mitigation credits for preservation and enhancement" of existing woodlands within the project footprint. Unfortunately, the carbon sequestration rates of existing forests do not begin to mitigate the GHG emissions associated with forest land conversions.

11-b

Natural Lands<sup>1</sup> Conversion Emissions

The 2008 California Air Resources Board (ARB) AB 32 Scoping Plan recognized the significant contribution that natural lands carbon sequestration will make in meeting the state's GHG emission reduction goals: "This plan also acknowledges the important role of terrestrial sequestration in our forests, rangelands, wetlands, and other land resources." When these natural lands are impacted due to land use change potentially five GHGs are directly or indirectly released into the atmosphere.

11-c

CEQA § 15364.5 states that "Greenhouse gas" or "greenhouse gases" includes but is not limited to: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. In 2016 Senate Bill 1383<sup>2</sup> designated methane, black carbon and hydrofluorocarbon short-lived climate pollutants. Neither the 2009 CEQA GHG amendments nor the enabling legislation Senate Bill 97 mention the term "carbon sequestration." CEQA's sole focus is "the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions." Further, the EIR must explain how the forest land conversion mitigation proposals result in less than significant GHG emissions consistent with state 2020, 2030 and 2050 GHG reduction targets.

<sup>1</sup> "Natural lands" as defined by Public Resources Code Section 9001.5 (2016).

<sup>2</sup> See Gov. Brown's SB 1383 signing comments at <https://www.gov.ca.gov/news.php?id=19549>.

Upon the disposal of impacted vegetation, the decomposition of biomass does in all cases result in CO<sub>2</sub> and CH<sub>4</sub> emissions<sup>3</sup> and the combustion of biomass does in all cases result in CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O and black carbon emissions<sup>4</sup> (Attachment A). CEQA does not differentiate between anthropogenic and biogenic GHG emissions. The following 2009 Natural Resources Agency response to the California Wastewater Climate Change Group proves the point:

Response 95-1: "Regarding the comment that the Guidelines should distinguish between anthropogenic and biogenic carbon dioxide emissions, the Natural Resources Agency notes that SB 97 did not distinguish between the sources of greenhouse gas emissions. Thus, it would not be appropriate for the Natural Resources Agency to treat the different categories of emissions differently absent a legislative intent that the Guidelines do so. Neither AB 32 nor the Air Resources Board's Scoping Plan distinguishes between biogenic and anthropogenic sources of greenhouse gas emissions. On the contrary, the Scoping Plan identifies methane from, among other sources, organic wastes decomposing in landfills as a source of emissions that should be controlled. (Scoping Plan, at pp. 62-63)."

11-d

#### EIR Natural Lands Conversion Mitigation

The project mitigation is based on the preservation ("avoided conversion") of existing natural lands. Simply preserving existing natural lands does not mitigate natural lands conversion GHG emissions. For example, existing trees aren't suddenly going to begin growing faster and sequester more carbon to reduce impacted biomass GHG emission effects over time. Nor does California have 100 years for preserved mitigation forest growth to equal pre-conversion carbon stocking levels or to mitigate the forest conversion non-CO<sub>2</sub> emissions.

The unsuitability of preserving existing forest land for GHG emissions mitigation purposes is evidenced by the two state models, the California Emissions Estimator Model (CalEEMod) and Forest Project Protocol, which don't allow GHG offset reduction credits for CEQA's version of avoided conversion. This is because both models recognize that existing forest carbon sequestration rates do not mitigate removed forest carbon dioxide emissions over time, let alone non-CO<sub>2</sub> emissions. For example, the CalEEMod allows forest carbon sequestration offset credits only for the "planting of new trees" and "There is no reduction in GHG emissions associated with preservation of land" (CalEEMod Appendix A, p. 50). That means any preserved land, anywhere. Notably, this EIR used the CalEEMod for GHG analysis but chose not to apply the state model for estimating or mitigating forest land conversion GHG emissions (See EIR, October 2017 @ page 5.7-12, Greenhouse Gases and Climate Change). It appears that the CalEEMod was not used for oak woodlands GHG analysis because the model standards don't allow the very mitigation measures proposed for the project.

11-e

The appropriate means to feasibly and proportionally mitigate forest land conversion GHG emissions is by planting/maintaining the requisite number of native woodland trees in Shasta County to reduce forest conversion emissions 80 percent by 2050. For oak woodland mitigation purposes it's important to keep in mind that on average an oak tree gains significant tree volume in its first 20 years but sequesters very little carbon during this period. After 20 years the oak begins to sequester appreciable carbon and continues storing carbon throughout its life. So a mitigation oak tree planted today won't begin paying off regarding carbon sequestration mitigation until 2038.

<sup>3</sup> Decomposition: "Anaerobic digestion, chemical process in which organic matter is broken down by microorganisms in the absence of oxygen, which results in the generation of carbon dioxide (CO<sub>2</sub>) and methane (CH<sub>4</sub>) .... Sugars, starches, and cellulose produce approximately equal amounts of methane and carbon dioxide." Encyclopædia Britannica (2013). <http://www.britannica.com/EBchecked/topic/22310/anaerobic-digestion>.

<sup>4</sup> Combustion: "... the combustion of biomass does in all cases result in net additions of CH<sub>4</sub> and N<sub>2</sub>O to the atmosphere, and therefore emissions of these two greenhouse gases as a result of biomass combustion should be accounted for in emission inventories under Scope 1" (at p. 11). World Resources Institute/World Business Council for Sustainable Development (2005).

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The EIR provides no science or fact to support how its potential land preservation and enhancement mitigation measures are going to actually feasibly mitigate the project's significant biomass disposal GHG emissions.

11-f

- Please provide the following natural lands conversion mitigation information:
  1. Demonstrate mathematically that the preservation or enhancement of existing natural lands would mitigate the direct/indirect CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, black carbon and hydrofluorocarbon emissions associated with impacts to Tierra Robles natural lands.

To accurately and fully account for forest land conversion GHG emissions the total biomass weight<sup>5</sup> of the impacted overstory/understory vegetation must be known and the means of biomass disposal identified.

- Please provide the following forest land conversion information:
  1. What is the estimated total biomass weight of the impacted overstory and understory vegetation by 2020, 2030 and 2050?
  2. What are the estimated biomass decomposition CO<sub>2</sub> and CH<sub>4</sub> emissions by 2020, 2030 and 2050?
  3. What are the estimated biomass combustion CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O and black carbon emissions by 2020, 2030 and 2050?
  4. Due to the transport of disposed biomass off-site, what are the estimated CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, black carbon and hydrofluorocarbon emissions by 2020, 2030 and 2050?<sup>6</sup>
  5. Explain how the proposed mitigation is consistent with SB 1383 2030 reduction requirements regarding methane, black carbon, hydrofluorocarbon emissions and landfill organic waste disposal.

11-g

**Summary**

Substantial evidence has been presented that project natural land conversion GHG missions will result in potentially significant environmental effects that have not been sufficiently analyzed or feasibly mitigated. The project has not made "a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project" (CEQA Guidelines § 15064.4(a)). Therefore the EIR is deficient as an informational document, in that it fails to apprise decision-makers/public of the full range and intensity of the adverse GHG emission effects on the environment that may reasonably be expected if the project is approved.

11-h

<sup>5</sup> EPA/USDA FS, 2015. Forest Biomass Components: [https://cfpub.epa.gov/roe/indicator\\_pdf.cfm?i=86](https://cfpub.epa.gov/roe/indicator_pdf.cfm?i=86).

<sup>6</sup> SB 1383 requires: (1) a 50 percent statewide reduction in black carbon emissions and a 40 percent reduction in methane/hydrofluorocarbon emissions from 2013 levels by 2030; (2) a 50 percent reduction in the level of the statewide disposal of organic waste in landfills from the 2014 level by 2020 and a 75 percent reduction from the 2014 level by 2025. The 2016 ARB SLCP Strategy lists on-road brake/tire (2%), on-road gasoline (2%) and on-road diesel (18%) as transportation sources of black carbon emissions. <http://www.arb.ca.gov/cc/shortlived/meetings/04112016/appendixa.pdf>.

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Sincerely,



Janet Cobb, Executive Officer  
California Oaks

attachments (2)

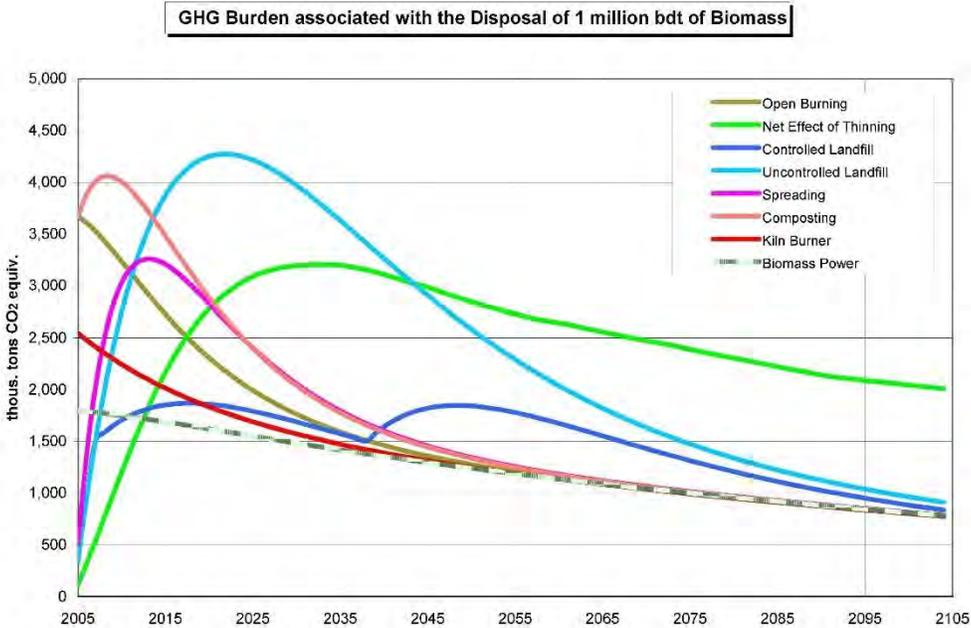
Attachment A

**Biomass Disposal Greenhouse Gas Emissions**

The following chart illustrates the relative GHG indirect biogenic emission effects from common methods of vegetation (biomass) disposal.<sup>1</sup> **The biomass combustion GHG emission values do not include black carbon emissions.**

Uncontrolled landfill disposal produces the greatest biomass GHG biogenic emissions followed by composting, open burning, mulching, forest thinning, kiln burner, controlled landfill and biomass power. The chart demonstrates that peak GHG emissions vary substantially depending on the means of biomass disposal, with the higher peaks reflecting increased amounts of methane and/or nitrous oxide emissions.

Terminology: Net effect of thinning emissions apply to forest thinning emissions and spreading emissions are equivalent to mulching emissions.



11-i

Graphic: Gregory Morris, PhD. *Bioenergy and Greenhouse Gases*. Published by Pacific Institute (2008).

<sup>1</sup> One bone dry ton (bdt) is a volume of wood chips (or other bulk material) that would weigh one ton (2000 pounds, or 0.9072 metric tons) if all the moisture content was removed.

**Attachment B**

**Regulatory Framework**

**Executive Order S-3-05**

Signed by Governor Schwarzenegger on June 1, 2005. Executive Order S-3-05 established a California GHG reduction target of 80 percent below the 1990 level by 2050.

**Assembly Bill 32**

AB 32 defines carbon dioxide equivalent (CO<sub>2</sub>e) to mean, "... the amount of carbon dioxide by weight that would produce the same global warming impact as a given weight of another greenhouse gas, based on the best available science, including from the Intergovernmental Panel on Climate Change [IPCC]."

"The IPCC released its Fifth Assessment Report (AR5) in 2013, including scientific research and conclusions regarding current GHG global warming potential (GWP) values for determining CO<sub>2</sub>e. The IPCC recommends using the AR5 GWP values, as they reflect the best information on global warming potentials. The Air District is using the GWP values from AR5, which include a GWP for methane (including all feedback effects) of 34. We recommend that ARB also use GWPs from AR5 in the Strategy." Consistent with the AB 32 carbon dioxide equivalent definition, the Bay Area Air Quality Management District applies the GWP values from AR5.

**Senate Bill 97**

Signed by Governor Schwarzenegger on August 24, 2007. This statute required that the Office of Planning and Research prepare CEQA guidelines for evaluating the effects of GHG emissions and for mitigating such effects. The Natural Resources Agency adopted these guidelines on December 31, 2009.

**Senate Bill 32**

Signed by Governor Brown on September 8, 2016. This statute requires that statewide greenhouse gas emissions be reduced to 40% below the 1990 level by 2030.

**Senate Bill 1383**

Signed by Governor Brown on September 19, 2016. This statute requires: (1) a 50 percent statewide reduction in black carbon emissions and a 40 percent reduction in methane/hydrofluorocarbon emissions from 2013 levels by 2030; (2) a 50 percent reduction in the level of the statewide disposal of organic waste in landfills from the 2014 level by 2020 and a 75 percent reduction from the 2014 level by 2025.

**Senate Bill 1386**

Signed by Governor Brown on September 23, 2016. This statute states that the protection and management of natural lands, as defined, is an important strategy in meeting the state's GHG reduction goals, and would require all state agencies, departments, boards, and commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural lands.

**California Air Resources Board**

"California is committed to reducing emissions of CO<sub>2</sub>, which is the most abundant greenhouse gas and drives long-term climate change. However, short-lived climate pollutants [methane, black carbon, etc.] have been shown to account for 30-40 percent of global warming experienced to date. Immediate and significant reduction of both CO<sub>2</sub> and short-lived climate pollutants is needed to stabilize global warming and avoid catastrophic climate change" (Reducing Short-Lived Climate Pollutants in California, 2014).

11-j

**Methane**

"Methane is emitted from a wide range of fugitive sources and biological processes, and is the second largest source of GHG emissions globally. Methane emissions are growing globally as a result of human activities related to agriculture, waste handling and treatment, and oil and gas production. Agriculture represents the largest methane source in California, accounting for nearly 60 percent of methane emissions (Figure 6). Landfills are the next largest source of methane, accounting for a fifth of statewide methane emissions. Pipeline leaks, oil and gas extraction, wastewater, and other industrial and miscellaneous sources make up the remainder of emissions" (Short-Lived Climate Pollutants Strategy, p. 58).

**Black Carbon**

"Black carbon (BC, also referred to as black soot, black carbon aerosols, black carbon particles) refers to a solid particle emitted during incomplete combustion. All particle emissions from a combustion source are broadly referred to as particulate matter (PM) and usually delineated by sizes less than 10 micrometers (PM10) or less than 2.5 micrometers (PM2.5). Black carbon is the solid fraction of PM2.5 that strongly absorbs light and converts that energy to heat. When emitted into the atmosphere and deposited on ice or snow, black carbon causes global temperature change, melting of snow and ice, and changes in precipitation patterns. Roughly half of atmospheric BC comes from fossil fuel combustion, and the other half from biomass and biofuel burning. While BC is short-lived in the atmosphere (1-4 weeks), it is linked to strong regional climate effects and a large share (~30%) of recently observed warming in the Arctic."  
<http://www.unep.org/transport/gfel/autotool/understandingtheproblem/Black%20Carbon.pdf>.

**Stanford Engineering**

"Biomass burning also includes the combustion of agricultural and lumber waste for energy production. Such power generation often is promoted as a 'sustainable' alternative to burning fossil fuels. And that's partly true as far as it goes. It is sustainable, in the sense that the fuel can be grown, processed and converted to energy on a cyclic basis. But the thermal and pollution effects of its combustion - in any form - can't be discounted, [Mark] Jacobson said.

"The bottom line is that biomass burning is neither clean nor climate-neutral," he said. "If you're serious about addressing global warming, you have to deal with biomass burning as well."

<https://engineering.stanford.edu/news/stanford-engineers-study-shows-effects-biomass-burning-climate-health>. Jacobson, M. Z. 2014. *Effects of biomass burning on climate, accounting for heat and moisture fluxes, black and brown carbon, and cloud absorption effects*.

**UC Irvine Engineering**

"Generation of electricity from biomass is unique among the potential technologies for meeting RPS [renewable portfolio standards] goals in that it is associated with the generation of substantial amounts of GHGs and pollutants at generation sites during operation. This feature elucidates the importance in assessing GHG and air quality impacts from biopower." Sospedra, M. and Dabdub, D. 2015. *Assessment of the Emissions and Energy Impacts of Biomass and Biogas Use in California*.

11-j  
Cont.

## Response to Letter 11 –California Oaks

**Response 11-a:** The commenter states that the Draft EIR has been reviewed and further comments are provided in the letter.

This comment is introductory and includes an overview of the commenter’s concerns. Responses to specific comments are addressed below in **Response 11-b** through **Response 11-j**.

**Response 11-b:** This comment summarizes the project’s direct and indirect impacts to oak woodlands. The comment incorrectly characterizes the conclusions in the Draft EIR and specifically Section 5.7, GREENHOUSE GASES AND CLIMATE CHANGE.

The Draft EIR does not state that the carbon sequestration rates of existing forests would mitigate the project’s Greenhouse Gas (GHG) emissions as indicated in the comment. The Draft EIR determines that project GHG impacts would be *significant and unavoidable* despite the implementation of mitigation measures.

Impacts to oak woodlands were addressed in Draft EIR Section 5.4, BIOLOGICAL RESOURCES. The *Tierra Robles Design Guidelines* address the protection and preservation of oak trees. In accordance with the *Design Guidelines*, an Architectural Review Committee appointed by the Tierra Robles Community Services District (TRCSD) would review all building and landscape plans prior to commencement of any clearing, grading, construction, or landscaping, to ensure oak trees outside of the established building envelope are not removed. If the owner of a future lot desires to impact a greater basal area than identified in the Lotbook, the additional number of trees removed over the baseline basal area will be assessed a fee at \$75.00 per inch diameter by the TRCSD.

The *Design Guidelines*, which apply to all development within the project boundaries, include measures for the protection of oak trees during construction (prohibiting work within the dripline of any existing oak tree, requiring drainage improvements when necessary to ensure continued health of existing oak trees, etc.). The *Design Guidelines* also require planting an average of one street tree per 35 feet of lineal parcel frontage (minimum of three street trees for each parcel); 50% of the street trees must be native oak species. In addition, one tree must be planted on the property per 1,000 square feet of lot area where appropriate (in areas not already heavily forested). The *Design Guidelines* include a plant palette of trees, shrubs, and ground covers that complement the character of the oak woodland, grassland, and riparian setting.

Draft EIR Section 5.4, BIOLOGICAL RESOURCES, also identifies various mitigation measures to reduce the impacts to oak woodlands. For example, Mitigation Measure (MM) 5.4-1a requires a permanent offsite conservation easement to be established for the preservation of 137.8 acres of blue oak woodland, while Mitigation Measure (MM) 5.4-1b requires the protection of open space areas through establishment of conservation easements and deed restrictions to ensure protection of oak woodland values. Additionally, Mitigation Measure (MM) 5.4-1c requires Resource Management Areas (RMAs) to be maintained in perpetuity. With implementation of Mitigation Measure (MM) 5.4-1a, Mitigation Measure (MM) 5.4-1b, and Mitigation Measure

(MM) 5.4-1c, impacts on the oak woodlands would be *less than significant* from a biological resources perspective. However, it should be noted that as analyzed in Draft EIR Section 5.7, GREENHOUSE GASES AND CLIMATE CHANGE, project impacts were determined to be significant and unavoidable despite the implementation of proposed energy efficiency measures, water conservation measures, and Mitigation Measure (MM) 5.7-1. The Draft EIR does not state that the carbon sequestration rates of existing forests would mitigate the project's GHG emissions as indicated in the comment.

**Response 11-c:** The comment provides a statement from the 2008 California Air Resources Scoping Plan regarding carbon sequestration. It should be noted that this statement is in the context of the State's role in the West Coast Regional Carbon Sequestration Partnership (WESTCARB).

WESTCARB is a public-private collaboration to characterize regional carbon sequestration opportunities in seven western states and one Canadian province. The 2008 Scoping Plan also notes that the Forest sector is unique in that forests both emit GHGs and uptake carbon dioxide (CO<sub>2</sub>). While the current inventory shows forests as a sink of 4.7 MMTCO<sub>2</sub>e, carbon sequestration has declined since 1990. For this reason, the 2020 projection in the 2008 Scoping Plan assumes no net emissions from forests.

The 2009 Natural Resources Agency CEQA GHG Amendments response to comments and Final Statement of Reasons for Regulatory Action (December 2009) refers to the direct and indirect GHG emissions that may result in forest land conversion. Direct emissions (e.g., construction, mobile, and area source emission) and indirect emissions (e.g., electricity consumption, water, and solid waste generation) were analyzed the Draft EIR GHG section. The Draft EIR concluded the proposed project would result in *significant and unavoidable* impacts concerning GHG emissions. Since CEQA considers the impacts of a project as a whole and encourages an expansive analysis of a project's impacts, the project's GHG emissions due to land use conversion has been considered as part of the cumulative issue of climate change. The Resources Agency, in transmitting OPR's Guidelines for rulemaking, clarified that the revisions to the State *CEQA Guidelines* are intended "to emphasize that the effects of greenhouse gas emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis." Accordingly, analysis of the project's impacts with conversion of forest resources would not change the project's significant and unavoidable climate change finding.

Additionally, the Draft EIR acknowledges that despite the implementation of proposed energy efficiency measures, water conservation measures, and Mitigation Measure (MM) 5.7-1, project related GHG emissions would not meet the reduction targets established by AB 32 or SB 32, and impacts would remain *significant and unavoidable*. Mitigation Measure (MM) 5.7-1 requires the project to provide pedestrian connections to the offsite circulation network, use natural gas instead of wood burning hearths, exceed Title 24 energy efficiency standards, install energy efficient appliances, use smart grid technology, use onsite renewable energy, include grey water systems, install water-efficient irrigation, install water efficient fixtures, and divert at least 65% of the project's solid waste. The Project Design Features and

Mitigation Measure (MM) 5.7-1 represent all feasible mitigation measures available to reduce project related GHG emissions.

While the project is designed to be parceled into 166 separate lots as single-family residences, the total acreage of those lots would not be converted to a different land use from the existing oak woodlands. Of the total project area, approximately 625.6 acres consist of existing oak woodlands. Although, 446.6 acres of oak woodlands would be impacted by the project, only 146.2 acres will be completely converted to residential uses. The additional 300.4 acres would be fragmented by the proposed lots, and as previously mentioned above in **Response 11-b**, oak trees outside the proposed building envelope would remain. Therefore, the project would not represent a total land use conversion. Mitigation for the loss in acreage of existing oak woodlands would consist of permanent conservation easements being established, as well as the planting of 137.8 acres of new blue oak woodland. The new oak trees would likely be planted more closely together than the original oak trees in the existing woodland, leading to greater sequestration potential using less land.

**Response 11-d:** The commenter discusses the decomposition of biomass and states that CEQA does not differentiate between anthropogenic and biogenic GHG emissions and quotes Response 95-1 of the 2009 Natural Resources Agency's response to the California Wastewater Climate Change Group.

The project would not remove all trees within the impact area and would not represent a total land use conversion. As noted in **Response 11-b**, above, the *Design Guidelines* include measures for the protection of oak trees during construction (prohibiting work within the dripline of any existing oak tree, requiring drainage improvements when necessary to ensure continued health of existing oak trees, etc.). Additionally, the potential loss of carbon stock associated with the removal of trees and vegetation is also generally considered carbon neutral in the long term. Carbon is temporarily sequestered by land vegetation and continuously returned to the atmosphere when vegetation dies and decomposes<sup>6</sup>. Also, refer to **Response 11-c**, above, regarding the Natural Resources Agency CEQA Amendments and SB 97.

**Response 11-e:** The commenter states that simply preserving existing natural lands does not mitigate natural land conversion GHG emissions. The commenter discusses GHG emission modeling and states that appropriate means to feasibly and proportionately mitigate forest land conversion GHG emissions is by planting/maintaining the requisite number of native woodland trees in Shasta County. The comment cites Draft EIR Mitigation Measures from Section 5.4, BIOLOGICAL RESOURCES, and incorrectly attempts to create a nexus to GHG emissions.

Mitigation Measure (MM) 5.4-1a and Mitigation Measure (MM) 5.4-1b in Section 5.4, BIOLOGICAL RESOURCES, requires a permanent offsite conservation easement to be established for oak woodland preservation the establishment of conservation easements and deed restrictions to ensure protection of oak woodland values. These mitigation measures are identified in the Draft EIR to mitigate impacts to Biological Resources. The Draft EIR does not take any GHG emissions mitigation credit or any

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<sup>6</sup> Zeng, Ning. "Carbon Sequestration Via Wood Burial." *BioMed Central*. <https://cbmjournals.biomedcentral.com/articles/>. January 3, 2008.

other emissions reductions credits from the implementation of the biological resources mitigation measures.

As indicated above, to reduce project-related GHG emissions, the project would be required to implement energy efficiency measures, water conservation measures, among others identified in the Project Design Features and Mitigation Measure (MM) 5.7-1. The Project Design Features and Mitigation Measure (MM) 5.7-1 represent all feasible mitigation measures available to reduce project related GHG emissions. The Draft EIR acknowledges that despite the implementation of proposed energy efficiency measures, water conservation measures, and Mitigation Measure (MM) 5.7-1, project related GHG emissions would not meet the reduction targets established by AB 32 or SB 32, and impacts would remain *significant and unavoidable*. Refer to **Response 11-c**, above.

The comment also indicates that little sequestration occurs in a tree's first 20 years. This statement is in direct conflict with data from the Intergovernmental Panel on Climate Change (IPCC). According to the *2006 IPCC Guidelines for National Greenhouse Gas Inventories*, trees are net carbon sinks during the active growing period of the first 20 years. Thereafter, the accumulation of carbon in biomass slows with age and increases in biomass carbon are assumed to be offset by losses from pruning and mortality<sup>7</sup>.

**Response 11-f:** The commenter states that the Draft EIR provides no science or fact to support how the potential land preservation and enhancement mitigation measures are going to mitigate the significant biomass disposal FHF emissions and requests that the proposed project demonstrate mathematically that the mitigation will mitigate CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, black carbon, and hydrofluorocarbon emissions associated with the impacts to natural lands.

Refer to **Response 11-e**, immediately above. As discussed above, the Draft EIR does not take GHG emissions reduction credits for the preservation of oak woodlands. The project also would not remove all trees within the impact area. Offsite conservation identified in Mitigation Measure (MM) 5.4-1a and Mitigation Measure (MM) 5.4-1b are related to the mitigation of biological impacts and not GHG emissions impacts. Additionally, the Shasta County Air Quality Management District (SCAQMD) adopts and enforces controls on stationary sources of air pollutants through its permit and inspection programs and regulates burning. Burning is regulated by SCAQMD Rule 2.6 and requires a valid permit and is limited to certain times of the year for areas below 1,000 feet. Additionally, the SCAQMD may declare No-Burn Days in addition to those so declared by the California Air Resources Board. SCAQMD Rule 2.7 requires smoke to be minimized, prohibits smoke to be transported into sensitive areas, and prohibits violations of the ambient air quality standards.

As noted in the Section 3.0, PROJECT DESCRIPTION, of the Draft EIR, vegetation could potentially be disposed of in a variety of ways including chipping, piling, or burning. Therefore, the project would not result in excessive N<sub>2</sub>O or black carbon emissions from potentially impacted trees. Additionally, as stated above, the accumulation of carbon in biomass slows with age and increases in biomass carbon are assumed to be

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<sup>7</sup> Ibid.

offset by losses from pruning and mortality. As such, the potential loss of carbon stock associated with the removal of trees and vegetation is considered carbon neutral in the long term given that trees and vegetation would release the carbon when they die and decompose. While there may be a short-term impact in sequestration, GHG emissions are evaluated on a long-term basis due to the duration of time that they persist in the atmosphere. Mature trees on the site being removed currently sequester at a lower rate than the proposed replacement trees<sup>8</sup>.

**Response 11-g:** The commenter requests that forest land conversion GHG emissions accurately account for the total biomass weight and that land conversion information should be provided in the Draft EIR related to biomass weight of the impacted overstory and understory, biomass decomposition, biomass combustion, emissions related to transporting biomass offsite, and how mitigation will be consistent with SB 1383.

Refer to **Response 11-d**, immediately above. As previously noted, the project would not remove all trees within the impact area. As noted in **Response 11-b**, the *Design Guidelines* include measures for the protection of oak trees during construction (prohibiting work within the dripline of any existing oak tree, requiring drainage improvements when necessary to ensure continued health of existing oak trees, etc.). Additionally, analysis does not need to account for the total biomass weight and associated emissions because the potential loss of carbon stock associated with the removal of trees and vegetation is also generally considered carbon neutral in the long term given that trees and vegetation would release the carbon when they die and decompose<sup>9</sup>. Therefore, emissions related to biomass decomposition would already occur even without project implementation. Furthermore, mature trees on the site being removed currently sequester at a lower rate than the proposed replacement trees, potentially leading to a net increase in sequestration.

As indicated above in **Response 11-f**, burning is just one potential option for disposal of impacted vegetation. However, burning is regulated by the SCAQMD and is prohibited during certain times of the year and is prohibited from impacting other receptors and violating the ambient air quality standards. Furthermore, the project's *Design Guidelines* include provisions to protect trees and avoid conflicts with the trees and proposed building envelopes. Therefore, the project would not result in excessive N<sub>2</sub>O or black carbon emissions from any potential impacts to trees.

**Response 11-h:** The commenter summarizes comments provided in the letter and states that the environmental effects have not been sufficiently analyzed within the Draft EIR.

This comment provides a summary of the previous comments. Refer to **Response 11-b** through **Response 11-g**, above. As stated above, project-related GHG emissions are fully disclosed in Section 5.7 of the Draft EIR and all feasible mitigation measures have been identified. The Draft EIR does not take any GHG emissions mitigation credit or any other emissions reductions credits from the implementation of the biological resources mitigation measures, including oak tree preservation measures. The Draft EIR acknowledges that despite the implementation of proposed energy efficiency measures, water conservation measures, and Mitigation Measure (MM) 5.7-1, project

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<sup>8</sup> California Air Pollution Control Officers Association (CAPCOA). *Appendix A: Calculation Details for CalEEMod*. September 2016.

<sup>9</sup> Zeng, Ning. "Carbon Sequestration Via Wood Burial." *BioMed Central*. <https://cbmjournals.biomedcentral.com/articles/>. January 3, 2008.

related GHG emissions would not meet the reduction targets established by AB 32 or SB 32, and impacts would remain *significant and unavoidable*.

**Response 11-i:** The commenter provides Attachment A to the letter providing additional biomass disposal GHG emissions information.

Refer to **Response 11-e**, above. As stated above, the accumulation of carbon in biomass slows with age and increases in biomass carbon are assumed to be offset by losses from pruning and mortality. As such, the potential loss of carbon stock associated with the removal of trees and vegetation is considered carbon neutral in the long term given that trees and vegetation would release the carbon when they die and decompose. Additionally, although 446.6 acres of oak woodlands would be impacted by the project, only 146.2 acres will be converted to residential uses. The additional 300.4 acres would be fragmented by the proposed lots and oak trees outside the proposed building envelope would remain. Therefore, the project would not represent a total land use conversion. Mitigation includes permanent conservation easements being established, as well as the planting of 137.8 acres of new blue oak woodland. The new oak trees would likely be planted more closely together than the original oak trees in the existing woodland, leading to greater sequestration potential using less land.

**Response 11-j:** Attachment B of the comment letter provides general summaries of various California regulations regarding GHG emissions.

The comment does not specifically reference the analysis in the Draft EIR or any specific CEQA issue. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is required.

Letter 12 – California Native Plant Society (December 27, 2017)



Shasta Chapter - P.O. Box 990194 - Redding, CA - 96099  
[shastacnps@gmail.com](mailto:shastacnps@gmail.com)

December 27, 2017

Kim Hunter, Division Manager  
Shasta County Department of Resource Management  
1855 Placer Street, Suite 103  
Redding, CA 96001

Subject: Review of the Draft Environmental Impact Report for the Tierra Robles Planned Development, State Clearinghouse Number 2012102051, Clough Creek, Shasta County

Dear Ms. Hunter:

The Shasta Chapter of California Native Plant Society has reviewed the Draft Environmental Impact Report (DEIR) dated October 2017, for the Tierra Robles Project, and are commenting primarily as it relates to oak habitat mitigation and the adverse effect the project will have on native plants and their habitats. The mission of the California Native Plant Society is to preserve and protect California native plants and their habitat and this letter reflects our mission and belief that the proposed project is detrimental to California native plants and that there is inadequate protection of oak woodlands and inadequate mitigation measures for oak woodlands in the DEIR.

12-a

Inadequate Oak Woodland Mitigation if project is to advance.

The Project contains 638 acres of oak woodland with a direct impact on 146 acres and an indirect impact on 300 acres for a total of 446 acres of impact to oak woodlands. The Project is claiming mitigation credits of 300 acres for the preservation of the Resource Management Area (RMA). However, with fire safety issues requiring grasses to be cut to a height of 4 to 6 inches, brush to be cleared in the habitat and oak trees to be trimmed to eight feet off the ground these 300 acres will no longer be an oak woodland, but a parklike setting with blue oaks, similar to some parklands in the City of Redding. This will adversely affect ground nesting animals, soil hydrology and plant cover with a resulting decrease in native flora and fauna.

12-b

While perennial grasses and herbaceous plants may reproduce vegetatively, they will be unable to set seed with the prescribed fire management practices. This will result in a further encroachment of invasive annuals and the eventual extirpation of many of these native plants

12-c

Kim Hunter, Division Manager  
Shasta County Department of Resource Management  
Page 2

as well as native shrubs. Thus, the proposal by the Project to use 300 acres of RMA as mitigation is inadequate. The RMA will not be an oak woodland, but a parklike setting with a number of blue oaks.

If approved, the Project should be required to purchase mitigation credits to compensate for the loss of 446 acres of oak woodland on at least a 2:1 ratio for a total of 892 or more offsite acres in consultation and with approval of the California Department of Fish and Wildlife. The projects proposal to purchase only 137 acres of offsite mitigation is clearly inadequate.

We also note CDFW's concerns with the botanical assessment and survey and request that the deficiencies are corrected.

Respectfully submitted,

David Ledger  
Conservation Chair  
[dsledger49@gmail.com](mailto:dsledger49@gmail.com)  
530-355-8542

12-c  
Cont.

12-d

## Response to Letter 12 –California Native Plant Society

**Response 12-a:** The commenter discusses the mission of the California Native Plant Society (CNPS) and states that the project is detrimental to California native plants and there is inadequate protection of oak woodlands and inadequate mitigation measures for oak woodlands in the Draft EIR.

The Lead Agency analyzed 18 resource topics within the Draft EIR, including impacts related to biological resources, as provided in Section 5.4, BIOLOGICAL RESOURCES. In addition, technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, and Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR. With respect to the oak woodland habitat, habitat values, herbaceous communities, native plants, and mitigation, please refer to **Master Response-4** and preceding **Responses 3-b**, through **3-f** and **Responses 3-g, 3-k, 3-l, 3-s, and 3-t**. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 12-b:** The commenter states that the fire safety plan measures would result in oak woodlands that are no longer oak woodlands but a park-like setting. The commenter feels that this will adversely affect ground nesting animals, soil hydrology and plant cover with a resulting decrease in native flora and fauna.

Please refer to **Master Response-4** and preceding **Responses 3-a** through **3-d**, which discusses oak woodland management through timber stand improvement (TSI) with the intent to create an Ideal Oak Stand (IOS) with characteristics that would provide foraging, nesting, escape cover, and microhabitats for species, improving breeding habitat, encouraging acorn production and establishment of replacement trees, and encouraging diversity of vegetative species and vegetative structure. The commenter is referred to **Response 3-e** related to fire management. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 12-c:** The commenter states the prescribed fire management practices will hinder native plants and that the RMA will be a park-like setting. In addition, the commenter states that the oak woodland mitigation credits should be based on loss of 446 acres, not 146 acres. Please refer to preceding **Responses 3-d, 3-e, and 10-c** regarding fuel reduction prescriptions and oak woodland management. Also refer to preceding **Responses 3-b** and **3-c** regarding oak woodland management and oak woodland mitigation ratios. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 12-d:** The commenter states they have noted the concerns of the California Department of Fish and Wildlife (CDFW) related to the botanical assessment and survey.

The CDFW comment letter is provided as **Comment Letter 3**, above, for the responses to CDFW's comments and concerns. Responses to **Comment Letter 3** comments are provided in **Responses 3-a** through **3-v**. Specific to botanical assessments and surveys, please refer to **Responses 3-f** through **3-l, 3-s, and 3-u**, above. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

## COMMENTING PERSONS

Letter 13 – Robert J. Grosch (October 25, 2015)

Robert J. Grosch

10810 Cheshire Way, Palo Cedro, CA 96073-9777

(530) 549-4872

October 25, 21017

RECEIVED

OCT 30 2017

County of Shasta  
Building Division

Mr. Kent Hector

Dept. of Resource Management, Planning Division

1855 Placer Street – Suite 103

Redding, CA 96001

**Re. Proposed Tierra Robles Planned Development Project**

Dear Mr. Hector,

Thank you for keeping us neighbors updated of development issues surrounding the above proposed project. As a property in the vicinity of this proposed project, I am strongly opposed to letting it go forward for the following reasons:

**Urban Planning Theory:** It is accepted practice among urban planning professionals to discourage suburban satellite development when it is physically unattached to the city itself. This proposed development is a poster child for such suburban satellite developments. This sort of project makes long commutes into the city necessary, resulting in increased air pollution, increased traffic, and other unfavorable contributions to a semi-rural area.

13-a

**Flood Danger:** One of the drainages running south from this property creates a significant seasonal stream adjacent to my property. Specifically, it crosses the intersection of Cheshire Way and Starwood. It is not unusual for this seasonal stream to run 2-3 ft. deep, and this past year it ran approximately 5 ft. deep, overcoming a 4 ft. culvert and topping the surface of Starwood. This is the second time I have seen this stream flow over the road. With added runoff from 166 houses and driveways, plus sidewalks, bike paths, and streets, it is obvious that danger from this flooding will be significantly increased. It is likely that Starwood would be damaged and perhaps destroyed resulting in stranding four families living north of this culvert. Since homes on Starwood have only one exit available to them, this presents a serious risk to public safety.

13-b

**Archeological Concerns:** On three occasions I have discovered black obsidian while working in my garden. It is well known that local Native Americans frequently camped nearby on what is today the intersection of Boyle and Deschutes roads. It would be highly unlikely for there to be no archeological sites on the subject property.

13-c

**Wastewater Treatment:** The proposed solution for wastewater treatment is unacceptable. Fouling the air with the waste water of 166 homes is not a way to preserve the fresh air for which

13-d

many of us chose semi-rural living. Adding the treated water to our local streams would be an environmental disaster. 13-d

**Traffic:** It is estimated that the proposed project would create 1660 vehicle trips per day. I should think that this would certainly increase traffic on Boyle by more than 100%. But this increase would all be coming from just ONE driveway! If the estimate of 1660 vehicle trips is accurate, during a 24 hour day that would result in more than one vehicle each minute! All day. All night. However, realistically, 1660 vehicles per day during a 14 hour daylight period results in approximately one vehicle every 30 seconds. Even more realistically we need to consider that a significant flood of traffic would be created each weekday at rush hour as parents leave for work and/or drive children to school. There is no way Boyle Road can safely handle this volume of traffic. At the very least roundabouts would be necessary at Boyle and Old Alluras, Boyle and Deschutes, Boyle and Old Oregon Trail, and Boyle at the driveway exiting the proposed project. 13-e

**Water Supply:** As we are all aware, Bella Vista Water District was not designed to serve dense, suburban developments. As the city of Redding grows, it has encroached into Bella Vista's territory, and shortages at times become severe. The fact that Bella Vista Water is not prepared to serve urban development is illustrated by the fact that this water district did not even maintain an Urban Water Plan until approximately one year ago when in the midst of our drought they discovered they had not done sufficient planning to serve the customers they already had. Adding additional densely placed housing on their system is not in line with a sustainable water supply. 13-f

**Inappropriate Zoning Request:** Ordinarily zoning areas abutting each other are similar to their neighbors. This proposed project violates this basic principle. The desire is for zoning to be changed to accommodate a typical suburban community. However, that suburban styled community would be surrounded to the north by tracts of 80 – 160 acres, and to the south by properties of 5-14 acres. (The EIR is in error, properties directly south of the proposed project are larger than 10 acres.) Placing a suburban tract in the midst of properties of much larger acreage makes no sense; it destroys the nature of the semi-rural environment. 13-g

**Light Pollution:** Urban light pollution destroys the enjoyment of the evening sky. Every year the light pollution from Redding becomes a bit brighter as development continues along the edge of the city. People living in semi-rural areas need to accept this as a fact of life. However, suddenly introducing 166 living units only a few hundred feet from properties zoned for rural residential is not appropriate. 13-h

**Air Pollution:** Most winter days I can look to the East and see a cloud of smoke from woodstoves in our semi-rural area. If we have visible wood smoke when homes are limited to properties ranging from 5-14 acres, how bad will the wood smoke be when we add 166 densely placed homes adjacent to our semi-rural properties? 13-i

**Migratory Birds:** Each Spring and Fall we have large groups of migratory birds flying directly over my property. Adjacent to my property is a pond that is often a resting place for these birds. The proposed project would without a doubt affect the flight patterns of these birds, and water run 13-j

off from the paved surfaces and chemicals from the lawns and landscaping is very likely to pollute the water these birds use on their semi-annual trips between here and their nesting grounds.

13-j

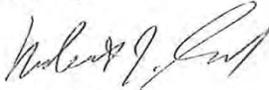
**Habitat Destruction:** I am acquainted with the property subject to this proposed development, as I used to jog across the property during the seasons when it was not being used for cattle grazing. The property has a large diversity of wildlife incapable of coexisting with suburban housing. If construction begins on this property it is likely the predatory animals currently living there will move into the larger acreages surrounding the proposed project. As a result habitat will be lost, but so will the balance in the area as these displaced predators find it necessary to feed on small livestock, chickens, geese, and household pets.

13-k

Mr. Hector, the long list of reasons to not allow this proposed project to move forward are many. I am surprised it is still under consideration. I can only urge you to deny permission to place this suburban development in our semi-rural area.

13-l

Yours truly,



Robert J. Grosch

## Response to Letter 13 – Robert J. Grosch

**Response 13-a:** The commenter provides statements regarding urban planning theory and states that the proposed project is a suburban-like development resulting in increased air pollution, increased traffic, and other unfavorable contributions to a semi-rural area.

The analysis contained in the Draft EIR specifically evaluated the proposed project's consistency with the Shasta County *General Plan* (2004), and *Shasta County Code* Title 15 (Subdivision Regulations) and Title 17 (Zoning). The proposed design is intended to maintain a semi-rural appearance given the siting of proposed building envelopes, the extent of open space preservation (approximately 74.2%), and the overall density of the development (1 dwelling unit per 4.4 gross acres). As noted, the Draft EIR found that the overall density of the proposed project is not substantially inconsistent with densities within the surrounding area, however, proposed project does not conform to the grid like pattern of residential lots within the surrounding area. The proposed project would be required to comply with *Shasta County Code*, Title 17 (Zoning), which is designed to ensure land use compatibility and orderly development. Regulations for setbacks, density, allowed land use, and other elements of development projects serve to reduce incompatibility that might otherwise accompany unplanned development. No change to the Draft EIR is required.

The commenter is referred to **Master Response-2** and **Response 13-b** through **Response 13-l**, below, for additional concerns raised by this comment. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 13-b:** The commenter states that the existing drainage floods on occasion, overtopping the road. The commenter states that the project will increase runoff and, thus, increase the danger of flooding. The commenter states that Starwood would be damaged from flooding and stranding the occupants of the four residential units north of the culvert, resulting in a risk to public safety.

The Lead Agency analyzed 18 resource topics within the Draft EIR, including impacts related to hydrology, as provided in Section 5.9, HYDROLOGY AND WATER QUALITY. In addition, technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, and Appendix 15.6, PRELIMINARY HYDROLOGY ANALYSIS, of the Draft EIR. Specifically related to erosion and flooding, Impact 5.9-3, beginning on page 5.9-15 of the Draft EIR, analyzes the impact of the project related to onsite and offsite erosion, while Impact 5.9-4 beginning on page 5.9-17 of the Draft EIR, analyzes the impact of the project related to onsite and offsite flooding.

As discussed in Impact 5.9-4, the *Preliminary Hydrology Analysis* determined the rates of runoff produced by the local watersheds of interest under existing conditions and after development. The peak flows for the project site are provided in Table 5.9-2, EXISTING AND POST-DEVELOPMENT PEAK FLOWS FOR SITE, on page 5.9-18 of the Draft EIR. The proposed project would use onsite low impact development (LID) facilities to retain additional storm water runoff that would result from the proposed project. Therefore, the runoff from the project site after the implementation of the

project, with incorporation of the recommended LID facilities, would not overwhelm any offsite storm water drainage systems. The proposed project would also comply with *Shasta County Grading Ordinance Chapter 12.12* which promote and protect the public safety, convenience, comfort, prosperity, general welfare and the county's natural resources by establishing minimum requirements for grading, excavating and filling in order to:

- A. Control erosion and sedimentation and prevent damage to off-site property and streams, watercourses, and aquatic habitat;
- B. Avoid creation of unstable slopes or filled areas;
- C. Prevent impairment or destruction of potential leach fields for sewage disposal systems; and
- D. Regulate de facto development caused by uncontrolled grading, to reduce project impacts as the result of creating or contributing to runoff that would exceed the capacity of existing or planned storm water drainage systems.

Page 5.9-18 of Section 5.9, HYDROLOGY AND WATER QUALITY, states that there was no change in the pre- and post-development flow of Clough Creek due to the use of onsite LID facilities to retain the additional storm water runoff from new impervious surfaces. The Draft EIR found that impacts would be *less than significant*, thus, the project's impacts related to offsite flooding and erosion would not substantially change the conditions that currently exist. No change to the Draft EIR is required.

**Response 13-c:** The commenter raises concerns regarding the discovery of archaeological resources onsite. Although the commenter does not raise a specific concern, the commenter appears to question the adequacy of the Draft EIR in terms of impacts to Cultural Resources. While the Draft EIR found, with the implementation of mitigation, impacts to Cultural Resources would be less than significant, staff offers the following detailed response specific to the discovery of unknown cultural resources onsite during project construction.

Section 5.5, CULTURAL RESOURCES, of the Draft EIR discussed the potential for cultural resources to be encountered within or adjacent to the proposed project. The analysis of potential impacts to cultural resources was based on several studies conducted onsite and include the following (refer to Draft EIR page 5.5-1):

- Coyote & Fox Enterprises. *Additional Archaeological Reconnaissance for the Chatham Ranch Development*. April 2006.
- Coyote & Fox Enterprises. *Archaeological Reconnaissance for the Chatham Ranch Environs (820 Acres North of Boyle Road Between Deschutes Road and Old Alturas Road), Palo Cedro, Shasta County, California*. July 2004.
- Coyote & Fox Enterprises. *Cultural Resources Investigation for Tierra Robles Development (North of Boyle Road Between Deschutes Road and Old Alturas Road) Palo Cedro, Shasta County, California*. January 2013.

As noted on page 5.5-10 of the Draft EIR, it is expected that the project area will have a moderate likelihood of containing both prehistoric and historic resources. To minimize potential impacts to prehistoric and historic resources, including Native American cultural resources, Mitigation Measure (MM) 5.5-1a requires construction

activities to be halted within a 100-foot radius of the discovery and requires the assistance of a qualified archaeologist should unknown resources be discovered. Additionally, the project would comply with strict adherence to California Health and Safety Code Section 7050.5 and Section 5097.98 of the Public Resources Code (as amended by Assembly Bill 2641) be followed in the event that human remains are encountered as a result of project development, as addressed in Mitigation Measure (MM) 5.5-1b. With compliance with applicable regulations and implementation of Mitigation Measure (MM) 5.5-1a and Mitigation Measure (MM) 5.5-1b, impacts to cultural resources would be *less than significant*. No change to the Draft EIR is required.

**Response 13-d:** The commenter expresses that the proposed wastewater treatment solution for the proposed project is unacceptable and will result in fouling the air and polluting local streams.

The commenter is referred to Section 5.3, AIR QUALITY, (Draft EIR page 5.3-21) regarding the discussion of potential odors associated with the proposed community wastewater collection and treatment system. As noted on page 5.3-21, individual septic tanks onsite would include carbon filters to control odors. The wastewater treatment system would be designed to meet the reuse requirements for discharge of Title 22 (Disinfected Secondary Effluent). Title 22 reuse requires daily testing for coliform and also includes provisions for odor and nuisance control. Furthermore, the project would be required to comply with Shasta County Air Quality Management District (SCAQMD) Rule 3:16 and *California Health & Safety Code* Section 41700, which prohibits the discharge of contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. No change to the Draft EIR is required.

The commenter is referred to Section 3.0, PROJECT DESCRIPTION, (page 3-15 and page 3-22) for a detailed description of proposed community wastewater collection and treatment system. Wastewater from the proposed project would be collected via individual residential septic tanks, transferred to a community collection system, treated, and then recycled for roadway median landscape irrigation. This system must obtain the requisite Central Valley Regional Water Quality Control Board (CVRWQCB) Waste Discharge Requirements permit.

As documented on Draft EIR page 5.9-13 (refer to Section 5.9, HYDROLOGY AND WATER QUALITY), the proposed treatment system would be designed to meet the reuse requirements for discharge of Title 22 Disinfected Secondary Effluent. Per Title 22, recycled water used for the irrigation of roadway landscaping would be disinfected secondary-23. Secondary-23 recycled water is water that has been oxidized and disinfected so that the median concentration of total coliform bacteria in the disinfected effluent does not exceed a most probable number (MPN) of 23 per 100 milliliters. The Orenco AXMAX treatment system would be designed to meet the reuse requirements for discharge of the Title 22 Disinfected Secondary Effluent as well as the CVRWQCB's Waste Discharge Requirements. Therefore, the project would not involve any unpermitted discharges of waste material into ground or surface waters.

The commenter also is referred to page 5.17-19 in Section 5.17, UTILITIES AND SERVICE SYSTEMS, which provides further discussion of the wastewater system. As discussed above, the system would meet the reuse requirements for discharge of Title 22 Disinfected Secondary Effluent, which requires daily testing for coliform. Effluent also is monitored for turbidity, oxidation reduction potential (ORP), and chlorine residual. In addition, the treatment system would include flow equalization and emergency storage tankage. The proposed project would fall under the Central Valley RWQCB requirements. The proposed project would comply with local, State, and federal laws and regulations, and would obtain all applicable permits for the system. The Draft EIR thus concluded that these project components would result in a *less than significant* impact. No changes to the Draft EIR are required.

**Response 13-e:** The commenter states that the proposed project would create 1,660 vehicle trips per day, representing a 100% increase on Boyle Road, and that this increase in traffic would use one driveway. The commenter expresses concern that Boyle Road cannot safely handle the increase in traffic. The commenter suggests that roundabouts would be necessary at several locations along Boyle Road.

The Draft EIR analyzes traffic impacts resulting from the proposed project in Section 5.16, TRAFFIC AND CIRCULATION. In addition, Appendix 15.9, TRAFFIC IMPACT STUDY, of the Draft EIR provides additional details regarding the technical analysis of traffic related impacts on the roadway system. Traffic analysis was completed for 17 intersections and 8 roadway segments.

As shown in Table 5.16-8, PROJECT TRIP GENERATION, it is estimated that the proposed project would generate approximately 1,774 new daily trips, with 135 vehicle trips generated during the AM peak hour period and 175 vehicle trips generated during the PM peak hour period. The directional trip distribution and assignment of project-generated trips were estimated based on an understanding of existing and projected future traffic flows and travel patterns within the vicinity of the proposed project site, location of local and regional housing and employment/commercial centers in relation to the proposed project site, and supplemented by the use of the Shasta County Regional Travel Demand Forecast model. Trip distribution from the two entrances into the project site is graphically depicted in Figure 5.16-3, PROJECT TRIP DISTRIBUTION, of the Draft EIR, page 5.16-16. The traffic would be distributed along multiple roadways within the circulation network, and would not only use Boyle Road.

As discussed in Impact 5.16-1, beginning on page 5.16-22 of the Draft EIR, one intersection, Airport Road & SR-44 WB Ramps, would operate at an unacceptable level of service (LOS); all other intersections would operate at an acceptable LOS under *Existing Plus Project* conditions. All roadway segments would operate at acceptable LOS under *Existing Plus Project* conditions. Therefore, mitigation related to traffic increases under *Existing Plus Project* conditions would only be required at one intersection. No further mitigation measures are warranted at this time. No change to the Draft EIR is required.

**Response 13-f:** The commenter raises concerns regarding Bella Vista Water District's (BVWD) ability to supply water to the proposed project stating that BVWD was not designed to serve dense suburban developments, that shortages because severe, and did not have an Urban Water Plan until approximately one year ago.

The commenter is referred to **Master Response-3**, above. It should be noted that the proposed project constitutes a rural development with lots ranging from 1.38 to 6.81 acres which is less than suburban and urban densities. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 13-g:** The commenter raises concerns relative to the proposed zoning request and states that placing a suburban tract in the midst of properties that are of larger acreage destroys the nature of the semi-rural environment.

The commenter is referred to **Master Response-2**, above, for additional information regarding the project's proposed zoning and density. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 13-h:** The commenter states that urban light pollution destroys the enjoyment of the evening sky and the introduction of 166 residential units a few hundred feet from properties zoning for rural residential is not appropriate.

The commenter is referred to Impact 5.1-2 on page 5.1-20 of the Draft EIR that specifically discusses the project's potential for creating a new source of substantial light or glare which could adversely affect day or nighttime views in the area. As described on page 5.1-20, all residential exterior lighting would be required to comply with the *Design Guidelines*, and §17.84.050 (Lighting), of the *Shasta County Code*. The *Design Guidelines* and *Shasta County Code* §17.84.050 require new exterior lighting to be oriented or shielded to minimize glare, and avoid light spillage onto adjacent neighbors. Glare shields would be required to eliminate bright spots and glare sources, and exterior lighting would utilize low-voltage or similar non-glare direct task type fixtures as close to grade as possible. All exterior lighting would be equivalent to "Good Light Fixtures" as defined by the International Dark Sky Association, and would be reviewed and approved by the Tierra Robles Architectural Review Committee (TRARC) prior to installation. Compliance with the *Design Guidelines* and County's lighting standards would result in a *less than significant* impact from exterior lighting sources at the project site. No change to the Draft EIR is required.

As previously noted above under **Master Response-2**, comments identifying the scale of the proposed project as incompatible with the character of the area are referred to decision-makers for further consideration as part of the deliberative process, and no further response is necessary.

**Response 13-i:** The commenter expresses a concern that the proposed 166 units will contribute to air pollution from smoke associated with wood stoves.

As noted in Mitigation Measure (MM) 5.3-2 on page 5.3-17 of the Draft EIR (refer to Section 5.3, AIR QUALITY) the installation of wood-burning fire places onsite are specifically prohibited. Only natural gas fireplaces are acceptable. No further response is necessary and no change to the Draft EIR is required.

**Response 13-j:** The commenter states concerns regarding the impact the project would have of flight patterns of migratory birds and that water runoff from the project would pollute water that the birds use during migration.

Impact 5.4-1 (refer to Section 5.4, BIOLOGICAL RESOURCES), evaluates, in detail, oak woodland impacts associated with the proposed project. As noted on page 5.4-38 of the Draft EIR, tree removal would result in the loss of potential nesting habitat for migratory birds.

The project applicant is taking a number of steps to avoid impacts on oak woodlands and to enhance the value of the oak woodlands. With respect to avoidance, the project applicant has proposed the establishment of several open space preserves to provide at least partial mitigation for the loss of oak woodlands. Specifically, the onsite preserves include the principal onsite stream corridors, which provide some of the highest wildlife habitat values on the site. Because the onsite preserves are within the onsite Resource Management Areas (RMAs) they provide for enhanced buffering and reduction of edge effects (refer to Section 3.0, PROJECT DESCRIPTION, for a full discussion of the RMAs, including preservation goals and long-term maintenance). Buffers and edge effects are discussed on pages 5.4-19, 5.4-38, 5.4-40 through 5.4-42, 5.4-51, and 5.4-53 in Section, 5.4, BIOLOGICAL RESOURCES.

The commenter also is referred to preceding **Response 3-d**. The commenter also is referred to **Response 3-c**, which provides additional discussion related to the onsite preserves capability of supporting the same suite of plants and wildlife that occupy the planned development areas; an ability is unlikely to be met in full at offsite preserves. Finally, the onsite preserves provide “islands” and corridors for wildlife use and dispersal, which are particularly valuable in the urbanizing portions of the County.

In addition, the *Tierra Robles Oak Management Plan* prescribes a number of measures that will help maintain and enhance the onsite oak woodlands in perpetuity. Plan implementation will provide for ongoing monitoring and maintenance of the oak woodlands, promote oak regeneration, ensure that a variety of tree size-classes are represented onsite, promote retention of snags and downed trees, maintain acorn production (which is essential for wildlife), and reduce fire hazards, especially the hazard of catastrophic wildfire. This information is further discussed in detail on page 3-14 in Section 3.0, PROJECT DESCRIPTION, page 5.4-40 through 5.4-42, 5.4-49 and 5.4-50, in Section 5.4, BIOLOGICAL RESOURCES, and in Section 5.8, HAZARDS AND HAZARDOUS MATERIALS, and Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT.

Mitigation Measure (MM) 5.4-1a requires a permanent offsite conservation easement to be established for the preservation of 137.8 acres of blue oak woodland. As required by Mitigation Measure (MM) 5.4-1b, the onsite areas classified as Open Space would be protected through establishment of conservation easements and

deed restrictions to ensure protection of oak woodland values. Mitigation Measure (MM) 5.4-1c requires RMAs to be maintained in perpetuity. The RMAs would be managed for their oak woodland habitat values and for fire-hazard reduction, would provide a degree of connectivity with larger wildlife habitats and corridors, and would maintain a woodland structure capable of supporting nesting birds and small- to medium-sized wildlife species. With implementation of Mitigation Measure (MM) 5.4-1a, Mitigation Measure (MM) 5.4-1b, and Mitigation Measure (MM) 5.4-1c, impacts on the oak woodlands would be *less than significant*.

Relative to the commenter's concern regarding water quality impacts from the proposed project, development of the proposed project would introduce additional impervious surfaces and would have the potential to increase the amount of storm water runoff either onsite or that exiting the site. As discussed under Impact 5.9-4 (page 5.9-20 of the Draft EIR), with incorporation of the recommended LID attributes, the proposed project would not overwhelm any offsite storm water drainage systems. Permit requirements for the SWPPP and the permanent erosion plan required by *Shasta County Code* Chapter 12.12, The proposed project would comply with this section which promotes and protects the public safety, convenience, comfort, prosperity, general welfare and the county's natural resources by establishing minimum requirements for grading, excavating and filling in order to: A. Control erosion and sedimentation and prevent damage to offsite property and streams, watercourses, and aquatic habitat; B. Avoid creation of unstable slopes or filled areas; C. Prevent impairment or destruction of potential leach fields for sewage disposal systems; and D. Regulate de facto development caused by uncontrolled grading would reduce project impacts as the result of creating or contributing to runoff that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff would be minimized. No change to the Draft EIR is required.

**Response 13-k:** The commenter believes that existing predatory animals currently living onsite will move into larger acreages surround the proposed project site and the balance in the area will be changed with displaced predators finding it necessary to feed on small livestock, chickens, geese and household pets.

The commenter is referred to page 5.4-12 and Table 5.4-2, ANIMAL SPECIES OBSERVED, in Section 5.4, BIOLOGICAL RESOURCES. The table indicates the animal species observed onsite and the only larger predatory animal observed was *Canis latrans*, coyote. While it is possible that coyotes that use the project site the overall range is far greater in size and therefore, they would already be utilizing offsite areas. In addition, the commenter is referred to **Master Response-4**, which details the use of the RMA's and preservation of open space within the proposed project site, which would remain usable for and other predators. The onsite open space, RMA's, and offsite open space that would be preserved and would provide habitat for these animals is considered in the Draft EIR. Impacts were found to be *less than significant*. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 13-l:** The commenter expresses opposition to the proposed project and urges the county to deny the proposed project. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Letter 14 – Karen and Tom Taylor (October 27, 2017)**

Oct. 27, 2017

Shasta County Department of Resource Management  
Planning Division  
1855 Placer St. Suite 103  
Redding, CA 96001  
Kent Hector – Senior Planner

RECEIVED  
NOV 1 2017  
County of Shasta  
Building Division

To Whom It May Concern

We are Karen and Tom Taylor, and we live at 21205 View Lake Dr. Redding 96003. Our home is one block north of Old Alturas Rd., and we're served by the Bella Vista Water District. We are about one-half mile west of the proposed new subdivision and are opposed to its completion.

Our main concerns and questions are these:

1. Prior to this year, we were on very serious water conservation cutbacks over the previous three years, and we would like to know exactly how our water district is going to serve 160 new properties without further cutting allocations to already existing customers. There is now another huge water consuming development project (Bethel church) thrown into the equation. We have had to remove water from many plants in our yard and watch them die, more each year, so as not to pay penalties. Adding so many properties will have a serious impact on current Bella Vista Water customers. We don't begrudge any new family in the area their access to good water, but why should existing customers face additional shortages in order to make some mega-development company richer than it already is when it creates this huge subdivision? The developers should be required to pay the costs for Bella Vista Water District having to buy any additional water to accommodate the project. If BVWD's water rights, or ability to purchase developer-funded additional water are at their maximum, then we would oppose this project. 14-a
2. The proposed plan estimates 10 motor vehicle trips per day to and from each of 160 new residences. This sounds unusually high, but even if it's only two or three per day average, that's still a large amount of additional traffic on Boyle and Old Alturas roads. I am a regular bicycle rider on these narrow, winding roads, and another 320 to 480 cars on those roads every day will make them much more dangerous. I would like to know what the plans are for mitigation of this significant increase in the percent of motor vehicle traffic. 14-b

Thank you for answering our questions.

Karen Taylor



Tom Taylor



## Response to Letter 14 – Karen and Tom Taylor

**Response 14-a:** The commenter expresses concern regarding water supply availability within the Bella Vista Water District (BVWD) service area with the introduction of the proposed project and other cumulative development anticipated to be served by BVWD. The commenter further states that the developers of the proposed project should pay for additional water for BVWD.

Please refer to Section 5.17, UTILITIES AND SERVICE SYSTEMS, of the Draft EIR (specifically page 5.17-28). As noted, Mitigation Measure (MM) 5.17-4b requires the project applicant to identify and implement an agreement with BVWD to provide BVWD with dry-year water supplies prior to commencement of project construction. This measure ensures that actual physical development does not occur until such time as there is adequate water to serve it. The commenter is also referred to **Master Response-3** and preceding **Response 7-d**, for additional discussion. No change to the Draft EIR is required.

**Response 14-b:** The commenter questions the anticipated daily vehicle trips and expresses safety concerns regarding additional traffic on Boyle Road and Old Alturas Road.

Project trip generation was estimated utilizing trip generation rates contained in the Institute of Transportation Engineers (ITE) Publication *Trip Generation Manual (Ninth Edition)*. Single Family Detached Housing (10.09 daily trips per unit) and Apartment (6.65 daily trips per unit) has been used to estimate the trip generation for the proposed project. The Apartment category was utilized in the analysis to capture daily trips associated with up to 15 accessory dwelling units.

With regards to safety concerns along Boyle Road and Old Alturas Road, the commenter is referred to page 5.16-27 and page 5.16-28 of the Draft EIR (Section 5.16, TRAFFIC AND CIRCULATION). The following reflects a summary of the offsite pedestrian, bicycle, and motorized vehicle safety review completed on Old Alturas Road, Boyle Road, and Deschutes Road in the immediate project vicinity. The safety performance analysis was based on historical collision data and a field review.

For Old Alturas Road (Deschutes to Seven Lakes Road), it is estimated that 17% of the project traffic will use this section of roadway which will increase the Average Daily Traffic (ADT) by 27% in the *Existing Plus Project* conditions and by 23% in the *Year 2035 Plus Project* conditions. The increase in traffic, in combination with the overall very low traffic volumes and LOS A conditions, is not expected to significantly increase the rate of collisions. Safety mitigation was not identified along this segment of Old Alturas Road.

Old Alturas Road (Boyle Road to Old Oregon Trail), it is estimated that 61% to 62% of the project traffic will use this section of roadway which will increase the ADT by 24 percent in the *Existing Plus Project* conditions and by 22% in the *Year 2035 Plus Project* conditions. A collision rate 9% higher than the statewide average for similar facilities is not statistically significant and is considered to be within a normal and expected range. The increase in traffic, in combination with the LOS A conditions and

the modern roadway, is not expected to significantly increase the rate of collisions. Safety mitigation was not identified along this segment of Old Alturas Road.

For Deschutes Road (Boyle Road to SR-44), approximately 85% of the collisions were reported to occur during daylight conditions and 56% were identified as rear-end collisions. South of Boyle Road, it is estimated that 15% of the project traffic will use this section of roadway which will increase the ADT by 5% in both the *Existing Plus Project* and *Year 2035 Plus Project* conditions. Immediately north of SR-44, it is estimated that 7% of the project traffic will use this section of roadway which will increase the ADT by 1% in both the *Existing Plus Project* and *Year 2035 Plus Project* conditions. The installation of intersection warning signs at various locations along Deschutes Road between Boyle Road and SR-44 would serve to notify drivers of upcoming driveways. Mitigation Measure (MM) 5.16-2 (page 5.16-28 of the Draft EIR) requires the project applicant to install intersection warning signs at Lassen View Drive, Beryl Drive, Sunny Oaks Drive, Wesley Drive, Robledo Road, Oak Meadow Road, Oak Tree Lane, and Coloma Drive prior to issuance of a building permit that would allow construction of the first residence. No change to the Draft EIR is required.

Letter 15 – Dr. and Mrs. Thomas K. Gandy (November 5, 2017)

22445 Buckboard Trail  
Palo Cedro, CA 96073

November 5, 2017

Kent Hector, Senior Planner  
Shasta County Dept. of Resource Management  
Planning Division  
1855 Placer St. Ste. 103  
Redding, CA 96001

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County of Shasta  
Building Division

Mr. Hector,

We are writing to express our displeasure and grave concern for the proposed Tierra Robles development project in Palo Cedro and Bella Vista. There's not enough water from the Bella Vista Water District to support this development without affecting all Palo Cedro and Bella Vista residents negatively.

When we bought our house in Palo Cedro in 1977, the big selling point was Bella Vista Water, "... great water pressure, plenty for irrigating pasture." That was true then so we landscaped freely, put in a vegetable garden and irrigated pasture for two horses. Then we lost our agricultural water because we weren't raising crops or animals for sale. Then the drought hit and we were forced to stop watering part of the landscape we'd spent years developing. The Bella Vista Water District's restrictions got to the point where we limited washing, flushing, watering, and gave up our vegetable garden.

Bethel Church's expansion has been approved and that project will also draw water from Bella Vista Water District. Where does it end?

Drought in California is a fact of life and will continue to undoubtedly get worse. Someone has to say, "Stop! That's enough development in this area. There's just not enough water."

Worried and displeased,

*Tom and Jan Gandy*

Dr. and Mrs. Thomas K. Gandy

15-a

**Response to Letter 15 – Dr. and Mrs. Thomas K. Gandy**

**Response 15-a:** The commenter expresses concern regarding water supply availability within the Bella Vista Water District (BVWD) service area with the introduction of the proposed project and other cumulative development anticipated to be served by BVWD.

The commenter is referred to Section 5.17, UTILITIES AND SERVICE SYSTEMS, of the Draft EIR (specifically page 5.17-28). As noted, Mitigation Measure (MM) 5.17-4b requires the project applicant to identify and implement an Agreement with BVWD to provide BVWD with dry-year water supplies prior to commencement of project construction. This measure ensures that actual physical development does not occur until such time as there is adequate water to serve it. The commenter is also referred to **Master Response-3** and **Response 7-d**, for additional discussion. No change to the Draft EIR is required.

Letter 16 – Phillip and Kay Gibson (November 6, 2017)

**Kent Hector**

**From:** kay gibson <myvintage88@yahoo.com>  
**Sent:** Monday, November 06, 2017 7:50 PM  
**To:** Kent Hector  
**Subject:** Tierra Robles Planned Development project

November 6, 2018

Dear Mr. Hector,

California needs more housing, I get that. Shasta County would like more tax revenues and development fees. Bella Vista District would like to collect more fees, even irresponsibly. And the out-of town developers/investors would like to get rich (er). I get all of that. But the proposed Tierra Robles development project is a misguided pie-in-the-sky disaster for so many reasons.

**ENVIRONMENTAL CONCERNS:** The absolute need for trees to help mitigate man-made poisoning of the air we breathe is progressively more crucial and the oak and conifer stands in the subject 715 acre parcel need to stay. If developed, the oak trees that are left intact would undoubtedly suffer losses because of a difference in watering patterns and subsequent root rot. I have no doubt that there are some assurances that the issue of trees will be addressed but, since witnessing the site preparation at the southern reaches of Churn Creek Road, I was appalled to see the near total loss of a dense oak woodland on a 5+ acre parcel to be available for some nebulous commercial development in the future. These trees are gone and an ecological maelstrom will develop because a local planning department sold out and approved it without mitigation. So, I have little faith in mitigation promises or bureaucratic concerns for protecting natural resources.

**WILDLIFE CONCERNS:** There are many bird species, from raptors to hummingbirds, that make those 715 acres home. It is home to mammals ranging from coyotes, deer, foxes, mountain lions ( and their prey), which maintain specific patterns in their residence and movements. It is a diverse ecology that is easily upset by the domino effects of higher density housing, which would be detrimental on many levels.

**WATER ISSUES:** are of grave concern and this doesn't seem to have raised an iota of worry with the governing body of Bella Vista Water District, which recently signed on to more than one major project, including the Bethel Church expansion. Need they be reminded that they can't even handle pre-existing commitments to residents and ag interests, who have been subjected to lower water pressures, increased rates, and use restrictions because of an apparently maxed out water supply, even in good years? Will we run out of water during wildfires when there is even more need for immediate water? How high will our rates go? Will we be tapping already dwindling ground water supplies? The proposed sewer system in Palo Cedro would be a death knell to the quiet presence of the community. After disrupting traffic ( for months probably) and re-routing residents along Boyle Road and Deschutes Road, it would provide the "slippery slope" that Tierra Robles caused by triggering zoning changes throughout the area ( with a sewer system in place) and we would become the Fairfield or Vallejo of Shasta County.

**SUPPORT SERVICES AND INFRASTRUCTURE:** We don't have the roads, the schools, the water, adequate sheriff services, nor the will to give up the aesthetics and lifestyle that we signed up for when we purchased our rural home in an appropriately zoned area 30 years ago. We will not allow this vital area to become suburbia and we don't have confidence that our planners are protecting us. But we will make our objections heard. This is an ill-conceived proposal to undermine a pristine environment, one that is more necessary than ever as a buffer against encroachment and opportunists. Thank you for your attention. Please serve Shasta County respectfully by adhering to the zoning already in place.

Phillip and Kay Gibson

16-a

16-b

16-c

16-d

16-e

## Response to Letter 16 – Phillip and Kay Gibson

**Response 16-a:** The commenter provides opening remarks and general opinions, none of which raise an environmental concern.

The remarks are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. Responses to specific comments are addressed below in **Response 16-b** through **Response 16-e**.

**Response 16-b:** The commenter expresses concern regarding loss of the remaining onsite oak woodland habitat and conifer stands.

The commenter is referred to Impact 5.4-1 (Section 5.4, BIOLOGICAL RESOURCES) of the Draft EIR which evaluates oak woodland impacts associated with the proposed project. As noted on page 5.4-38, the project applicant is taking a number of steps to avoid impacts on oak woodlands and to enhance the value of the oak woodlands onsite while meeting safety requirement of the Department of Forestry and Fire Protection (CAL FIRE) as well as those of the Shasta County Fire Department (SCFD). With respect to avoidance, the project applicant has proposed the establishment of several open space preserves and Resource Management Areas (RMAs) to provide partial mitigation for the loss of oak woodlands. The proposed project site was subdivided into five RMA's representing distinct and identifiable habitat types. The commenter is referred to pages 3-14, 3-20, and 3-21 in Section 3.0, PROJECT DESCRIPTION, for a discussion of the RMA's.

The RMA within each residential lot has been created to establish setbacks from property lines, stream channels and/or critical natural resources. These areas would remain undisturbed and would be managed by the private land owner under direction of the Tierra Robles Community Services District (TRCSD) as specified in the *Tierra Robles Wildland Fuel/Vegetation Management Plan* (TRWF/VMP). The total area of the RMA is 333.9 acres or 46.9% of the total area (refer to Figure 3-6, PROPOSED TENTATIVE MAP, in Section 3.0, PROJECT DESCRIPTION, of the Draft EIR).

The area classified as Open Space includes 192.7 acres, 26.9% of the total project area, and would be managed through an Open Space Management Plan to ensure the undeveloped areas of the property continue as a means of fire protection, open space preservation and to manage the open spaces throughout the life of the project. The Open Space areas designated as RMA 5 consist of large tracts of open space land divided into two RMA sub-categories; RMA 5-1 and RMA 5-2. RMA 5-1 would be managed through the use of livestock grazing from January to May of each year.

In addition, *the Tierra Robles Oak Management Plan* contained in Appendix 15.2 of the Draft EIR prescribes a number of measures that will help maintain and enhance the onsite oak woodlands in perpetuity. Plan implementation will provide for ongoing monitoring and maintenance of the oak woodlands, promote oak regeneration, ensure that a variety of tree size-classes are represented onsite, promote retention of snags and downed trees, maintain acorn production (which is essential for wildlife), and reduce fire hazards, especially the hazard of catastrophic wildfire. This information is further discussed in detail on page 3-14 of Section 3.0, PROJECT

DESCRIPTION, page 5.4-40 through 5.4-42, 5.4-49 and 5.4-50, in Section 5.4, BIOLOGICAL RESOURCES, and in Section 5.8, HAZARDS AND HAZARDOUS MATERIALS, and Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT.

In addition to establishment of open space preserves and RMAs, several mitigation measures have been implemented to promote the long-term protection and management of oak woodland resources onsite, including the preservation of additional oak woodland resources offsite. Specifically, Mitigation Measure (MM) 5.4-1a requires a permanent offsite conservation easement to be established for the preservation of 137.8 acres of blue oak woodland. As required by Mitigation Measure (MM) 5.4-1b, the onsite areas classified as Open Space would be protected through establishment of conservation easements and deed restrictions to ensure protection of oak woodland values. Mitigation Measure (MM) 5.4-1c requires RMAs to be maintained in perpetuity. The RMAs would be managed for their oak woodland habitat values and for fire-hazard reduction, would provide a degree of connectivity with larger wildlife habitats and corridors, and would maintain a woodland structure capable of supporting nesting birds and small- to medium-sized wildlife species. No change to the Draft EIR is required.

**Response 16-c:** The commenter expresses concerns regarding impacts to the resident wildlife and wildlife movement.

The commenter is referred to preceding **Response 3-q**. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 16-d:** The commenter expresses concerns regarding water supply availability within the Bella Vista Water District (BVWD) service area with the introduction of the proposed project and other cumulative development anticipated to be served by BVWD. The commenter also questions water availability during wildfires, water rates (cost as the comment implied), overall aquifer volume, and references the proposed sewer system in Palo Cedro and impacts to the quiet presence of the community. The commenter also states that the proposed project would result in the re-routing of residents along Boyle Road and Deschutes Road triggering zone changes throughout the area.

Regarding water supply and aquifer volume, the commenter is referred to Section 5.17, UTILITIES AND SERVICE SYSTEMS, of the Draft EIR (specifically page 5.17-28). As noted, Mitigation Measure (MM) 5.17-4b requires the project applicant to identify and implement an Agreement with BVWD to provide BVWD with dry-year water supplies prior to commencement of project construction. This measure ensures that actual physical development does not occur until such time as there is adequate water to serve it. The commenter is also referred to **Master Response-3** and **Response 7-d**, for additional discussion. No change to the Draft EIR is required.

Related to water availability for fire protection, the commenter is referred to page 5.17-6 and 5.17-7 of Section 5.17, UTILITIES AND SERVICE SYSTEMS, and the discussion of BVWD Resolution 15-04. The intent of this resolution was to establish a municipal and industrial WSCP in order to conserve the available water supply and protect the integrity of water supply facilities with particular regard for domestic water use,

sanitation, and fire protection while at the same time protecting and preserving public health, welfare, and safety. The commenter also is referred to Table 5.17-4, WATER SHORTAGE CONTINGENCY PLAN STAGES, which outlines water reduction strategies to conserve water during shortages.

Related to the potential for water rates to increase, the commenter is referred to State CEQA Statute §21002.1 (e) which states:

“To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21100, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.”

The potential for water rate increase or increases to the cost charged by BVWD, while a possibility with or without the proposed project, is not an environmental issue that is required to be analyzed under CEQA. As discussed in the Statute above, CEQA discussion should focus on those effects that have the potential to affect the environment and is not inclusive to potential water rate increases. No change to the Draft EIR is required.

Regarding the proposed project triggering other zone changes, as noted above in **Master Response-2**, in the event that future high-density development is proposed within this area of unincorporated Shasta County, the environmental impacts and merits of that future project will be evaluated at that time, as required by CEQA. It is speculative to state that the proposed project would be used as justification for promoting high-density development in the area. CEQA analysis is limited to what is known or reasonably foreseeable, assuming further rezoning is speculative and not a part of the analysis included in the Draft EIR.

With regards to the proposed onsite community wastewater collection and treatment system, please refer to **Master Response-5**. With regards to the increase in traffic along Boyle Road and Deschutes Road, the commenter is further referred to **Response 4-b**.

**Response 16-e:** The commenter states that there are inadequate roads, schools, water, and sheriff services to serve the proposed project and existing residents would lose aesthetics and lifestyles. The commenter is referred to Draft EIR Section 5.1, AESTHETICS AND VISUAL RESOURCES, Section 5.13, PUBLIC SERVICES AND FISCAL IMPACTS, Section 5.16, TRAFFIC AND CIRCULATION, and Section 5.17, UTILITIES AND SERVICE SYSTEMS. Each of the referenced topics were evaluated in the Draft EIR and found to be *less than significant* or *less than significant after mitigation*. No change to the Draft EIR is required.

The commenter re-asserts opinions regarding the necessity of the proposed project. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary.

Letter 17 – Robert J. Grosch (November 6, 2017)

Robert J. Grosch

10810 Cheshire Way, Palo Cedro, CA 96073-9777

(530) 549-4872

November 6, 2017

To: Kent Hector, Senior Planner, Shasta County

Re. **Tierra Robles EIR**



Dear Mr. Hector:

I have studied the current revised EIR for the above project and find it inadequate for many reasons detailed below.

Shasta County General Plan

The General Plan is a statement of public policy expressing the aspirations and values of Shasta County residents. The General Plan is developed to assure that the values, safety, and quality of life the residents desire are protected.

This proposed project is not just asking for a zoning change, but is asking that the County change its zoning in such a way that the General Plan itself is significantly altered. We are in effect being asked to recognize that there has been a change in the aspirations of the residents of the County. No such evidence is offered indicating the residents' aspirations for the development of the County have changed since adoption of the General Plan. What is being requested is that the aspirations of the proposed developer override the aspirations of the County residents as reflected in the General Plan, the Zoning Plan, and accepted standards of modern urban planning.

Zoning within our county was made to solidify the wishes of the county's residents. Those hopes and aspirations have not changed. The proposed project requires current residents' desires for their community be overridden by the desires of a non-resident land developer.

17-a

Landscape Use of Recycled Water

It is reasonable to assume that many residents will object to using recycled waste water for landscaping. Certainly the thought of using yesterday's waste water for today's sprinklers will give pause to many. Parents are unlikely to welcome their children's play area, toys, bicycles, and swing sets being watered with recycled waste water. There is no data to demonstrate that homeowners will not circumvent the system to avoid potential contamination of children's play areas. Nor is there data to demonstrate that reuse of this waste water will be safe and sanitary under all conditions.

17-b

Given the likelihood that residents may resist having recycled water sprayed on or near their living areas, data needs to be provided to show that this is likely an acceptable alternative to future residents of the proposed development. In addition the system must be designed so that it cannot be overridden by residents, who additionally must be informed in writing ahead of time that this recycled water will be used for landscape purposes.

Aesthetics

An important consideration of the aesthetics for this proposed project is the need for the proposed project to fit in to the community in a way that will retain its rural residential appearance. The proposed drawing of this subdivision seems to indicate the opposite will be the case.

Even those who pass by the narrowest part of the property at the southern boundary at Boyle Road will be impressed by the urban density style of the homes lining this entry road. Should the zoning be changed, at the very least the rule should be imposed that all buildings of every type must be a minimum of 30 ft. from the nearest lot line. This is a partial duplication of rules applicable to the surrounding properties. In addition, homes and other buildings should be a minimum of 200 ft. from the nearest edge of Boyle Road, once again in conformity with the developed properties currently lining Boyle Road.

17-c

Light Pollution

A significant amount of resistance to this project by neighbors in the area has been expressed as objection to light pollution. Rural residents enjoy the night sky and consider it one of the benefits of living in our area. The proposal is to limit the light pollution by eliminating public street lighting. However, I do not see any restrictions on homeowners installing their own lighting.

At the very least there needs to be a restriction on yard lighting that will secure the enjoyment of the night sky by the present residents of the area. Lights on the homes and outbuildings need to be restricted, and flood lighting for yards needs to be forbidden. Without street lighting, people desiring to live in a suburban community as opposed to a rural one will be very likely to be tempted to make up for the dark nights with their own lighting.

17-d

In order to mitigate this issue, limitations on lighting cannot be enforceable solely by CC&R, as enforcement through CC&R limitations requires the neighboring residents to sue their neighbors. A mere CC&R restriction also excludes the present rural residents objecting to this light pollution from joining an enforcement action. Proper mitigation here must include a specific regulation that can be enforced with a simple phone call to the county's code enforcement office.

Cumulative Effect

The long term cumulative effect of this proposed project is not adequately addressed. Should this proposed project go forward with its dramatic and significant change in zoning, it would then be easier for other developers to demonstrate that similar changes in zoning nearby would not be out of character for the area. The cumulative effect would be to altogether change the character of the area and in effect change the General Plan.

17-e

Bicycle Safety

Should this proposed project be approved, proposed bicycle lanes should be of a uniquely colored pavement, much like some of the newer lanes in the City of Redding. Bike paths colored differently than the surrounding pavement are much safer than a simple white line on the street pavement.

In addition, a bike lane should be required to and along Boyle Road to connect to the underground bicycle tunnel which provides a safe crossing at Deschutes. This bike lane would provide bicycle access to the local school, and future development along Deschutes would provide the opportunity for bicycle access all the way to Foothill High School.

17-f

Water Pressure

I was not able to find in the EIR evidence that water pressure at my house will not be affected by this proposed project. This is a vital concern.

On most normal days my water pressure is a mere 35 psi. In October of 1999 when the Jones Valley Fire was moving toward my property my water pressure was so low I could not wet the roof of my single story house with a garden hose. A stationary sprinkler on my wood deck would not sprinkle a circle larger than 10 feet in diameter, and then only if I limited myself to using only one garden hose. A flying ember landing on my dry wood deck which I could not sprinkle was the cause of my home fire resulting in the total loss of my home.

17-g

Mitigating this problem will require carefully designed water mains and additional booster pumps to increase water pressure in our area.

Water Supply

Bella Vista Water District is known for its history of mismanagement of its water supply. For instance, prior to Feb. 27, 2014 the District did not have a drought plan! Nor did they have an Urban Water Management Plan as required by State law since the 1980s! Hence, any assurance that they are capable of providing water for the proposed project needs to be more carefully examined.

17-h

During our most recent drought the District was not able to provide enough water for its customers' needs. What has changed to assure us that this problem will not be repeated if the proposed project is allowed to go forward? The EIR gives us no evidence of increased water supply sufficient to service the proposed project. Nor does the EIR address what many of us believe is an overextension of Bella Vista's capabilities with its pledge to serve the large campus of Bethel Church with its already inadequate water supply.

17-h  
Cont.

Power

The EIR specifies that PG&E power is available along Boyle Road, Northgate Drive, Seven Lakes Road and Old Alturas Road. No evidence is given that sufficient easements exist to bring this power to the proposed project.

17-i

Power for this proposed project should be via renewable solar energy to avoid adding more Greenhouse gasses to our atmosphere.

Grey Water Diverter System

The grey water diverter system is described in the EIR in such a way that it appears the homeowner must be proactive in diverting this water. Such an arrangement is not a satisfactory solution to the problem. All grey water must be diverted, not just that water the homeowner chooses to divert.

17-j

Open Burning

Although the proposed project is not within the City of Redding, the density of this proposed project is similar to that of a typical suburban Redding neighborhood. Hence, in order to avoid both fire hazard and concentration of smoke, special permits should be required if any open burning is to be allowed. Given the concentration of housing in the proposed project, it would be more beneficial yet if there were no open burning allowed at all.

17-k

Unrealistic Construction Assumption

The EIR unrealistically states that construction trucks will maintain speeds of no more than 15 mph on unpaved roads. Surely, this will not happen. Calculations for particulate matter launched into the air by construction vehicles must be done based upon realistic speeds, most probably 30-35 mph.

17-l

Greenhouse Gasses

It is accepted best practice among urban planners to place new, densely occupied suburban developments at the edge of the urban development that sustains them. Dense satellite developments at a distance from the urban scene require additional commuting and shopping traffic as opposed to neighborhoods built adjacent to existing urban development.

The proposed project is projected to give birth to 1600 additional vehicle trips daily on Boyle Road. This amount of traffic would at least double the traffic on Boyle Road and the surrounding area.

17-m

If the EIR adequately compared the air quality impact of the proposed project to the impact of a similar project built adjacent to the existing urban development, the proposed project would show itself to be a significant contributor to Greenhouse gasses via unnecessarily long vehicle commutes.

Traffic Hazard

Impact 5.16-2 notes potential traffic hazard on Deschutes between Boyle Road and Hwy. 44. Not mentioned is the hazard increased traffic will bring to Boyle Road due to inadequate signage.

Rural roadways such as Boyle Road often experience drivers unfamiliar with the area looking for homes located off the main roadway. The proposed project will significantly increase this kind of traffic. Unfortunately street signage is inconsistent and below standard and often misplaced at nearly every intersection along Boyle Road. In order to make it safely functional for drivers unfamiliar with the area to locate the street they are looking for, a mitigation

17-n

should be required to provide adequate, standard street signs at the intersections of each road connecting to Boyle Road.

In addition, the increased traffic from 163 homes would clog Boyle Road during rush hour periods of the day. The intersection of Boyle Road and the southern entrance to the proposed project would become a hazardous hurdle for existing residents on their way into Redding. Similar difficulties would take place at Boyle and Old Alturas, and Old Alturas and Old Oregon Trail, which is already clogged significantly during the morning rush.

17-o

The intersection of Boyle and Deschutes is proposed to become a 4-way stop. Making this the only stop on Deschutes between Palo Cedro and Bella Vista will be an impact on a very large number of residents accustomed to Deschutes being a relatively high speed thoroughfare. What is more, 4-way stops are not conducive to maintaining the rural atmosphere current residents of the area desire.

#### Cost Sharing for Roundabouts

The EIR proposes charging 11-13% of the cost of roundabouts to the developer of the proposed project. There is no justification for such a low percentage of cost share.

17-p

A roundabout in this rural area is many, many years in the future were it not for the proposed development. The primary, and perhaps only, reason for roundabouts is the Tierra Robles proposed project. They should pay a much higher cost, and perhaps even the entire amount.

#### Defacement of Entry to Proposed Project

The EIR does not address directly the impact an entry to the proposed project can have on the aesthetics of our rural area. It is important that the portion of the proposed project visible from Boyle Road be kept to look as rural as its surrounding area.

17-q

Specifically, if the project is approved, the following stipulations should be enforced:

1. No entry way signs shall be allowed visible from Boyle Road other than a street sign similar to those marking each private road in the area as it intersects with Boyle. No monumental entry ways and no "Tierra Robles" identification shall be allowed if visible from Boyle Road. No flags or banners visible from Boyle Road drawing attention to properties for sale shall be allowed. The same restriction shall apply to any and all banners or signs visible from adjacent residential properties.
2. Homes along the entry way shall be set back a minimum of 200 feet from the northern edge of Boyle Road. Homes and outbuildings shall all be a minimum of 30 feet from their respective lot lines.
3. No signs advertising lots for sale or homes for sale shall be allowed except when posted on the actual property being offered for sale.
4. No U.S. Postal Service Neighborhood Box Units (NBUs) shall be allowed to be placed in such a manner that they decrease the visibility of vehicles approaching the Boyle Road entrance to the proposed project. NBUs shall be placed a minimum of 200 feet from the northern edge of Boyle Road.

17-q  
Cont.

Loss of Agricultural Land

Once this land is lost to agriculture it is gone forever. The best use of this land is definitely agricultural. Purchase of an agricultural easement elsewhere is not a sufficient mitigation for this loss. Only the creation of new, comparable agricultural land would be a true mitigation.

17-r

Incompatibility of adjacent land use

Building housing next to a gun range is a formula for trouble down the road. Will homeowners try to forbid the gun range's expansion within it's present site? Will homeowners allow the gun range to increase its hours for shooting, or increase the number of days in which shooting takes place?

17-s

I did not see these issues addressed in the EIR. At the very least the prospective homeowners need to be noticed in writing that the gun range creates noise on a regular basis, and may in the future actually increase shooting times and days.

17-s  
Cont.

Cannabis

The County has made various restrictions regarding the growing of cannabis. These restrictions were made in a context of rural residential communities. However, the proposed project is actually an urban neighborhood with closely spaced housing. Therefore, all cannabis growing should be forbidden within the boundaries of the proposed project, even if a grow is otherwise in conformity with the rules governing cannabis cultivation elsewhere in the County.

17-t

## Response to Letter 17 – Robert J. Grosch

**Response 17-a:** The commenter expresses concern regarding the request to change the zoning. The commenter states that what is being requested is that the aspirations of the proposed developer override the aspirations of the County residents as reflected in the *General Plan*, the *Zoning Plan*, and accepted standards of modern urban planning.

This comment is specific to the zone change request of the proposed project and does not raise issue with the Draft EIR's analysis of physical environmental impacts, mitigation measures, and level of significance associated with the proposed project.

The project site's existing zoning designations are Rural Residential 5-acre minimum (RR-BA-5), rural Residential 3-acre minimum (RR-BA-3), and Unclassified (U). The existing RR-BA-5 and RR-BA-3 apply to approximately 389.8 acres. The remaining 325.6 acres are currently zoned Unclassified (U) which is intended to be applied as a holding district until a precise zone district has been adopted for the property. Therefore, these areas could ultimately be rezoned to allow for higher density residential development that what is currently being considered for the proposed project. The Shasta County *General Plan* designates the project site as Rural Residential A (RA) and allows 1 dwelling unit/2 acres. The proposed project would provide 166 single-family residential parcels ranging from 1.38 acres to 6.81 acres in size under the proposed zone change. The comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No further response is necessary and no change to the Draft EIR is necessary.

**Response 17-b:** The commenter requests data to demonstrate that homeowners will use the recycled water systems for irrigation and requests data regarding the water quality of recycled water and whether it is safe and sanitary under all conditions. The commenter postulates that parents are unlikely to irrigate using recycled wastewater as it may get on children's toys, bicycles, play areas, and swing sets. The commenter states that there is no data to demonstrate that reuse of this wastewater will be safe and sanitary. The commenter requests that the systems be designed so that they cannot be overridden by residents.

Although the commenter does not provide substantial evidence, as required by State *CEQA Guidelines* §15384 (a), to validate the comment that parents will not use recycled water, the commenter is provide the following response which details the treatment of wastewater, dispersal system, and separation of grey water (water from washing machines and bathtubs/showers, etc.) and effluent from the home into separate receiving tanks.

Design criteria for landscaping selection, dispersal system criteria, as well as for operation and maintenance of the system would be included in the Covenants, Conditions, and Restrictions (CC&Rs) for the proposed project per page 3-29 in Section 3.0, PROJECT DESCRIPTION, the design of which is detailed in Appendix 15.2.6, TIERRA ROBLES WASTEWATER MANAGEMENT PLAN.

The commenter is referred to Section 3.0, PROJECT DESCRIPTION, (page 3-15 and page 3-22 of the Draft EIR) for a detailed description of proposed community wastewater collection and treatment system. As discussed, and more specifically in Appendix 15.2.6, TIERRA ROBLES WASTEWATER MANAGEMENT PLAN, wastewater effluent from the proposed project would be collected via individual residential septic tanks, transferred to a community collection system, treated, and then recycled for roadway median landscape irrigation.

This system would be designed to meet the requirements of the requisite Central Valley Regional Water Quality Control Board (CVRWQCB) Waste Discharge Requirements permit. In addition, the commenter is referred to the Draft EIR page 5.9-13 of Section 5.9, HYDROLOGY AND WATER QUALITY. It should be noted that all treated wastewater will be dispersed within roadway landscaping and not used for residential irrigation. Treatment would meet Title 22 Disinfected Secondary Effluent. Per Title 22, recycled water used for the irrigation of roadway landscaping would be disinfected secondary-23. Secondary-23 recycled water is water that has been oxidized and disinfected so that the median concentration of total coliform bacteria in the disinfected effluent does not exceed a most probable number (MPN) of 23 per 100 milliliters. The Orenco AXMAX treatment system would be designed to meet the reuse requirements for discharge of the Title 22 Disinfected Secondary Effluent as well as the CVRWQCB's Waste Discharge Requirements. Therefore, the project would not involve any unpermitted discharges of waste material into ground or surface waters.

Grey water, not wastewater, from residential uses could be used for some irrigation. As discussed on page 5.17-20 and 5.17-21, "As part of each residential unit, a partial dual-plumbing wastewater drain system would be included that complies with Chapter 16 of the California Plumbing Code. This would allow the homeowner to operate a manual diverter valve and redirect wastewater (grey water) flow from clothes washing machines, showers, and tubs. This diverter valve would direct grey water flow to a landscape irrigation grey water system to provide irrigation for landscaping (drought tolerant trees and shrubs). During periods of rainfall, the flow would be directed to the septic tank. Operation of this valve is the responsibility of each homeowner."

Impacts related to water supply, grey water, and water quality were analyzed in Section 5.9, HYDROLOGY AND WATER QUALITY, and Section 5.17, UTILITIES AND SERVICE SYSTEMS, of the Draft EIR. In addition, technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, Appendix 15.6, PRELIMINARY HYDROLOGY ANALYSIS, and Appendix 15.10, WATER DEMAND EVALUATION, of the Draft EIR.

As discussed in Section 5.17, UTILITIES AND SERVICE SYSTEMS, discusses that the use of the proposed grey water system is consistent with Executive Order (EO) B-29-15 related to State Model Water Efficient Landscape Ordinance, and EO B-37-16 upholding previous EO's, which emphasizes wise water use and less water waste to become permanent requirements in order to prepare for more frequent and persistent periods of limited water supply. Accordingly, as stated on page 5.17-19 of the Draft EIR, "the dual-plumbing wastewater drain system at each residential unit would comply with Chapter 16 (now Chapter 15) of the California Plumbing Code."

Chapter 15 of the California Plumbing Code specifically addresses requirements pertaining to grey water use and as discussed on page 5.17-19 of Section 5.17, UTILITIES AND SERVICE SYSTEMS. These requirements would ensure that waste discharge requirements are not exceeded. In addition, page 5.17-19 of the Draft EIR, states that grey water diversion systems would be installed under permit with Shasta County Building Division and the Shasta County Environmental Health Department would review all plans for grey water discharge to the ground. Each individual parcel would require a sewage disposal system permit issued by Shasta County Environmental Health Department for the installation of septic tank and pump system. The Draft EIR concluded that impacts are *less than significant*.

As discussed above, conformance to California Plumbing Code Chapter 15, Alternate Water Sources for Nonportable Applications, and obtaining proper permits through the Shasta County Environmental Health Department would ensure impacts associated with any health risk effects of the proposed grey water system are *less than significant*. No change to the Draft EIR is required.

**Response 17-c:** The commenter requests that the proposed project fit into the community in a way that will retain the rural residential appearance. The commenter also requests that all buildings should have a minimum setback of 30 feet from the nearest lot line, and that homes and other buildings should be a minimum of 200 feet from the nearest edge of Boyle Road.

The setbacks from all private roads and the one lot (Lot 4) that fronts on Boyle Road are regulated by the *Shasta County Code*. The side lot setback for Lot 4 is shown on the lot book page as 30 feet to the building envelope setback line to the right of way line of Boyle Road which is consistent with the *Shasta County Code*.

As discussed in Chapter 3.0, PROJECT DESCRIPTION, of the Draft EIR, the proposed project would include 166 single-family residential parcels ranging from 1.38 acres to 6.81 acres in size on approximately 471.92 acres (total residential parcel area). Each residential lot would have a designated building envelope to designate the acceptable building area for that individual parcel. Site clearing and grading for the construction of a single-family residence and desired accessory buildings would be limited to the delineated building envelope.

As discussed in Section 5.1, AESTHETICS AND VISUAL RESOURCES, each individual residential parcel would be developed in compliance with the proposed *Design Guidelines* (refer to Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT). The proposed *Design Guidelines* were created to provide property owners, architects, homebuilders, and contractors with a set of parameters for the preparation of their drawings and specifications. Adherence to these *Design Guidelines* would assure homeowners that a consistent level of quality would be maintained. The Tierra Robles Architectural Review Committee (TRARC) or the "Committee" would review all designs, plans, and construction. Figure 5.1-6, KEY VIEW 2 – EXISTING AND PROPOSED CONDITIONS, provides a photosimulation of views of the proposed project afforded from motorists traveling along Boyle Road as well as resident uses to the south and west of the project site (refer to page 5.1-17 of the Draft EIR).

As analyzed in Impact 5.1-1, project implementation would change the character of Key View 2 as a result of the addition of hardscape and massing from the new residential structures. However, as shown in Figure 5.1-6 on page 5.1-7 in Section 5.1, AESTHETICS AND VISUAL RESOURCES, the proposed residential units would appear generally similar in massing and scale to the existing development to the west of the proposed project site. Further, the proposed exterior earth tone colors, encouraged by the *Design Guidelines*, reduce color contrast of the new structures with the surrounding natural landscape. As such, the proposed residential uses from the proposed project would appear similar in massing and scale to the surrounding community. Impacts to character/quality of the proposed project site and its surroundings, as seen from Key View 2, would be *less than significant*.

Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, provides information related to the proposed project's design standards and development envelopes. The vesting maps provide the delineation of the setback lines that are shown in greater detail in the Lot Book; refer to Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT. As discussed in the *Tierra Robles Design Guidelines* (Appendix 15.2 of the Draft EIR), the conceptual design submittal package for each lot must include the material list, color palette, floor plan, and site plan, including home location, setbacks, and easements. The *Design Guidelines* include setback requirements. For all lots, a building setback of 30 feet from the property line in accordance with California Fire Safe Regulations. For each individual lot, setbacks are outlined in the Lotbook (refer to Appendix 15.2 of the Draft EIR) based on size and location of each lot. For the lot nearest to Boyle Road, please refer to Lotbook Lot #4, which shows that the lot setback from Boyle Road is 30 feet and the proposed building envelope would be approximately 60 feet from Boyle Road. No other lot is adjacent to Boyle Road.

As previously noted above under **Master Response-2**, comments identifying the scale of the proposed project as incompatible with the character of the area are referred to decision-makers for further consideration as part of the deliberative process, and no further response is necessary.

**Response 17-d:** The commenter expresses concern regarding light pollution and requests that limitations on lighting include specific regulations that can be enforced with a phone call to the County's Code Enforcement Office.

Please refer to preceding **Responses 3-r** and **13-h** regarding lighting and the light regulations and standards provided in the *Tierra Robles Design Guidelines* and enforced by the Tierra Robles Community Services District (TRCSD) and the Tierra Robles Architectural Review Committee (TRARC). This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-e:** The commenter expresses concern that the change in zoning from this project would make it easier for other developers to demonstrate that similar changes in zoning nearby would not be out of character for the area. The commenter states that the cumulative effect would change the character of the area and in effect change the *General Plan*.

Refer to **Master Response-2** regarding changes in character as a result of the proposed project's land use amendment, if approved, may be used to justify other high-density developments within the area. This contention is inconsistent with the requirements of CEQA. In the event that future high-density development is proposed within this area of unincorporated Shasta County, the environmental impacts and merits of that future project will be evaluated at that time, as required by CEQA. It is speculative to state that the proposed project would be used as justification for promoting high-density development in the area. CEQA analysis is limited to what is known or reasonably foreseeable, assuming further rezoning is speculative and not a part of the analysis included in the Draft EIR. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-f:** The commenter requests that proposed bicycle lanes should be a unique color of pavement. In addition, the commenter requests that bicycle lanes be provided along Boyle Road to connect to the underground bicycle tunnel at Deschutes Road.

Section 3.0, PROJECT DESCRIPTION, of the Draft EIR describes the elements of the proposed project, including bicycle lanes. The proposed project includes a total of 6 miles of shared bicycle/pedestrian trails along one side of the roads. Refer to Figure 3-8, TYPICAL ROADWAY SECTIONS, for an illustration of the bicycle facilities that will parallel the roadway network within the project site. The bicycle/pedestrian trails would have a minimum of a 4-foot shoulder buffer between the trail and the travel lanes. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Bicycle facilities and impacts are discussed in Section 5.16, TRAFFIC AND CIRCULATION, of the Draft EIR. County roadways including Old Alturas Road, Boyle Road, and Deschutes Road in the immediate project vicinity do not currently have bicycle facilities. The Shasta County *2010 Bicycle Transportation Plan* show proposed Class II bicycle lanes on Deschutes Road and Old Alturas Road within unincorporated Shasta County.

Proposed project impacts regarding bicycle facilities are discussed in detail in Impact 5.16-4, beginning on page 5.16-29 of the Draft EIR. In order to fund local roadway improvements, including the addition of shoulders and bicycle lanes, Shasta County collects fees through its *Major Road Impact Fee Program* at the time of development. These fees are used to implement local roadway improvements as necessary throughout the County. As stated on page 5.16-30 of the Draft EIR, improvements noted above and implemented by the County for Boyle Road, Old Alturas Road, and Deschutes Road would include shoulder improvements that would serve to enhance existing and future bicycle movement within the area. The Draft EIR found that impacts related to bicycle facilities would be *less than significant*.

The commenter request that the proposed bicycle lanes should be a unique color of pavement. Pavement color is considered traffic control and is regulated in California by the *California Manual on Uniform Traffic Control Devices, 2014 Edition, Revision 3, March 9, 2018* (MUTCD). The MUTCD specifies the standards and guidelines, followed by Shasta County, for bicycle lane markings. The MUTCD does not offer standards or

guidelines for colored pavement in bicycle lanes. In recent years, the National Association of City Transportation Officials *Urban Bikeway Design Guide* has gained in acceptance and offers guidelines that can be implemented for bicycle lanes. The *Urban Bikeway Design Guide* states: “Colored pavement within a bicycle lane increases the visibility of the facility, identifies potential areas of conflict, and reinforces priority to bicyclists in conflict areas and in areas with pressure for illegal parking. Colored pavement can be utilized either as a corridor treatment along the length of a bike lane or cycle track, or as a spot treatment, such as a bike box, conflict area, or intersection crossing marking. Color can be applied along the entire length of bike lane or cycle track to increase the overall visibility of the facility. Consistent application of color across a bikeway corridor is important to promote clear understanding for all users.”

The use (or not) of colored pavement for bicycle lanes is a design engineering detail that will be addressed as a part of the engineering design plans for bicycle lanes. While this comment does not question the adequacy of the Draft EIR, the request to use uniquely colored bike lanes when the County implements the improvements will be forwarded to the Planning Commission and Board of Supervisors for consideration.

**Response 17-g:** The commenter raises concerns regarding water pressure at the existing residential units in the project vicinity and states that carefully designed water mains and additional booster pumps should be provided to increase water pressure in the area.

The water delivery system will be design and approved by the County and Bella Vista Water District (BVWD). The system design criteria are set by the Uniform Building Code and the California Fire Code. Minimum pressures are required to be met by both codes for domestic use and fire flow standards. It is anticipated that the project will connect to the existing BVWD system located at Boyle Road and Seven Lakes Road on the north side of the project.

The commenter is also referred to page 5.17-22 in Section 5.17, UTILITIES AND SERVICE SYSTEMS, which discusses the location of water infrastructure installation, sizing of water lines, the project location in the Main Pressure Zone and Welch Pressure zone, and payment of capital improvements fees for new connections. The Draft EIR found that impacts would be *less than significant*. In addition, the project applicant and the County will work with BVWD to provide the details needed to satisfy necessary BVWD infrastructure improvements and service requirements prior to BVWD initiating any potable water service. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-h:** The commenter questions BVWD’s management of water supply and capability of providing the proposed project with the adequate water supply. The commenter states that the EIR does not provide evidence to show that BVWD has sufficient water supply and does not address the overextension of BVWD’s capabilities with its pledge to serve the Bethel Church campus.

Please refer to **Master Response-3** and **Response 7-d**, regarding BVWD's ability to provide water to future customers. With respect the BVWD's commitments to serve other water customers, this is analyzed under cumulative impacts. Section 5.17, UTILITIES AND SERVICE SYSTEMS, and Appendix 15.10, WATER DEMAND EVALUATION, further discuss the proposed project's water demand and the impacts on the water supply in Impact 5.17-4 (project specific impacts) and Impact 5.17-8 (cumulative impacts). In addition, with the implementation of Mitigation Measure (MM) 5.17-4a and Mitigation Measure (MM) 5.17-4b on pages 5.17-30 and 5.17-31 in Section 5.17, UTILITIES AND SERVICE SYSTEMS, impacts to be *less than significant*. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-i:** The commenter states that no evidence is given that sufficient easements exist to bring power to the proposed project. The commenter also states that the power for the proposed project should be via renewable solar energy.

The Draft EIR discusses public utilities and energy consumption in Section 5.17, UTILITIES AND SERVICE SYSTEMS, and Section 5.18, ENERGY CONSUMPTION. Details related to the Draft EIR analysis are provided in Appendix 15.3, AIR QUALITY/GREENHOUSE EMISSIONS DATA. Electricity in the project area is provided by Pacific Gas & Electric (PG&E). PG&E is regulated by the California Public Utilities Commission (CPUC) and is required to update existing systems to meet any additional demand. The utility easement associated with the proposed project is provided in the Vesting Maps, which are located in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, of the Draft EIR.

Regarding the use of solar energy, the commenter is referred to page 5.18-8 in Section 5.18, ENERGY CONSUMPTION, which describes the solar energy component of the proposed project. The proposed project would include a passive solar design in all residential units and would comply with the Shasta County *General Plan* requirements related to use of solar energy. Energy consumption would be further reduced using high efficiency lighting and air conditioning units, passive solar design, grey water diverter systems, etc. The requirements regarding solar energy are further provided in the *Tierra Robles Design Guidelines*, also provided in Appendix 15.2 of the Draft EIR.

It should be noted that since publication and circulation of the Draft EIR, the State of California passed landmark building code regulations requiring all new single-family homes and new multi-family housing of three stories or fewer to be constructed with solar. Under the new requirements, builders who obtain construction permits issued on January 1, 2020 or later must provide solar for each new residence. Therefore requiring solar power as mitigation as part of the proposed project is not required as they will be installed in accordance with this new requirement. No change to the Draft EIR is required.

**Response 17-j:** The commenter recommends that residents should not be allowed to bypass the grey water system and that all grey water must be diverted.

The commenter is correct that the grey water diversion may be selected by the homeowner. The commenter is referred to page 5.17-19 and page 5.17-21 in Section 5.17, UTILITIES AND SERVICE SYSTEMS. Page 5.17-19 explains that a separate Shasta County Sewage Disposal System permit would be required and grey water diversion systems would be installed under permit with Shasta County Building Division and the Shasta County Environmental Health Department would review all plans for grey water discharge to the ground. In addition, page 5.17-21 of the Draft EIR explains that during periods of rainfall, the flow would be directed to the septic tank and that operation is the responsibility of the homeowner. The commenter also is referred to Appendix 15.2.6, TIERRA ROBLES WASTEWATER MANAGEMENT PLAN, which notes that the dual-plumbing wastewater drain system will comply with Chapter 16 of the California Plumbing Code. The associated environmental effects of the wastewater management system were found to be *less than significant*. The comment is noted but the comment does not raise concerns about the adequacy of the Draft EIR. The analysis contained in the Draft EIR specifically evaluated the potential environmental effects of the overall wastewater treatment system for the entire proposed project.

In addition, please refer to **Response 17-b**, immediately above. Technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, Appendix 15.6, PRELIMINARY HYDROLOGY ANALYSIS, and Appendix 15.10, WATER DEMAND EVALUATION, of the Draft EIR. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-k:** The commenter requests that special permits be required if any open burning is to be allowed; however, the commenter states that given the density of the housing, no open burning should be allowed on the project site.

As stated in **Master Response-4**, within each RMA, piled grass cuttings, slash and prunings from trees may be burned onsite on burn days with approval of the Fire Marshall. For further discussion regarding burning and burn days, please refer to preceding **Response 11-f**. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-l:** The commenter states that calculations for particulate matter launched into the air by construction vehicles must be done based on realistic speeds because it is unrealistic to assume that the construction trucks will maintain speeds of no more than 15 miles per hour (mph).

Particulate matter is analyzed in Section 5.3, AIR QUALITY, and Appendix 15.3, AIR QUALITY/GREENHOUSE EMISSIONS DATA, of the Draft EIR. Table 5.3-6, UNMITIGATED CONSTRUCTION-RELATED EMISSIONS, shows that construction would not result in the exceedance of particulate matter thresholds. Table 5.3-7, MITIGATED CONSTRUCTION-RELATED EMISSIONS, provides the emissions numbers after the implementation of mitigation measures, which includes a 15-mph speed limit on unpaved roads. The modeling was completed using CalEEMod, a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. No further response or change to the Draft EIR is necessary. This comment is noted

for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-m:** The commenter is requesting that the proposed project be located closer to town to reduce impacts to air quality and appears to be requesting this be evaluated as an alternative to the project as proposed. The commenter states that the EIR should compare the air quality impact of the proposed project to the impact of a similar project built adjacent to the existing urban development, the proposed project would show itself to be a significant contributor to greenhouse gasses via unnecessarily long vehicle commutes.

The commenter is referred to **Master Response-2** which in part discusses alternatives to the proposed project. The Draft EIR included an evaluation of alternatives that included a wide range of densities that could avoid or substantially lessen environmental impacts of the proposed project related to the environmental categories listed above (refer to Section 7.0, ALTERNATIVES TO THE PROPOSED PROJECT). As noted in Section 7.0, the following alternatives to the proposed project were initially considered but determined not to be viable and eliminated from further consideration: 1) Alternative Site; 2) Annexation to Community Service Area No. 8; 3) Development in Accordance with Existing General Plan Land Use and Zoning Classifications; 4) Clustered 3-Acre Parcels; and 5) Wastewater Dispersal Alternative. Refer to Section 7.0 of the Draft EIR for discussion of each rejected alternative.

The commenter is referred to pages 7-3 and 7-4 in Section 7.0, ALTERNATIVES, which discussed the alternative site that was considered but was determined to be infeasible and increase impacts. Section 15126(f)(1) of the State *CEQA Guidelines* states that "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries...and whether the proponent can reasonably acquire control or otherwise have access to the alternative site." For these reasons, an alternative site as the commenter suggests, closer to town, was not feasible.

Directly related to air quality impacts the commenter is also referred to Impact 5.3-1 of Section 5.3, AIR QUALITY, of the Draft EIR. The consistency of the proposed project with the NSVPA 2015 *Air Quality Attainment Plan* is determined by its consistency with air pollutant emission projections in the plan. Implementation of the project could increase vehicle miles traveled, and thus ROG and NO<sub>x</sub> emissions, which could conflict with air quality planning efforts associated with the NSVPA 2015 *Air Quality Attainment Plan*. As previously stated, the plan cites projected O<sub>3</sub> precursor emissions (ROG and NO<sub>x</sub>) through the year 2020. For the purposes of this analysis, the emissions resulting from proposed project operations were quantified and compared with the NSVPA 2015 *Air Quality Attainment Plan* 2020 ozone precursor emissions projections. The addition of these project emissions to the area and mobile source projections documented in the NSVPA 2015 *Air Quality Attainment Plan* for year 2020 results in exactly the same statistical percentage reduction in both ROG and NO<sub>x</sub> emissions from area and mobile sources in the NSVPA as existing conditions. In other words, the proposed project would represent a 0.00 percent increase in ROG emissions and a

0.00 percent increase in NO<sub>x</sub> emissions compared with existing projections in the NSVPA.

As stated in Section 5.7, GREENHOUSE GASES AND CLIMATE CHANGE, the project's GHG emissions would be 3,755.92 MTCO<sub>2</sub>eq/yr without the implementation of any reduction measures. Implementation of proposed energy efficiency measures, water conservation measures, and Mitigation Measure (MM) 5.7-1 would reduce project GHG emissions to 3,453.10 MTCO<sub>2</sub>eq, resulting in an 8.1 percent reduction; refer to Table 5.7-3. It should be noted that the Project Design Features and Mitigation Measure (MM) 5.7-1 represent all feasible measures available to reduce project related GHG emissions. Despite the implementation of the Project Design Features and Mitigation Measure (MM) 5.7-1, project related GHG emissions would not meet the reduction targets established by AB 32 or SB 32, and impacts would remain *significant and unavoidable*.

No further response or change to the Draft EIR is necessary. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-n:** The commenter notes that rural roads, such as Boyle Road, often experience drivers unfamiliar with the area and street signage is inconsistent and below standard, resulting in safety hazards. The commenter recommends requiring adequate, standard street signs at the intersection of each road connecting to Boyle Road.

As discussed in Impact 5.16-2 of the Draft EIR, the installation of intersection warning signs at various locations along Deschutes Road between Boyle Road and SR-44 would serve to notify drivers of upcoming driveways. Implementation of Mitigation Measure (MM) 5.16-2 would reduce impacts for both *Existing*, *Existing Plus Project*, and *Year 2035 Plus Project* conditions to *less than significant* levels. Mitigation Measure (MM) 5.16-2 requires the project applicant to install intersection warning signs to the satisfaction of the Shasta County Public Works Department, which meet Caltrans standard W2 intersection warning signs with W16-8P advance street name plaques. No further response or change to the Draft EIR is necessary. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-o:** The commenter states that the increase of traffic at Boyle Road and the southern entrance to the project site would become a safety hazard. In addition, the commenter states that introducing a 4-way stop controlled intersection at Boyle Road and Deschutes Road would be the only stop-controlled intersection on Deschutes Road between Palo Cedro and Bella Vista, thus not maintaining the rural atmosphere of the existing conditions, and would create a hazard due to high speeds.

Please refer to preceding **Responses 4-b, 13-e, and 14-b** regarding traffic impacts on Boyle Road as well as at the Boyle Road and Deschutes Road intersection. Section 5.16, TRAFFIC AND CIRCULATION, and Appendix 15.9, TRAFFIC IMPACT STUDY, provides analysis on all study intersections and roadway segments. The Shasta County Department of Public Works operates a county-wide traffic impact fee program based on residential units or non-residential building square footage. The proposed project

may contribute to this program as described in Mitigation Measure (MM) 5.16-3 and Mitigation Measure (MM) 5.16-4, should Shasta County update the fee program to include the Old Alturas Road & Old Oregon Trail (Intersection #8) and Boyle Road & Deschutes Road (Intersection #13) intersections. The payment of applicable fair-share costs towards a programmed improvement would result in a cumulatively *less than significant* impact at each intersection.

Regarding safety and high speeds on Deschutes Road, page 5.16-7, 5.16-13, and 5.16-28 discuss vehicle speeds and associated safety hazards on area roadways including Deschutes Road. More specifically, page 5.16-28 includes Mitigation Measure (MM) 5.16-2 which requires the project applicant to install intersection warning signs to the satisfaction of the Shasta County Public Works Department, which meet Caltrans Standard W2 intersection warning signs with W16-8P advance street name plaques.

With regard to safety of a stop-controlled intersection, placement of STOP control at intersections is regulated in California by the *California Manual on Uniform Traffic Control Devices, 2014 Edition, Revision 3, March 9, 2018* (MUTCD). The MUTCD specifies the standards and guidelines, followed by Shasta County, for intersection control and warning. Advance warning methods that will be included in the engineering design of the STOP control to provide traffic safety.

With implementation of Mitigation Measure (MM) 5.16-2, impacts would be reduced to *less than significant* levels. No further response or change to the Draft EIR is necessary. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-p:** The commenter requests the project pay a much higher share of the roundabout improvements.

As stated in Section 5.16, TRAFFIC AND CIRCULATION, on page 5.16-20, in some cases, the project applicant is expected to provide the full improvements needed for offsite roadway improvements or transportation programs. In other cases, where the contribution of project-generated traffic is minimal, it is more appropriate for the project applicant to contribute a “fair-share” payment for the cost of the improvements.

As required in Mitigation Measure (MM) 5.16-3 and Mitigation Measure (MM) 5.16-4, the project applicant shall pay the pro-rated cost share of the cost of the roadway improvements. The fee shall be established based on an engineer’s cost estimate of the improvements prepared by the project applicant and approved by the Shasta County Public Works Department. The Shasta County Department of Public Works operates a county-wide traffic impact fee program based on residential units or non-residential building square footage. The proposed project may contribute to this program as described in Mitigation Measure (MM) 5.16-3 and Mitigation Measure (MM) 5.16-4, should Shasta County update the fee program to include the Old Alturas Road & Old Oregon Trail (Intersection #8) and Boyle Road & Deschutes Road (Intersection #13) intersections. The fair share calculations are provided in Appendix 15.9, TRAFFIC IMPACT STUDY, on pages 38 and 39. No further response or change to

the Draft EIR is necessary. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-q:** The commenter notes that the EIR does not address impacts on aesthetics as related to the entry to the development. The commenter suggests conditions of approval on the entrances to the development that limits the street signs, monuments, flags, setbacks, advertising, and U.S. Postal Service Neighborhood Box Units (NBU's).

Please refer to **Response 17-c**, above, regarding the impacts to visual resources, including the impact on the community character. Also, please refer to **Master Response-2** regarding the character of the area. The items referenced by the commenter are considered a part of the proposed project and were considered when evaluating the project in terms of impact to aesthetic resources. For clarity, none of the items individually or considered as a part of the project as a whole would result in any impact to aesthetics or visual resources within or surrounding the project site not disclosed in the Draft EIR. No further response or change to the Draft EIR is necessary. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-r:** The commenter states that the purchase of an agricultural easement elsewhere is not a sufficient mitigation for the loss of agricultural land.

Agricultural impacts are discussed in Section 5.2, AGRICULTURAL RESOURCES, of the Draft EIR. The current zoning designation for the westerly area of the site is Unclassified (U). The Unclassified (U) district is applied as a holding district until a principal zone district has been determined. The remainder of the site is zoned Rural Residential (R-R) (3 and 5-acre minimum lot sizes).

As analyzed in Impact 5.2-1 of the Draft EIR, according to the FMMP Important Farmland Map, no portion of the project site is designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; however, approximately 687.87 acres of the proposed project site is designated by the FMMP as Grazing Land and has been used for dryland cattle grazing since the early 1940s. Approximately 154.6 acres will remain as open space and allow continued use as Grazing Land. The commenter is referred to pages 5.2-5 through 5.2-14 in Section 5.2, AGRICULTURAL RESOURCES. In order to determine whether impacts to agricultural resources are significant, the Draft EIR used the California Agricultural Land Evaluation and Site Assessment (LESA) model for evaluating agricultural impacts. The LESA analysis does not include the 154.6 acres that will remain as open space and continue to be used as Grazing Land. The LESA analysis for the project site resulted in a Land Evaluation (LE) rating of 23.66 and a Site Assessment (SA) rating of 18, for a total score of 41.66. Loss of agricultural lands with a score between 40 and 59 is considered significant only if both the LE and SA ratings are each 20 or more. Therefore, the LESA model indicates that the project would have a *less than significant* impact on Prime Farmland, Unique Farmland, and Farmland of Statewide Importance.

Regarding the adequacy of the mitigation, the County, as Lead Agency, has assessed the impacts of the proposed project and exercised its discretion in calculating an appropriate amount of mitigation and provided mitigation requirements accordingly

(pursuant to CEQA Statute §20183.4) and included them within the Draft EIR. The County has not abused its discretion granted by CEQA and a deliberate discussion of a calculation (for mitigation) has been provided in the Draft EIR (refer to Section 5.2, AGRICULTURAL RESOURCES, and Section 5.4, BIOLOGICAL RESOURCES). Please refer to preceding **Responses 3-a** through **3-v** regarding biological impacts and mitigation.

**Response 17-s:** The commenter asks if future homeowners will try to forbid the existing gun range from future activities such as increased hours or any future site improvements or expansion within its present site. The commenter states that future homeowners should be noticed in writing that the gun range creates noise on a regular basis.

The Draft EIR analyzes the compatibility with surrounding land uses in Section 5.10, LAND USE AND PLANNING, of the Draft EIR. Page 5.10-4 of the Draft EIR discloses that the Redding Gun Club is on an adjacent parcel northeast of the project site. In addition, page 5.11-8 in Section 5.11, NOISE, of the Draft EIR identifies the Redding Gun Club as a stationary source of noise, lists the hours of operation, location, and notes that noise from the gun club may represent a single-event or a continuous occurrence. Page 5.11-23 of the Draft EIR identifies the potential noise impacts that residence may be exposed to and states, Pursuant to California Civil Code §3482.1(4)(b)(1) and §3482.1(4)(d), the operation or use of the shooting range is not liable as a noise nuisance as long as the range complies with applicable noise control laws at the time of approval. The proposed project would add a condition of approval disclose the presence of the gun club to all future residents. The Draft EIR concluded that with all these considerations and others, impacts would be *less than significant*.

Regarding potential expansion within the boundaries of the existing gun club site, if expansion were to occur, activities would still be required to comply with the listed noise control ordinances and the disclosure to new residents would still apply. For these reasons, as well as State *CEQA Guidelines* §15064 (d)(3), which states, “An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable,” First, because gun-club expansion is not part of the proposed project, it is not considered in this analysis. Second, because it is speculative to assume the gun club would expand within its current site, it is not appropriate for inclusion to the Draft EIR as environmental analysis pursuant to CEQA is limited to what is known or reasonably foreseeable, therefore, this speculation is not a part of the analysis included in the Draft EIR. No changes to the Draft EIR are required.

No further response or change to the Draft EIR is necessary. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

**Response 17-t:** The commenter states that the proposed project is an urban neighborhood and thus, all cannabis growing should be forbidden within the boundaries of the proposed project, even if a grow is otherwise in conformance with the County’s ordinances and guidelines.

This comment is specific to the potential that future residents may grow cannabis on their property, rather than specific analysis of potential physical environmental impacts, mitigation measures, and level of significance associated with the proposed project. All residents of Shasta County are required to comply with County ordinances related to cannabis cultivation, including Ordinance 2017-07, which prohibits commercial cannabis activity, delivery of cannabis, and temporary events involving the onsite sale or consumption of cannabis in all zones of the unincorporated area, with some exceptions for medical uses. Regarding personal use, the State's Medical and Adult Use Cannabis Regulation and Safety act (MAUCRSA), regulates cultivation on private property for individual use. No further response or change to the Draft EIR is necessary. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.