

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Tuesday, April 5, 2022 4:46:25 PM

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First Name: L  
Last Name: Shaw  
Email: [REDACTED]  
Your Address: 6900 Millville Plains Rd  
Additional Comments - Here's Why to Vote NO: We need housing, but it should be more infill housing in central Palo Cedro or nearer to Redding. This constant sprawl continues to degrade our air, water, roadways and quality of life.  
Water for existing housing is questionable at present. Adding additional housing with little commitment to providing adequate water supplies appears shortsighted and detrimental to quality of life for the entire community.  
Fire evacuation routes are currently insufficient - adding additional dense housing can only degrade safety.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

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5. Sheriff and Fire Protection: TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. This area already experiences delayed sheriff response times and no additional officers or substation are included in this proposal. Section 5.13.2 of the FEIR states "Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services". However, the FEIR states "no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant." THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** 4/6 Tierra Robles FEIR Public Hearing  
**Date:** Tuesday, April 5, 2022 1:56:28 PM

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Mr. Paul Hellman;

As 40+ year residents of the area affected by the proposed Tierra Robles subdivision, we have attended the informational meetings, read the Shasta Patrol fliers, and listened to neighbors heartily opposed to this development. While the concerns expressed by opponents of the subdivision are valid, the type of project and the steps taken to mitigate its impact on the neighborhood lead us to think this would be a good use of this land. It seems much better to have homes here than to build on good agricultural land elsewhere.

One of the objections does seem serious enough to delay or halt this project – the inadequate water supply. However, during these drought times, this problem applies to most of the western states, and yet building continues.

The other objections to the development are that it will ruin the rural nature of the area, cause increased daily traffic on Boyle Road, and be problematic during evacuations. Comparing the subdivision lot map to a map of present homes in the area shows a similar housing density. It seems that only the few people whose properties abut the development will notice any change in rural atmosphere. The increased traffic on Boyle may be an annoyance during certain times of the day – similar to the situation along Deschutes when school is letting out – something to take into consideration and perhaps allow more driving time. We also understood that a traffic signal was to be installed at Old Alturas and Hwy 44 to help with traffic flow there. The possibility of an evacuation is a more serious consideration. We have been through three of these. Our concern had been that the only exit from the development was on to Boyle, but the current map shows a connection to Old Alturas as well, which lessens our anxiety about this.

Again, considering the overall project this seems to be the highest and best use of this land at this time.

Sincerely,  
Marion and Betty Harner

Sent from [Mail](#) for Windows

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Tuesday, April 5, 2022 1:36:01 PM

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First Name: Robert  
Last Name: Hollifield  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 21670 Old Alturas Rd.  
Additional Comments - Here's Why to Vote NO: I support all issues layed out by Shasta Patrol. Please vote NO to this subdivision.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
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**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Tuesday, April 5, 2022 12:05:21 PM

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First Name: Ann  
Last Name: Newcomer  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 21798 Papoose Drive

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
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## SAFE WILDFIRE EVACUATION FOR EXISTING RESIDENTS OF PALO CEDRO/BELLA VISTA!

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# Robert J. Grosch

10810 Cheshire Way, Palo Cedro, CA 96073-9777



April 5, 2022

## VIA EMAIL

Mr. Paul Hellman

Shasta County Resource Management

Shasta County, CA

Dear Mr. Hellman,

Please immediately share a copy of this letter with the members of the Planning Commission who will be considering your department's recommendations regarding the proposed development of Tierra Robles tomorrow.

I am writing in response to the two memorandums you distributed, dated March 30 and Marcy 31, 2022. I have confined my responses below only to those **UNTRUE STATEMENTS CONTAINED IN YOUR MEMORANDUMS.**

### March 30 Memorandum

Concept 1: **It is not true that this proposed project will be in conformity with California Public Resources Code 4291** which states that there must be a 100 ft. area of defensible space around all homes. Many of the proposed homes are only 60 ft. apart from each other, allowing each homeowner responsible for maintaining only 30 ft. of defensible space. Other homes are placed a mere 30 feet from the wildland boundary making the creation of a 100 foot defensible space barrier impossible without trespassing onto the neighbor's undeveloped land and removing flammable vegetation on neighboring parcels.

Concept 2: **It is not true that designing Tierra Robles in conformity with today's industry standard would increase impacts on biological resources by the removal of trees, etc.**

Relocating a street from one location to another does not necessarily increase the overall impact on biological or cultural resources. If the overall street surface does not significantly increase then the surface water runoff does not increase significantly either. The conclusions your department makes on this concept do not cite any data or research whatsoever. Since designing perimeter roadways is now the industry standard for subdivision design in the urban wildland interface, **surely a detailed analysis as to why Tierra Robles should be allowed to go contrary to accepted industry practice is called for.**

Concept 3: **It is not true that the county cannot require safety standards that are not specifically required by broad County regulations or State law.** The County has already required specific measures in this development that are not required of some other developments, requirements that are site specific to Tierra Robles. It is the responsibility of the County to enforce the public safety, even when broad regulations do not specifically require something the County finds necessary to ensure the public safety. The concept of adding five additional exits from Tierra Robles would but make it come to the same level of relative safety as the existing surrounding development which currently has an egress road onto Boyle for no more than 25 homes per egress road.

#### March 31 Memorandum

Fire Hazard: The Cornelius Norworsoo traffic study is so flawed that nearly any conclusion drawn from this study will also be deeply flawed. Both the memorandum and the study itself come to the ridiculous conclusion that the proposed development will not increase emergency evacuation time significantly. The memorandum says the increase in evacuation time will be only 8%. This, because the existing time is already 3 ½ hours! **The Boyle Road corridor is already developed in such a manner that the County has made such development illegal because of the extreme danger in an emergency evacuation. Hence any increase at all in emergency evacuation time is not insignificant.** When evaluating the impact of 362 additional vehicles entering Boyle Road from the southern exit due to a fire coming from the north (the usual path for fires in this area), simple arithmetic tells us that the Tierra Robles proposal is a dangerous one. At build out Tierra Robles is estimated to contain 181 living units; each unit is estimated to have 2 vehicles, and if they are all standard automobiles it is estimated they will populate the streets at 25 ft. per vehicle. These vehicles will create a string of traffic 9050 feet (1.7 miles) long! If in the unlikely event those vehicles do not experience congestion as they enter Boyle road, it will take them 90 minutes just exit Tierra Robles if they can exit 4 automobiles every minute. Of course this is impossible. There will already be congested traffic on Boyle, and the resulting traffic congestion will result in Tierra Robles' paucity of exits proving to be a potential death trap for the residents of Tierra Robles.

Thank you for sharing this with the members of the planning commission.

ROBERT J. GROSCH

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Just Say NO to Tierra Robles  
**Date:** Friday, April 1, 2022 9:55:19 PM

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As a long-time resident of Bella Vista and customer of Bella Vista Water District, I beg of you on the SC Planning Commission to JUST SAY NO to Tierra Robles.

We let our lawn die during the 90s drought. We paid several high water bills last summer despite our efforts to reduce the required amount; purchase of low water use appliances, reduction of garden, and flushing only when absolutely needed.

Watching the red water truck spraying BV water (that we saved with our drastic actions) on the Bethel Expansion construction site last summer added insult to injury.

The water mitigation that has been created for the Bethel Expansion and mimicked for the Tierra Robles development on PAPER for this huge property development is laughable. It is a temporary patch for a huge gaping hole we are facing. It is not the time to approve such a "water hog" in our county.

We currently face a 40% mandatory reduction of our BV water use. By the summer, who knows what our limit will be. We will abandon our garden, try to keep the orchard alive with hand-watering and expect gigantic water bills.

Don't let the people with giant bags of money be more important than those of us on the ground trying to keep our existence going.

Paul Hellman  
Director of Resource Management  
1855 Placer Street  
Redding, CA 96001

Mr. Hellman and Members of the Planning Commission

My wife and I would like to urge a no vote by the Planning Commission on the Tierra Robles project for many reasons with the major ones as follows:

REZONE REQUEST – Deny the rezone request and allow some form of development of the parcels based on the current zoning maintaining larger parcels.

GROWTH INDUCING - Allowing the site to be developed with a community sewage treatment system as proposed should be considered as growth inducing. There are hundreds of parcels within Shasta County that do not meet the current land division soils criteria for land divisions for use of onsite septic systems. By approving this project, you should expect to see many proposals to use a community sewage treatment system similar to the system proposed for this site. For better or worse, one condition that has kept the unincorporated area of Shasta County from becoming a congested mess similar to areas in Napa and Sonoma counties is the inability of onsite soils to effectively treat and disperse sewage effluent.

LACK OF AN APPROVED WATER SUPPLY FOR THE PROJECT- There is no water supply available from Bella Vista Water District (BVWD) in drought years to serve this project. The actual water supply for this project must be evaluated under CEQA per CEQA guidelines. Potential water supplies may be from federal, out of area, county, or local sources but the exact source is not yet known. Until a water source, acceptable to BVWD in both quantity and quality, is provided to BVWD this project should not proceed to the Planning Commission. A specific water source may require CEQA review by the County, from BVWD and other water agencies, and may require NEPA approval but which approval(s) is/are required is unknown as the water source is unknown. One potential impact of this project on BVWD and all of BVWD customers is a net increase in the cost of operating and maintaining the series of pipes, valves, and meters necessary to provide water to the development after construction of the system by the applicant. Additionally, all BVWD customers would share in the cost, beyond any fair share covered by the developer, in any offsite water supplies such as a well, as a result of annual maintenance/repairs, the cost of power to pump water, the cost of treatment chemicals, and construction and maintenance of pipelines necessary to receive and use that water. Proceeding with approval at this time unnecessarily puts the financial burden of forcing corrections of this action onto the community at large.

Something else to consider is this – the Bureau of Reclamation will try to ensure that every individual municipal user of water from the Dam/Sacramento River gets at least 55

gallons of water per day for health and safety uses such as bathing, flushing, and cooking. This year, as a result of this extreme drought with no end in sight, Bella Vista Water District was given a water allocation of ZERO!!! The reason for no water allocation is because BVWD has wells that can, barely so far, produce 55 gallons per individual user per day. BVWD must rely on wells that are on the fringe of our area groundwater basin and those wells barely keep up with demand now. Adding an additional 166 homes (plus second units) with 4 to 5 occupants per unit means that BVWD may not be able to produce the minimum of 55 gallons per person per day to District customers and if this drought continues, the Bureau will not have enough water to assist BVWD customers. DO NOT CONSIDER THE APPROVAL OF THIS SUBDIVISION UNTIL A CAREFUL AND THOROUGH CEQA REVIEW OF WATER SUPPLY ISSUES HAS BEEN COMPLETED!!!

LACK OF ADEQUATE FIRE OR OTHER NATURAL DISASTER EVACUATION ROUTES – Boyle Road and Old Alturas Road are inadequate for emergency evacuation in the event of a windblown wildfire and possibly other natural disasters. 166 homes with secondary dwelling units on parcels (up to 332 units but more realistically around 225 total units) would inundate Boyle Road especially if wind direction makes a north exit unsafe to use (or the opposite for Old Alturas Road if winds blow from the south). How many people could be trapped by traffic and perish in a strong windblown fire as has been reported to have occurred in Paradise? We personally have seen damaged tires, damaged paint, and melted plastic car parts from cars driven by people evacuating out of Paradise during that fire. This project should be denied due to lack of adequate emergency evacuation routes. Additional evacuation points or emergency access roads that may be required for this project ultimately lead to either Boyle Road or Old Alturas Road. As we have noted in previous letters, Boyle Road near Deschutes Road is flooded with 6 to 12 inches of water during winter rainstorm events and there has not been any successful action to correct this situation by Public Works. At the very least straightening this road and correcting flooding issues should be made a condition of approval or move the site access off of Boyle Road!!

GREYWATER SYSTEMS – Greywater is generally defined as waste water from baths, sinks, washing machines and kitchen flows and would be 50 to 80 percent of total sewage flows from dwelling units. Even without flows from toilets, greywater contains enough bacteria and viruses to result in a stinky mess if discharged to the ground surface which is why surface discharge of greywater is not allowed. Proper greywater systems require the construction of separate plumbing systems/valves and may require the use of filters/tanks to remove particulate material in the flow. Underground application of greywater in dry months is a valid form of sewage disposal that is proposed for this site. Greywater use can keep plants hydrated during those dry months. It is not, however, a type of wastewater disposal method to use during wet months due to the increased chance of surfacing and offsite flows or discharges of sewage. Who is going to turn these systems off in the wet months to prevent sewage discharges and who will maintain the filters or sediment tanks to prevent plugging? Who is going to inspect greywater disposal sites for surfacing sewage? Subdivision home construction usually involves soil cutting, filling, and compaction of the lot to stabilize the building envelope. This activity is detrimental to soils that could be used for subsurface disposal of greywater and needs to be prohibited outside of the exact building footprints.

WASTEWATER SYSTEM – I have a few objections to the wastewater treatment system proposed for the site. As use of this type of wastewater system will cause other developers to propose similar systems, this growth inducing system needs to be operated by a CSA. Each home/parcel will have a septic tank to remove solids from the waste stream with liquids being pumped to a treatment plant in a shared sewer line and subsurface disposal of treated and disinfected wastewater in medians/planters. The design and placement of septic/pump tanks on the parcels and the design and installation of pump vaults within the tanks, and pump controls and warning systems needs to be standardized. Any variation or errors can result in sewage flooding of yards and sewage backups into homes. The pumps do not last forever and may need frequent repair/replacement based on factors such as correct design/pump choice, installation, frequency of use, and pressure within the sewer line. Replacement pumps need to be purchased, stored, and made available for immediate installation and I believe this is best handled by a CSA. These systems also need power to operate. Will there be a backup power supply provided? One potential result of using greywater systems is a reduction in the liquid portion of the sewage flow needed for proper operation of the sewage treatment plant causing upset conditions with the plant. Subsurface disposal of this treated and disinfected wastewater requires soils that are not compacted, have proper soil depth for wastewater disposal, and are not prone to flooding. Any compaction of soils in areas proposed for this use needs to be prohibited by project approval condition and the sites must be properly flagged to prohibit damage by construction of adjacent roads. Further, the placement of curbs, gutters, storm drains, and creation of ponding in areas proposed for disposal use needs to be prohibited. Finally, operation of the system by a CSA should guarantee reporting of upset conditions and prompt correction of those conditions rather than the response we would expect from a HOA

ALLOWING A HOME OWNERS ASSOCIATION (HOA) IN LIEU OF A COUNTY SERVICE AREA (CSA) - Still trying to understand how a Home Owners Association (HOA) can adequately operate the community sewage treatment and disposal system and enforce all of the conditions of approval that would be expected of a project such as this one. The cost to operate a CSA or a HOA would be similar a CSA would have the authority of Shasta County to back up enforcement of the expected conditions. My wife and I own a home in a nearby County and that home has a HOA to enforce CC&R's and some county conditions of approval. The enforcement of the many construction and operating requirements is highly dependent on the personalities of the individuals involved ranging from almost non-existent to by-the-book as administrations change. This should not happen under a CSA. Members of the surrounding community would probably be required to file numerous legal challenges against the HOA to force proper enforcement of the project conditions, another needless financial burden on surrounding neighbors.

Prior to employment with Shasta County, I worked for a County that allowed a variety of community operated sewage treatment and disposal systems. These systems were frequently found to be operating in an unsafe manner with surface discharges of sewage/effluent. This mess should have been eliminated under a properly funded and trained CSA staffing.

SITE ACCESS BY BOYLE AND OLD ALTURAS ROADS – Why are there no turn lanes required at the site onto and off of Boyle Road? This project is many times larger than



developments that were required to construct turn lanes onto/off of Shasta County roads. The north end of Old Alturas Road and both ends of Boyle Road are narrow with some sharp turns and flooded dips. Where are the conditions of approval requiring widening and straightening that will make these roads safer for existing and future users of these roads given the additional traffic that up to 225(see math above) or more units will add to these roads. Improvements are especially import and needed for fire evacuation needs previously mentioned. Please note that there are numerous accidents that occur on Boyle Road that do not need the assistance of the Sheriff/fire agencies so may not be considered by Public Works for evaluation of the project but can be identified by damaged trees, shrubs, and vehicle tracks off the road into mud/weeds/rocks.

James and Christie Smith

Area Residents and Property Owners near the project

## Shasta County Planning Commission

Commissioner Jim Chapin  
Commissioner Tim MacLean  
Commissioner Steven Kerns  
Commissioner Donn Walgamuth  
Commissioner Patrick Wallner

### COMMENTS ON THE TIERRA ROBLES FINAL EIR

Commissioners,

The Final EIR (FEIR) makes many statements in response to public comments that have now been proven to be without any reasoned analysis of the facts available at the time. Throughout the FEIR the CCCSD is referred to 114 times while discussing water availability. Other supplemental water sources are mentioned, such as the McConnell Foundation (1 time) and ACID (2 times). That is the entire extent of the discussion of other supplemental sources of water. Even in the PREIR (Dec 2020) the CCCSD is mentioned 59 times, ACID 0 and McConnell 3 times. Clearly the PRD EIR/Final EIR is relying heavily on the CCCSD as the sole source of supplemental water to comply with the mitigation measures. Here is a partial list of some statements in the FEIR that are inaccurate;

PG 15-47 *“The water supply from CCCSD is a known supply, does exist, and CCCSD has signaled its intent to provide for the purpose of supply for the proposed project.”* At the July 12, 2021 public meeting of the CCCSD board the first item on the agenda was a water transfer agreement with the City of Redding because they could not meet their own demands. In addition, the letter from CCCSD dated Jan 13, 2022 states the exact opposite and has now confirmed what many public commenters have been saying for years. A reasoned analysis of the CCCSD’s water agreement with USBR would have revealed that they were never a reliable source of supplemental water.

PG 15-78 *“the comment cites page 5.17-23 of the RDEIR regarding CCCSD using well water to overcome shortage conditions and how that could create competition between new Tierra Robles residents and established agricultural users in the BVWD.”* This year BVWD and CCCSD AG customers will get ZERO water and have ZERO supplemental water

available. Please ask BVWD and CCCSD, if given the opportunity, would they like to buy 90 AF right now. Of course this creates competition during drought years but, the authors were unable to overcome their bias toward the project. The authors never took seriously the idea of creating competition for the available water. Every district that receives USBR water has sought out supplemental water this year and would jump at the chance to purchase 90 AF which would not be available if this project had already secured the water.

Pg 15-78 *“CCCSD has at least two secure water supplies available to meet its municipal and industrial (M&I) and agricultural (Ag) water needs. In some conditions, CCCSD has further augmented these supplies through water transfers, as determined appropriate by its Board of Directors. The primary supplies include:*

- *CVP Water Service Contract for 15,300 acre-feet*
- *Three State-permitted, 1500 gpm drinking waterwell”*

It’s amazing that the FEIR was published over 4 months after CCCSD publicly acknowledged that they could not meet their own demands and yet still make this statement. The CCCSD was required to buy water from the City of Redding just to meet their own needs. This year will be even worse and yet the EIR never questioned this statement.

PG 15-79 *“Thus, CCCSD has indicated it has adequate capacity to serve the project should it require the transfer. Thus, the commenters concern regarding competition for the resource is unfounded, is not a CEQA issue, and no further response is required.”*

The EIR authors never question or discuss any of the assertions made by the CCCSD when they favor the project. However, when BVWD makes assertions that question methods and conclusions in the EIR, their concerns have been dismissed. The CCCSD letter dated Jan 13 now specifically refutes this statement in the EIR.

PG 15-157 *“Potential impacts on water supply are considered less than significant with mitigation incorporated.”*

However, the CCCSD has stated that they have no water available for the mitigation and no other sources have had a reasonable analysis that would comply with CEQA/NEPA, or the California Supreme Court’s “Vineyard” decision (Vineyard Citizens for Responsible Growth, Inc vs City of Rancho Cordova (2007) 40 Cal 4th 412.

Any reasoned and honest analysis of the CCCSD offer would have foreseen that the CCCSD was never a likely source of water during a constrained water year. This water year is no different and on Jan 13, 2022 the CCCSD sent a letter to Mr. Hellman that states this in very clear terms. The first and last paragraphs are quoted below and a copy should be included in your staff report.

*“This letter is to notify the Shasta County Department of Resource Management that the Clear Creek Community Services District (CCCSD) does not have an agreement to provide a surface water transfer to the Bella Vista Water District (BVWD) during times of drought, nor does the District intend to enter into any such Agreement with the BVWD.”*

*“Because a potential agreement between the CCCSD and the BVWD to transfer a portion of CCCSD’s CVP allocation is cited in the Tierra Robles Planned Development Environmental Impact Report as a proposed source of supplemental water supply, the Board wanted to make clear to the County that this is not in fact a viable option.”*

The following paragraph was included in the FEIR as Attachment 1 dated Sept 24, 2021 from S2-J2 Engineering. It was written 3 months after CCCSD had already publicly acknowledged that they could not meet their own needs and was relying on a water transfer agreement with the City of Redding. This statement was reaffirmed by Tully and Young Engineering included in Attachment 2 dated Sept 28, 2021.

In addition to this mitigation, the EIR also analyzes one potential water supply that could satisfy the mitigation measure.<sup>10</sup> The EIR evaluates Clear Creek Community Services District’s (CCCSD) ability to supply 100 AF of supplemental water and the potential environmental effects that could potentially result. As documented in the EIR, CCCSD could supply 100 AF of water through a groundwater substitution transfer without significant environmental effects.<sup>11</sup> This conclusion is based on past pumping activities by CCCSD and the stable groundwater levels in the Anderson Sub-basin.<sup>12</sup>

This statement has now been proven to be unfounded. If the EIR had truly analyzed what CCCSD and the developer were proposing they would have seen that it was not a viable solution. Instead the EIR has relied on sources that had conflicts of interest (paid by the developer) and never questioned

their conclusions even in the face of publicly available data that completely refutes their statements above.

Each statement by the developer and the CCCSD was never questioned by the county or authors of the PRD EIR/Final EIR, even though there have been many in the community, as well as BVWD that have been raising serious doubts and questions for years about the ability of CCCSD to provide supplemental water. The mitigation measures listed in the EIR have proven to be inadequate, unfair, unreliable and unworkable. For example, the EIR states that BVWD can pump up to 4200-AF, which is 6 times Bella Vista's historical average and more than 2 1/2 times the highest single year ever pumped by Bella Vista. At the last BVWD meeting it was stated that pumping 3000 AF was unlikely.

Another mistaken assumption made in the EIR, the Water Study and by the developer is the use of 55 gallons per person per day. The EIR dismisses the concerns of Bella Vista Water and ALL of the commenters, that this is an unrealistic assumption<sup>1</sup>. The number, 55 GPD comes from the California Water Code<sup>2</sup> and is being used incorrectly.

This code states very clearly that the water retailer, Bella Vista, shall adopt one of the methods stated in the code for determining its baseline water use. Bella Vista, as the water retailer is the sole determiner of the method to be used. Bella Vista does not and has not used the provisional standard of 55 gallons per person per day. The 2015 Urban Water Management Plan uses 758 gallons per person per day<sup>3</sup>. This is a very large discrepancy, yet there is no reasoned discussion as to why the published standard is not used in the EIR.

Bella Vista's own letter pointed out this same issue, but the EIR never provides a good faith, reasoned analysis of why Bella Vista is incorrect. Why does the developer and the EIR continue to use anything other than the published methodology in the Urban Water Management Plan? This standard has been published since 2015, and the county and the developer could easily have seen it.

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<sup>1</sup> Tierra Robles EIR page 14-19 Master Response 3

<sup>2</sup> California Water Code 10608.20

<sup>3</sup> BVWD 2015 Urban Water Management Plan page 45 Table 5-3

CEQA requires the EIR to have a good faith, reasoned analysis of foreseeable environmental consequences. Also, under CEQA, it is fundamental that if an environmental impact is determined to be either significant or not-significant, that's it be based upon and supported by "substantial evidence". Now that the CCCSD is not a source of supplemental water, where is the "substantial evidence" of any other identified source? There has been no discussion or expert opinion supported by facts or reasonable assumptions of any other water source. This alone should invalidate the FEIR's water analysis. However, we're these water issues foreseeable? Yes! I and many others wrote about them in 2017 and spoke to this commission in 2019 about these issues.

The accuracy of the water supply and water demand assumptions are critical to all of Bella Vista's current and future customers. At each opportunity the county, in the EIR, has used low assumptions for water demand and high assumptions for water availability. This is misleading to the community, and decision makers, and creates a false sense of water security.

How can this this Commission rely on this EIR when its authors have been so wrong when confronted by serious questions for many years? The authors have repeatedly ignored our community's concerns, concerns which have now been proven to be true. Thankfully, the CCCSD has stated to Mr. Hellman and this Commission in unequivocal terms what many community members have known and have written about all along. No viable source of supplemental water has been identified. If the authors had taken a truly unbiased, reasonable analysis of water this project would not be facing such serious flaws at this late stage. These errors and omissions should be ample evidence that the Final EIR is so flawed in its water analysis that it cannot be considered to be in compliance with CEQA. Based on this I strongly recommend that this EIR be found inadequate and the Tierra Robles Development not be approved.

Thank You,

Jim Griffith



# SHASTA COUNTY SHERIFF

Michael L. Johnson  
SHERIFF - CORONER

March 28, 2022

Shasta County Planning Commission  
Attn: Paul Hellman, Shasta County Department of Resource Management  
1855 Placer Street, Suite 103  
Redding, Ca 96001

Re: OPPOSE – Tierra Robles 166 Suburban Subdivision

Dear Mr. Hellman,

I write today in opposition to the proposed amendments to the Shasta County General Plan Land Maps and related County Zoning Maps as reference in the Notice of the Public Hearing received by our office.

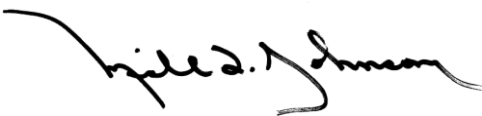
Below are a few areas of concern:

- **Traffic:** Historically, Palo Cedro has a light through traffic running north and south on Deschutes Road, connecting the community of Anderson to northeast Redding and Bella Vista. Highway 44 runs through Palo Cedro, as well. Adding 166 single family residences would result in an increase in traffic, which would pose a problem due to the fact there are no traffic signals in Palo Cedro proper (there is a traffic signal at the entrance to Foothill High School). The relatively low numbers of residents, in the area currently, negates having traffic controls in place. Increased traffic adds further strain, on already, limited resources for several agencies; California Highway Patrol, Sheriff's Office deputies, dispatchers, emergency medical responders, fire fighters, etc. A significant increase in response times could be a costly result of this plan.
- **Calls-for-service:** Palo Cedro is not a densely populated community. The Sheriff's Office personnel rarely respond to that community for large party complaints, loud music complaints, general disturbances and major assaults. Building an additional 166 family structures would create a situation where people are living in a densely populated area, which would result in an increase for those previously mentioned calls-for-service. While it's difficult to anticipate the impact these residences would cause, any increase in the volume of calls-for-service would result in the need for additional deputy sheriff staff to patrol the Palo Cedro area, which has historically been assigned to one deputy. Currently, we assign one deputy to this area. This increase in population could increase the need to a two deputy minimum requiring the Sheriff to increase patrol staff by eight deputies to cover all shifts, thus adding additional support staff, detectives, equipment, vehicles, computers, etc.

- **Population Influx:** The proposed 166 residences would likely be populated shortly after completion, resulting in a significantly sharp increase in population in a relatively small, unincorporated community. My office would be tasked with providing more metropolitan type law enforcement services as Palo Cedro would be more densely populated, similar to an incorporated city. Currently nationwide hiring trends in the field of law enforcement have been in decline throughout this decade. The Sheriff's Office, along with many law enforcement agencies in California, struggle to hire qualified candidates for sworn positions at a rate equal to the rate of attrition. The addition of residences coupled with a sharp population increase would further exacerbate and frustrate that process.
- **Community Resources:** This project will have a sudden significant impact to the entire community, not only the Palo Cedro area. The area is not adequately served by public transportation, medical services (clinics, dental offices, pharmacies [one store] etc.), grocery stores [one store] and the like. Additionally, this community is serviced by only one volunteer fire department.
- **Water:** Currently, and over the past several years, California has been experiencing drought conditions. This year in particular is being forecast as a historical drought situation, with many unincorporated cities in Shasta County not receiving any water allotments. Building this subdivision would require the Bella Vista Water District with supplemental water throughout the building process so current customers would not be impacted.
- **Fire Hazard:** With the additional 166 residences, and only one volunteer fire station, the risk of fire and containment drops significantly. The additional residences will add two to three miles of vehicles evacuating if a fire zone, leading to egress points becoming congested adding additional times for people to evacuate. As we learned with the recent fire in Shasta County, a fire can destroy towns and take lives in a matter of moments. Any delayed time will cost people their lives.

For these reasons and several others, I respectfully OPPOSE the Amendments to the Shasta County General Plan Land Use Maps and urge you to reflect on the impact this action, if approved, would have on the public safety to the citizens of Shasta County.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael L. Johnson  
Sheriff-Coroner  
County of Shasta



**Barbee and Brad Seiser**  
**10603 Northgate Drive**  
**Palo Cedro, CA 96073**  
[brad.seiser@frontier.com](mailto:brad.seiser@frontier.com)

March 31, 2022

Shasta County Planning Commissioners  
c/o Mr. Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001

Sent by Email 3/31/22: [phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)

Attachment #1 – TRCSD Feasibility Analysis

Attachment #2 – Public Records Act – County Emails about TRCSD/TRHOA and Onsite Waste Treatment Facilities

Dear Mr. Hellman,

Please forward this letter and attachments as evidence to the members of the Shasta County Planning Commission for the April 6th Tierra Robles FEIR Public Hearing. We respectfully submit these comments into the public record on behalf of the undersigned as further indications that the FEIR has not met CEQA requirements requiring them to Vote NO on the FEIR certification and Rezoning Amendment.

Warm regards,

***Brad Seiser and Barbee Seiser***

Dear Esteemed Commissioners,

We are writing this letter to bring to your attention the CEQA deficiencies and inadequacies of the FEIR to address the concerns of the TRCSD or TRHOA to meet its mitigation obligations due to questions related to the financial viability of these entities. The HOA structure and state laws and regulations does not provide for the same “Endowment Fund” that would be required for a CSD formation, which would mean there is no assurance that there will be sufficient funds to meet mitigation responsibilities and obligations.

**FROM: Master Response-4: Resource Management Areas** FINAL Partial Recirculated EIR November 2021 15-19 COMMENTS AND RESPONSES

“Among the concerns expressed is the idea that an HOA does not provide sufficient assurances of fiscal and service provision stability. The concerns reflect a common apprehension with local agencies’ allocation/delegation of community services to an HOA.”

“There are two court decisions involving HOAs that help provide solid legal assurances that the obligations imposed upon an HOA are properly discharged. The two decisions, *Ekstrom v. Marquesa at Monarch Beach HOA* (2008) 168 Cal. App. 4th 1111, and *James F. O’Toole Co., Inc. v. Los Angeles Kingsbury Court Owners Assn.* (2005) 126 Cal.App.4th 549, give local agencies strong assurances that the obligations imposed upon an HOA will be discharged as contemplated, and that the HOA will in fact raise the necessary funds to discharge its obligations.”

#### Seiser Discussion:

The RDEIR and FEIR fails to provide the sufficient evidence to back up their conclusions that the “obligations imposed upon an HOA will be discharged as contemplated and that the HOA will in fact raise the necessary fund to discharge its obligations.”

#### Briefly:

- 1) On 4/22/1019 the developer submitted a draft “Tierra Robles Feasibility Study” (See Attachment #1) to the County for consideration on the decision to move forward with either the TRCSD or the TRHOA. IT IS REASONABLE TO ASSUME/INFER THAT PROJECT EXPENDITURES AND REVENUES FOR AN HOA WILL BE THE SAME AS LONG AS A CSD WHEN COUNTY AND LAFCO OVERHEAD AND ADMIN EXPENSES ARE REMOVED.
- 2) The County had a meeting(s) on or around 9/17/2018 with County Auditor, Brian Muir, Paul Hellman, Pat Minturn and others. (See attachment #2 for County Emails related to TRCSD and HOA, Onsite Waste Treatment Facility issues and concerns)
- 3) For unknown reasons to the public, the County decided not to pursue the Tierra Robles Community Services District, but instead opted for an HOA and the developer concurred.
- 4) Feasibility Study Table 2 on page 3 summarizes the expected annual TRCSD funded services which would be borne by the HOA (CSD services are not included) totaling \$446,981 at buildout.
- 5) Page 10 “Phasing Considerations” shows in Table 5 (page11) the annual cash flow of the TRCSD revenues and expenditures and indicates the annual surplus or deficits resulting from TRSCD operations for all years of development. “As shown, collection of the Services CFD special tax and wastewater utility rates will be sufficient to fund annual ongoing operations at buildout, but the Project will experience interim deficits as it

builds out.” DEFICITS ARE PROJECTED IN 18 OF THE 20 YEARS OF BUILDOUT.

- 6) Page 10 notes that “Supplemental funding to cover the interim deficits resulting from TRCD operations will be achieved through a drawdown on the Endowment Fund (\$1.4 million initial developer funding and a one-time per lot special tax of \$2,500 to be collected upon the sale of the lot, in addition to the annual special tax and utility rates.
- 7) Per page 9 The expected annual special tax and Wastewater Utility Rate fees are \$2,260 and \$1,135 per unit respectively.
- 8) What we know is that under a TRCSD entity the developer is required to fund an Endowment Fund for meeting ongoing deficits in revenue over the course of buildout, however there is not sufficient evidence in the RDEIR or FEIR that such an Endowment funding mechanism is required for an HOA entity. What is the substantial evidence that the HOA will have funding mechanism of a “Endowment” or similarly functioning instrument for long-term cash flow/viability so as to ensure that ALL the required TRHOA FEIR RDEIR mitigations are funded and carried out.
- 9) It could also be said that the financial viability of the HOA is tempered in that there are only 166 lots (too few) having to underwrite too large an expenditure for mitigation, maintenance, etc. This is not an HOA with 500 or 1000 homes having an enormous HOA cashflow.

The evidence summarized from the attachments #1 and #2 speak to the FEIR CEQA inadequacies and deficiencies that should require the Planning Commission to vote NO on the FEIR Certification and Rezoning Amendment as

Warm regards,

*Brad Seiser and Barbee Seiser*

cc: Shasta County Board of Supervisors

## Kimberly Hunter

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**From:** Steve Nelson <sdnelson@shasta.com>  
**Sent:** Monday, April 22, 2019 2:26 PM  
**To:** Paul Hellman; Lisa Lozier; Kimberly Hunter  
**Subject:** FW: TRCSD Feasibility Analysis  
**Attachments:** 182141 m1 04-17-19.pdf

Paul

Attached is the Feasibility Analysis for the formation for the Tierra Robles CSD.  
Let me know if you have any questions.

**Steve Nelson**  
***S<sub>2</sub>-J<sub>2</sub> Engineering, Inc.***  
P.O. Box 650  
Cottonwood, CA 96022  
Phone: (530) 347-5168  
Cell: (530) 945-6076

## **MEMORANDUM**

To: Shasta Red, LLC  
CC: Steve Nelson  
From: Ellen Martin and Sean Fisher  
Subject: Tierra Robles Community Services District Feasibility Analysis;  
EPS #182141  
Date: April 17, 2019

*The Economics of Land Use*



### **Introduction and Purpose**

Shasta Red, LLC (Applicant) is proposing to develop the Tierra Robles Development (Project), an approximately 715-acre residential development, in unincorporated Shasta County (County). To ensure that the Project adheres to the conditions which were approved by the County, an independent governing entity, the Tierra Robles Community Services District (TRCSD or District), is proposed to be established. As part of the Project entitlement and TRCSD formation process, the County has requested an analysis assessing the financial feasibility of the District, ensuring financial independence with minimal impact to the County's fiscal condition.

To accommodate this request, the Applicant has retained Economic & Planning Systems, Inc. (EPS) to complete a feasibility analysis (Analysis) of the proposed TRCSD. This memorandum has been prepared for the following purposes:

- Present the TRCSD technical Analysis.
- Describe the funding mechanisms proposed to fund operations of the District.
- Identify services and corresponding costs for activities to be performed by the District.
- Describe the impact of the District on the County's fiscal position.

*Economic & Planning Systems, Inc.  
400 Capitol Mall, 28th Floor  
Sacramento, CA 95814  
916 649 8010 tel  
916 649 2070 fax*

*Oakland  
Sacramento  
Denver  
Los Angeles*

*[www.epsys.com](http://www.epsys.com)*

## Project Background

Situated at the north end of the Sacramento Valley, the proposed Project area is 5 miles east of the City of Redding and the Interstate 5 corridor in the County. The Project is located south of State Route 299, between the unincorporated communities of Bella Vista and Palo Cedro. Buildout of the Project is anticipated to include 166 residential units on approximately 530 acres and approximately 190 acres of open space, as shown in **Table 1** below. The Analysis is based on the assumption the Project is will develop in 6 phases. Although the exact timing of each phase is unknown at this time, the Analysis is based on the assumption the Project will develop over a span of 20 years. **Table A-1** in **Appendix A** displays the anticipated Project development by phase. **Table A-2** illustrates the assumed annual absorption of the Project over the 20-year timeline.

**Table 1: Project Land Uses at Buildout**

Land Use	Total	
	Acres	Dwelling Units
<b>Project Land Uses at Buildout</b>		
Rural Residential and Right of Way	527.2	166
Open Space	192.7	-
<b>Total All Land Uses</b>	<b>719.9</b>	<b>166</b>

*lu sum*

Source: Tierra Robles Community Services District; EPS.

## TRCSD Funding Responsibilities

The TRCSD will be an independent governing entity responsible for the oversight and implementation of a variety of plans and maintenance facilities providing critical services to the Project. The funding responsibility for TRCSD includes costs of maintaining backbone infrastructure and other facilities, the TRCSD oak woodlands management plan and other plans, and overall TRCSD administration costs, including a share of County overhead costs. At the time of formation, the County Board of Supervisors will serve as the acting board of the TRCSD until such a time as the Project has reached the point requiring an independent board, as dictated by the County Local Agency Formation Commission (LAFCO) or as set forth in the TRCSD formation documents.

**Table 2** provides a summary of TRCSD-funded services and corresponding annual costs at buildout of the Project. **Table 3** provides the annual expenditure costs by category for each phase of development. The following section provides a brief description of services to be provided by the TRCSD.

**Table 2**  
**Tierra Robles CSD Feasibility Analysis**  
**Summary of Proposed TRCSD Funded Services and Costs**

Facility/Service Category	Services Provided	Annual Expenditure [1]	Funding Source
<b>Backbone Infrastructure and Other Facilities</b>			
Roadway and Street Maintenance	Maintenance of 6.07 miles of roadway, including 32,073 lineal feet of roadway, 8 foot wide bike paths along roadway, roadside areas within right of way, and drainage facilities. Includes individual creek crossings and two bridges.	\$81,583	Services CFD
Wastewater	Wastewater costs including electricity to pumps, septic tank inspections, laterals, collection system pipeline, treatment/dispersal operations, sampling/lab fees, environmental compliance. Individual septic tanks on each parcel is to be installed and maintained by the property owner with inspections carried out by TRCSD as needed.	\$106,467	Utility Rate Charges
Storm Drainage	Each lot owner will be required to maintain the individual Best Management Practices, but the TRCSD will implement an annual inspection procedure to ensure these facilities are functioning as required.	\$9,000	Services CFD
Landscape Maintenance	Water costs and repair/supply costs for landscaped areas.	\$130,000	Services CFD
Open Space	Maintenance of open space and resource management areas.	\$64,922	Services CFD
Reserve Fund	Fund for replacement of wastewater facilities	\$42,280	Utility Rate Charges
<b>Other Services</b>			
Tierra Robles Oak Woodland Management Plan [2]	Implementation of the Oak Woodland Management Plan.	\$12,729	Services CFD
Other Management Plans and Oversight	Implementation of other management plans including the Tierra Robles Wildland Fuel/Vegetation Management Plan.	TBD	Services CFD
<b>Administrative Services</b>			
TRCSD Administration [3]	Administrative costs related to operation of the TRCSD including District management and office space requirements.	\$65,670	Services CFD
County Overhead [4]	County incurred costs pertaining to administration of TRCSD	Varies	Services CFD

*exp method*

Source: Tierra Robles Community Services District; EPS.

[1] Refer to Table 3 for annual expenditure calculations by phase.

[2] Oak woodland management plan costs are based on EPS research of costs for similar management programs in other areas. Refer to Table B-9 for details.

[3] Includes the cost for tax levy preparation by the County.

[4] Includes additional County overhead costs to other departments required to assist the Board of Supervisors for the period of time in which the Board of Supervisors is the acting board of TRCSD, currently estimated to apply through Phase 3 of the Project. Direct board costs are included in the TRCSD Administration category. County Overhead includes only additional County services provided to the Board above and beyond the regular costs to serve TRCSD.

**Table 3  
Tierra Robles CSD Feasibility Analysis  
Annual Expenditure by Phase**

Item	Cumulative Annual Expenditures by Phase					
	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6
<b>Roadway and Street Maintenance</b>						
Slurry Seal	\$8,229	\$11,674	\$14,246	\$18,026	\$18,514	\$19,597
Overlay	\$20,800	\$29,510	\$36,010	\$45,565	\$46,800	\$49,536
Stream Crossing Facilities Maintenance/Replacement	\$3,112	\$3,112	\$3,112	\$7,781	\$8,559	\$12,450
<b>Total Roadway and Street Maintenance</b>	<b>\$32,141</b>	<b>\$44,297</b>	<b>\$53,368</b>	<b>\$71,372</b>	<b>\$73,874</b>	<b>\$81,583</b>
<b>Landscape Maintenance</b>						
Water	\$200	\$200	\$4,000	\$6,000	\$6,000	\$10,000
Landscape Areas	\$30,000	\$30,000	\$60,000	\$90,000	\$105,000	\$120,000
<b>Total Landscape Maintenance</b>	<b>\$30,200</b>	<b>\$30,200</b>	<b>\$64,000</b>	<b>\$96,000</b>	<b>\$111,000</b>	<b>\$130,000</b>
<b>Storm Drainage</b>						
Storm Drains BMP Maintenance/Replacement	\$2,000	\$2,000	\$4,000	\$6,000	\$8,000	\$9,000
<b>Total Storm Drainage</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$4,000</b>	<b>\$6,000</b>	<b>\$8,000</b>	<b>\$9,000</b>
<b>Maintained Open Space</b>						
Open Space Areas	-	-	\$18,588	\$19,508	\$19,508	\$23,122
Resource Management Areas	\$10,200	\$14,000	\$18,000	\$24,000	\$36,000	\$41,800
<b>Total Maintained Open Space</b>	<b>\$10,200</b>	<b>\$14,000</b>	<b>\$36,588</b>	<b>\$43,508</b>	<b>\$55,508</b>	<b>\$64,922</b>
<b>Wastewater</b>						
Electricity	\$960	\$1,920	\$2,880	\$3,360	\$3,360	\$3,840
Septic Tanks Inspection	\$2,760	\$3,900	\$5,340	\$6,540	\$9,120	\$9,960
Laterals	\$460	\$650	\$890	\$1,090	\$1,520	\$1,660
Collection System Pipeline	\$800	\$1,240	\$1,520	\$1,885	\$2,305	\$3,207
Treatment/Dispersal OM&M	\$26,000	\$26,000	\$26,000	\$26,000	\$26,000	\$39,000
Sampling/Lab Fees	\$43,800	\$43,800	\$43,800	\$43,800	\$43,800	\$43,800
Environmental Compliance	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
<b>Total Wastewater</b>	<b>\$79,780</b>	<b>\$82,510</b>	<b>\$85,430</b>	<b>\$87,675</b>	<b>\$91,105</b>	<b>\$106,467</b>
<b>TRCSD Administration</b>						
Management	\$29,000	\$39,000	\$39,000	\$49,000	\$49,800	\$49,800
Office Space Rent	TBD	TBD	TBD	TBD	TBD	TBD
Property Taxes	-	\$1,250	\$1,250	\$1,250	\$1,250	\$2,500
Insurance	\$1,200	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500
Legal Services	-	\$3,250	\$4,450	\$5,450	\$7,600	\$8,300
Accounting	\$690	\$975	\$1,335	\$1,635	\$2,280	\$2,490
Tax Levy Preparation	\$136	\$53	\$59	\$64	\$76	\$80
<b>Total TRCSD Administration</b>	<b>\$31,026</b>	<b>\$47,028</b>	<b>\$48,594</b>	<b>\$59,899</b>	<b>\$63,506</b>	<b>\$65,670</b>
<b>County Overhead [1]</b>	<b>\$403</b>	<b>\$569</b>	<b>\$779</b>	-	-	-
<b>Oak Woodland Management Plans</b>	<b>\$2,967</b>	<b>\$2,967</b>	<b>\$10,815</b>	<b>\$11,204</b>	<b>\$11,204</b>	<b>\$12,729</b>
<b>Reserve Fund</b>						
Laterals	\$1,725	\$2,438	\$3,338	\$4,088	\$5,700	\$6,225
Collection System Pipeline	\$6,000	\$9,150	\$11,400	\$14,138	\$17,288	\$24,055
Pumps	\$1,200	\$1,800	\$1,800	\$2,100	\$2,100	\$2,400
Controls	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400
Treatment	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200	\$7,200
<b>Total Reserve Fund</b>	<b>\$18,525</b>	<b>\$22,988</b>	<b>\$26,138</b>	<b>\$29,925</b>	<b>\$34,688</b>	<b>\$42,280</b>
<b>Total Costs (Cumulative)</b>	<b>\$207,242</b>	<b>\$246,558</b>	<b>\$329,712</b>	<b>\$405,584</b>	<b>\$448,884</b>	<b>\$512,651</b>
<i>Incremental Cost by Phase</i>		\$39,316	\$83,154	\$75,872	\$43,301	\$63,766

phase cost

Source: TRCSD; EPS.

[1] Includes additional County overhead costs to other departments required to assist the Board of Supervisors for the period of time in which the Board of Supervisors is the acting board of TRCSD, at which point, these overhead costs will no longer be incurred by County Staff. These costs include the costs of supporting the Board of Supervisor's role as initial board for TRCSD and do not include other County costs allocated to TRCSD (i.e. tax levy preparation), which are included in TRCSD administration costs.



## **Backbone Infrastructure and Other Facilities**

TRCSD will fund and perform ongoing maintenance for several backbone infrastructure and facilities items.

### ***Roadway and Street Maintenance***

The Project is anticipated to contain approximately 6 miles of roadways, including approximately 32,000 lineal feet of roadway, and 8-foot-wide bike paths. TRCSD will fund ongoing maintenance of roadside areas within the right-of-way and drainage facilities. The roadway system of the Project includes individual creek crossings and 2 bridges. There will be an inspection schedule outlined by the TRCSD for ongoing inspection and maintenance. The road system is configured similar to a Permanent Road Division with standard maintenance requirements on a typical maintenance schedule over time.

### ***Wastewater***

TRCSD will be responsible for several wastewater infrastructure maintenance costs, including electricity to pumps, septic tank inspections, laterals, collection system pipeline, treatment/dispersal operations, sampling/lab fees, and environmental compliance. Installation and maintenance of individual septic tanks for each residential parcel will be the responsibility of the property owner, and the TRCSD will be responsible for annual inspection of the privately maintained tanks and will require home owners to pump the tanks as required. The TRCSD is responsible for the force main from the point of connection at the road rights of way. TRCSD will operate and maintain the collection force main to the treatment plant. The treatment plant and the dispersal system will be the responsibility of the TRCSD. In addition to the ongoing maintenance items included in the wastewater categories on **Tables 2 and 3**, the reserve fund includes replacement for wastewater infrastructure items, such as laterals, pipeline, pumps, controls, and treatment facilities.

### ***Storm Drainage***

The Tierra Robles Hydrology Analysis calls for different onsite Best Management Practices (BMPs) to be implemented and maintained over time to control the storm water flow offsite to a preconstruction level. These BMPs will be inspected and maintained by the TRCSD. An additional part of the Hydrology Analysis was to implement BMPs on the storm water discharge from all the individual lots. While each lot owner will be required to maintain the individual BMPs, the TRCSD, as part of the approval on the individual lot site plans, will be required to review and approve these BMPs and implement an inspection procedure to ensure compliance.

### ***Landscape and Open Space Maintenance***

TRCSD will be responsible for costs pertaining to maintenance of landscaped areas, including water supply costs and landscaping repair and replacement. The Project is anticipated to contain 192 acres of open space and 209 resource management area acres. TRCSD will be responsible for funding ongoing maintenance of open space and resource management acres.

### **Other Services**

In addition to backbone infrastructure, TRCSD will be responsible to fund implementation and oversight on Project management plans, including the oak woodlands management plan.

### ***Oak Woodlands Management Plan***

Implementation and ongoing oversight of the oak woodlands management plan, as prepared by Wildland Resource Managers, will be the responsibility of the TRCSD. The funding is a part of the approved budget when the TRCSD was approved by County LAFCO. Further details pertaining to the calculation of the oak woodlands management plan are included in the methodology section later in this memorandum.

### ***Other Management Plans and Oversight***

TRCSD will be responsible for oversight of several additional management plans, such as the TRCSD wildland fuel/vegetation management plan. As detailed later in this memorandum, costs for fuel treatment are included in the annual costs allocated to the oak woodlands management plan.

### **TRCSD Administration**

TRCSD will be responsible for fund administration costs of the District, including reimbursing County overhead costs for the portion of time during which the County Board of Supervisors serves as the acting board of the TRCSD.

#### ***TRCSD Administration***

All administrative costs related to TRCSD operations will be funded by the TRCSD, including annual costs pertaining to management, rent, property taxes, insurance, legal services, accounting services, and tax levy preparation.

#### ***County Overhead***

Additional County overhead costs pertain to activities performed by other County departments to assist the Board of Supervisors for the period of time in which the Board of Supervisors is the acting board of the TRCSD. This category does not include direct Board of Supervisors'-related costs (e.g., room rental, supplies, printing services), which are included in the TRCSD Administration category, described above. The County overhead expenditures include only additional County services provided to the Board of Supervisors above and beyond the regular costs to serve the TRCSD. As shown in **Table 3**, this cost only applies to Phases 1 through 3 of the Project, after which, it is assumed an independent board will be elected.

## **Funding Sources**

To fund the responsibilities described in the previous section and mitigate any risk to the County, the TRCSD will implement three different funding mechanisms: a Community Facilities District (CFD) for services, wastewater utility rates, and an endowment fund. The Analysis is based on the assumption that, at the time of finished lots are sold, the property owner will be required to pay special taxes and utility rates. **Table 4** shows the allocation of costs to each funding mechanism and calculates the annual special tax and utility rate per unit. Should the assumptions included in this Analysis change, the annual special tax and utility rates may be subject to change.

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Table 4  
 Tierra Robles CSD Feasibility Analysis  
 Cost Allocation at Buildout

Item	Funding Source	Total Costs	Total Costs by Funding Mechanism		
			Services CFD	Wastewater Utility Rate	Endowment Funding
<b>Annual Expenditure Category</b>					
Roadway and Street Maintenance	Services CFD	\$81,583	\$81,583	-	-
Landscape Maintenance	Services CFD	\$130,000	\$130,000	-	-
Storm Drainage	Services CFD	\$9,000	\$9,000	-	-
Maintained Open Space	Services CFD	\$64,922	\$64,922	-	-
Wastewater	Utility Rate Charges	\$106,467	-	\$106,467	-
Reserve Fund	Utility Rate Charges	\$42,280	-	\$42,280	-
<b>Subtotal Annual Expenditures</b>		<b>\$434,252</b>	<b>\$285,505</b>	<b>\$148,747</b>	-
<b>Administrative and Overhead Expenditures</b>					
TRCSD Administration	[1]	\$65,670	\$43,176	\$22,494	-
County Overhead		-	-	-	-
Oak Woodlands Management Plan	Services CFD	\$12,729	\$12,729	-	-
<b>Total Administrative and Overhead Expenditures</b>		<b>\$78,399</b>	<b>\$55,905</b>	<b>\$22,494</b>	-
<b>Subtotal Annual Expenditures</b>		<b>\$512,651</b>	<b>\$341,409</b>	<b>\$171,241</b>	-
Contingency (10.0%)	[2]	\$51,265	\$34,141	\$17,124	-
<b>Total Annual Expenditures</b>		<b>\$563,916</b>	<b>\$375,550</b>	<b>\$188,366</b>	-
<b>Annual Assessment / Rate</b>					
Total Annual Expenditures		\$563,916	\$375,550	\$188,366	-
Total Units			166	166	
<b>Annual Assessment/Rate per Unit</b>			<b>\$2,262</b>	<b>\$1,135</b>	

rates

Source: Tierra Robles Community Services District; EPS.

[1] TRCSD administrative costs are allocated across funding mechanisms based on the proportional share of total costs funded by each mechanism.

[2] Contingency is based on an estimated percentage of all costs for each funding mechanism.

### **CFD for Services**

The TRCSD will rely on CFD special taxes for a portion of the services it will be charged with providing. The special taxes would be established pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code (Mello-Roos CFD Act). The Mello-Roos CFD Act specifies that the following services, among others, are eligible to be funded through special tax revenues:

- Roadway and Street Maintenance
- Storm Drainage
- Landscape Maintenance
- Open Space and Resource Management Areas
- Oak Woodland Management Plan
- TRCSD Administration

TRCSD administration costs will be funded through a combination of the annual special tax and utility rate. In addition, the total amount to be collected by implementation of the special tax annually includes a 10 percent contingency.

The CFD for services will also include a one-time special tax to be collected at the time of lot sale to fund ongoing endowment fund operations, as described in later sections.

### **CFD for Services Formation Process**

The following text briefly summarizes the CFD formation process for a CFD being formed to fund public services.

Among other things, goals and policies relating to use of Mello-Roos CFDs must be adopted before proceedings are initiated to establish a CFD. Further, the Mello-Roos CFD Act requires a public hearing be held before consideration of resolutions that would establish the CFD and call for an election on the question of levying an annual special tax.

The proposed CFD would be a landowner-voter district, given the fact that no person resides in the territory of the proposed district (and therefore, at least 12 persons will not have been registered to vote in the territory of the proposed district for each of the 90 days preceding the public hearing).

At the public hearing, if people owning 50 percent or more of the land in the territory proposed to be included in the district file written protests against establishment of the district, and protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the specified district or to levy the specified special tax shall be taken for a period of 1 year from the date thereof. At the conclusion of the public hearing, if there is no majority protest, the Board of Supervisors may proceed to adopt a resolution forming the district.

With appropriate signed consents and waivers of all property owners and the signed consent of the election official (County Clerk) in place, an election may be held immediately following the close of the public hearing on the issue of the levy of the special tax. The election would be conducted as a landowner-voter election, with each landowner having one vote for each acre or portion of an acre of land owned by them in the proposed district. If not fewer than two-thirds of the votes cast are in favor of the levy of the special tax, the Board of Supervisors may then

proceed to adopt an ordinance levying the tax. If the proposition fails to receive the requisite vote, then no further action may be taken with respect to levying the special tax in the district for a period of 1 year from the date of the election.

The special tax will be levied and collected as one annual tax containing funding for all included components and the contingency. Establishing a maximum special tax rate at the level shown in **Table 4** would ensure the collection of the special tax would be adequate to fund buildout annual operating costs pertaining to the above-listed items. In the interim years of development, collection of the annual special tax may not be sufficient to fund all included cost. Should this occur, supplemental funding from the endowment fund will be used to offset any deficits.

As shown in **Table 4**, when the entire Project builds out, the estimated maximum special tax per unit would be approximately \$2,260 per unit.

### **Wastewater Utility Rate**

Initial funding for establishing a wastewater utility and treatment company will be funded by the developer at the onset of the development. As the Project develops, funding for annual wastewater costs, including funding the reserve fund for replacement, will be maintained through the collection of a wastewater utility rate. The TRCSD intends to establish a wastewater utility and will assess and levy an annual wastewater utility rate on all dwelling units in the Project. As shown in **Table 4**, at full buildout of the Project, the estimated annual wastewater utility rate per unit would be approximately \$1,135 per unit. Establishing a wastewater utility rate at this level would ensure the collection of the utility rate would be adequate to fund annual wastewater costs at buildout. In the interim years of development, collection of the utility rate may not be sufficient to fund all wastewater costs. Should this occur, supplemental funding from the endowment fund will be used to offset any deficits. In addition, as described in the following section, the endowment fund will include an allowance in the early years of development to offset any risk related to upfront developer funding of wastewater-related costs.

### **Endowment Fund**

While not used to fund any ongoing TRCSD expenditures, the TRCSD will establish an endowment fund with the goal of providing funding for interim deficits as the Project builds out. The endowment fund will be funded through two sources:

1. Initial developer funding requirements totaling \$1.4 million, to be used to capitalize the endowment fund at the outset of development.
2. A one-time per-lot special tax of \$2,500 included in the Services CFD to be collected upon the sale of the lot, in addition to annual special tax and utility rates.

Initial developer funding includes an investment of \$250,000 intended to ensure adequate funding for the wastewater treatment facility in the early years of development. Following development of the first 3 phases of the Project (Year 11), this wastewater facility funding will be reimbursed to the developer. At the completion of development, the Project will be fully funded through the collection of annual taxes and utility fees, and any remaining endowment funds will be reimbursed to the developer.

## Phasing Considerations

As discussed previously, the Analysis is based on the assumption the Project will develop over a period of 20 years. **Table A-2** in **Appendix A** shows the annual land use development absorption assumptions. The Analysis includes an assessment of TRCSD feasibility, not only at buildout of the Project, but across all years during development. **Table 5** shows the annual cash flow of TRCSD revenues and expenditures and indicates the annual surplus or deficit resulting from TRCSD operations for all years of development. As shown, collection of the Services CFD special tax and wastewater utility rate will be sufficient to fund annual ongoing operations at buildout, but the Project will experience interim deficits as it builds out.

Supplemental funding to cover the interim deficits resulting from TRCSD operations will be achieved through a drawdown on the endowment fund. **Table 6** shows the activity of the endowment fund across all years of development. A drawdown on the endowment fund will be required to offset annual deficits in Years 1 through 18. At the completion of development, the Project will be fully funded through collection of annual taxes and utility fees, and any remaining endowment funds will be reimbursed to the developer.

## Expenditure-Estimating Methodology

**Appendix B** contains tables estimating ongoing annual expenditures pertaining to TRCSD operations. **Tables B-1** through **B-6** show the estimating procedure for the majority of funded TRCSD expenditures. Annual expenditure calculations for all major infrastructure, other services, and administrative costs listed previously are described in further detail in the following sections.

### Backbone Infrastructure and Other Facilities

Based on information provided by the Applicant, backbone infrastructure and other facilities costs are estimated based on anticipated unit counts, maintenance costs per unit, and replacement or maintenance interval. **Tables B-1** through **B-6** show the calculation of all backbone infrastructure and other facilities costs by phase, except reserve fund expenditures, which are calculated on **Table B-10**.

#### Roadway and Street Maintenance

Roadway and street maintenance expenditures are estimated based on anticipated replacement costs per square foot of slurry seal and overlay and cost-per-unit replacement of stream crossing facilities. The Analysis is based on the assumption slurry seal will be replaced every 7 years, overlay every 20 years, and stream crossings every 50 years.

#### Landscape Maintenance

Landscape maintenance expenditures are estimated based on anticipated annual water use costs per cubic foot and annual landscape area maintenance costs per square foot.

#### Storm Drainage

Storm drainage expenditures are estimated based on anticipated per-unit annual costs for storm drainage BMPs maintenance and replacement.

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Table 6  
Terra Robles CSD Feasibility Analysis  
Annual Cashflow of TRCSD Revenues and Expenditures

Item	Annual Revenues/Expenditures																				
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	
<b>Revenues</b>																					
Spillies C/D	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35	\$2,262.35
Water Utility Rate Elevation	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73	\$1,131.73
Total Annual Revenues	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08	\$3,394.08
<b>Expenditures (2)</b>																					
<b>Backbone Infrastructure and Other Facilities</b>																					
Roadway and Street Maintenance	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141	\$32,141
Water Treatment Plant	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Storm Drainage	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Open Space	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Wastewater	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760	\$79,760
Total Backbone Infrastructure and Other Facilities	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321	\$154,321
<b>Other Services</b>																					
Terra Robles Oak Woodland Management Plan	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037	\$2,037
Fire and Overight	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867	\$2,867
Total Other Services	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904	\$4,904
County Overhead	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403	\$403
Reserve Fund	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525	\$18,525
Subtotal Expenditures	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242	\$207,242
Contingency (10.0%)	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724	\$20,724
Total Expenditures	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966	\$227,966
<b>Total Annual TRCSD Surplus (Deficit)</b>	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)	(\$187,552)
<b>Additional TRCSD Surplus (Deficit)</b>	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292	\$167,292
<b>Net Annual TRCSD Surplus (Deficit)</b>	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740

Sources: Terra Robles Community Services District; EPS

(1) Refer to Table 4 for details.  
(2) Assumes all costs incurred by phase are realized in the first year of development for any given phase. Refer to Table 3 for details pertaining to annual costs by phase and Table A-2 for a detailed line item absolute schedule.

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**Table 6**  
**Tierra Robles CSD Feasibility Analysis**  
**Endowment Fund**

Year	Beginning Balance	Interest Earnings	Additional Endowment Funding	Supplemental Funding Requirement	Developer Reimbursement	Ending Balance
<i>Assumption/Source</i>		[1]	\$2,500 per Unit [2]	Table 5		
Developer Funding [3]	\$1,400,000					
Year 1	\$1,400,000	\$14,000	\$22,500	(\$197,392)	\$0	\$1,239,108
Year 2	\$1,239,108	\$12,391	\$22,500	(\$166,819)	\$0	\$1,107,180
Year 3	\$1,107,180	\$11,072	\$22,500	(\$136,245)	\$0	\$1,004,507
Year 4	\$1,004,507	\$10,045	\$22,500	(\$105,671)	\$0	\$931,381
Year 5	\$931,381	\$9,314	\$22,500	(\$75,097)	\$0	\$888,097
Year 6	\$888,097	\$8,881	\$22,500	(\$87,771)	\$0	\$831,707
Year 7	\$831,707	\$8,317	\$22,500	(\$57,197)	\$0	\$805,327
Year 8	\$805,327	\$8,053	\$22,500	(\$118,093)	\$0	\$717,787
Year 9	\$717,787	\$7,178	\$22,500	(\$87,519)	\$0	\$659,946
Year 10	\$659,946	\$6,599	\$22,500	(\$140,404)	\$0	\$548,641
Year 11	\$548,641	\$5,486	\$22,500	(\$109,831)	(\$250,000)	\$216,797
Year 12	\$216,797	\$2,168	\$22,500	(\$79,257)	\$0	\$162,208
Year 13	\$162,208	\$1,622	\$22,500	(\$96,314)	\$0	\$90,016
Year 14	\$90,016	\$900	\$22,500	(\$65,740)	\$0	\$47,676
Year 15	\$47,676	\$477	\$22,500	(\$35,167)	\$0	\$35,486
Year 16	\$35,486	\$355	\$22,500	(\$4,593)	\$0	\$53,748
Year 17	\$53,748	\$537	\$22,500	(\$44,162)	\$0	\$32,623
Year 18	\$32,623	\$326	\$22,500	(\$13,588)	\$0	\$41,861
Year 19	\$41,861	\$419	\$10,000	\$0	\$0	\$52,280
Year 20	\$52,280	\$523	\$0	\$0	(\$52,803)	\$0
Ending Balance [4]	\$0	\$0				

*endowment*

Source: Tierra Robles Community Services District; EPS.

- [1] Assumes an annual interest earnings, net of inflation, of 1%.
- [2] Assumes one-time payment upon issuance of building permit or land transaction (timing TBD) that will help to capitalize endowment for purposes of funding interim shortfalls.
- [3] Initial developer funding includes an investment of \$250,000 intended to ensure adequate funding for the wastewater treatment facility in the early years of development. Following development of the first 3 phases of the Project (Year 11), this wastewater facility funding will be reimbursed to the developer. The remainder of the endowment funds interim shortfalls and the Project develops.
- [4] Endowment is established with a goal of providing funding for interim deficits as the Project buildout. At the completion of development, the Project will be fully funded through collection of annual taxes and utility fees and any remaining endowment funds will be reimbursed to the developer.



### **Maintained Open Space Maintenance**

Open space and resource management area maintenance expenditures are estimated based on annual per-acre maintenance costs applied to all open space and resource management acres.

### **Wastewater Maintenance**

Wastewater maintenance expenditures are estimated based on the following annual costs:

- Cost per pump cost for electricity.
- Cost per unit for septic tank inspection.
- Cost per unit maintenance costs for laterals.
- Cost per linear foot of collection system pipeline.
- Weekly cost of treatment and dispersal OM&M.
- Daily fees for sampling and lab work.
- Per-unit fee for environmental compliance.

### **Reserve Fund**

Annual reserve fund expenditures are estimated to provide adequate funding for replacement of key wastewater facilities at the end of their useful life. Annual reserve fund expenditures include annual costs pertaining to replacement of the following items:

- Per unit replacement costs for laterals, assuming a 40-year recurrence interval.
- Per linear foot replacement costs for collection system pipelines, assuming a 40-year recurrence interval.
- Per unit replacement costs for pumps, assuming a 5-year recurrence interval.
- Per unit replacement costs for controls, assuming a 5-year recurrence interval.
- Per unit replacement costs for treatment facilities, assuming a 25-year recurrence interval.

Refer to **Table B-10** in **Appendix B** for details pertaining to the calculation of annual reserve fund expenditures.

### **Other Services**

#### **Oak Woodland Management Plan**

The Analysis is based on the assumption that the developer will assume all implementation costs pertaining to the oak woodland management plan, and the TRCSD will be responsible for funding ongoing annual maintenance and management costs. Included in these annual costs are habitat maintenance, reporting and monitoring, office and field equipment, and administration costs. Annual habitat maintenance expenditures include weed control and ongoing fuel treatment costs allocated to all Project open space acres per phase. Reporting and monitoring, office and field equipment, and administrative costs are estimated as an annual cost that is not anticipated to increase across the phases of development, based on either the recurrence interval of each activity or anticipated labor hours required for completion. To estimate the annual costs and recurrence intervals for the above-listed items, EPS reviewed similar oak woodland management plans for other jurisdictions, including the El Dorado Hills Community Services District and

publicly available information provided by the Sacramento Area Flood Control Agency. **Table B-9** in **Appendix B** shows the calculation of annual oak woodland management plan costs by phase.

### **TRCSD Administration**

The majority of TRCSD administrative costs are estimated based on information provided by the Applicant as shown on **Tables B-1** through **B-6**. Annual TRCSD administration costs include the following cost categories:

- Management
- Office Space Rent
- Property Taxes
- Insurance
- Legal Services
- Accounting
- Tax Levy Preparation
- County Overhead

With the exception of tax levy preparation and County overhead, all TRCSD administrative costs are based on information provided by the Applicant in the proposed TRCSD budget documents.

### **Tax Levy Preparation**

Tax levy preparation costs include costs associated with County efforts to assign and levy the annual tax to TRCSD parcels. The County Auditor-Controller charges fees to special districts when a new charge is levied on County property tax rolls. Based on the Property Tax Direct Charges 2018-2019 letter from the County Auditor-Controller to special districts and government agencies, dated May 19, 2018, the Analysis estimates fees to be charged to the TRCSD for the setup and administration of the TRCSD special tax. These fees include a one-time setup charge, annual maintenance charge, and a per-parcel file import charge. **Table B-7** in **Appendix B** shows the calculation of annual tax levy preparation costs by phase.

### **County Overhead**

The Analysis assumes that the County Board of Supervisors will serve as the Board of Supervisors of the TRCSD at the outset of development. In accordance with relevant California statutes, the Board of Supervisors will cease to operate as the board for the TRCSD either 10 years following formation of the district or when the district contains 500 residents, whichever comes first. Based on current development and absorption assumptions, the Analysis is based on the assumption an independent board will be established 10 years after the onset of development, in Phase 3 of development.<sup>1</sup>

In addition to any board-related costs included in general TRCSD administration cost estimates, the Analysis therefore includes an estimate of additional County overhead costs reflecting the increased support activities required for the portion of time the County Board of Supervisors is

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<sup>1</sup> Based on 2006 CSD legislation (SB-135-Kehoe) Section 61022, the local agency formation can as a term and condition of approving the formation of the district establish a lower threshold requirement requiring a vote to establish an independent board.

operating as the governing entity for the TRCSD. Examples of potential support activities included in this estimate are support from the County Auditor-Controller and other County staff above and beyond any tasks identified as part of TRCSD administration.

County overhead costs for this period are estimated based on the budgeted 2018-19 County Board of Supervisors expenditures. The Analysis calculates a Board of Supervisors cost per capita for existing residents and applies this cost to TRCSD residents to estimate the additional costs required for the period of time in which the Board of Supervisors is the governing entity of the TRCSD. **Table B-8** in **Appendix B** shows the estimation of County overhead costs.

## **Conclusion**

Based on the assumptions described above and included in the Analysis, the TRCSD will be self-funded at buildout of the Project through the collection of special taxes and utility rates at levels described herein. Interim deficits may occur as the Project builds out, which are to be funded through an endowment fund to be established with initial developer contributions and a one-time special tax per lot. Should the assumptions included in this Analysis change, the annual special tax and utility rates may be subject to change.

APPENDICES:

Appendix A: Land Use Assumptions

Appendix B: Annual Expenditure Calculations



APPENDIX A:  
Land Use Assumptions

Table A-1 Incremental and Cumulative Land Uses by Phase .....A-1  
Table A-2 Annual Land Use Absorption Assumption .....A-2



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**Table A-1  
Tierra Robles CSD Feasibility Analysis  
Incremental and Cumulative Land Uses by Phase**

Land Use	Phase 1		Phase 2		Phase 3		Phase 4		Phase 5		Phase 6/ Buildout		Total	
	Acres	Dwelling Units	Acres	Dwelling Units	Acres	Dwelling Units	Acres	Dwelling Units	Acres	Dwelling Units	Acres	Dwelling Units	Acres	Dwelling Units
<b>Incremental Land Uses</b>														
Rural Residential and Right of Way	110.0	46	57.0	19	91.0	24	79.3	20	135.0	43	54.9	14	527.2	166
Open Space	-	-	-	-	154.9	-	7.7	-	-	-	30.1	-	192.7	-
<b>Total All Land Uses</b>	<b>110.0</b>	<b>46</b>	<b>57.0</b>	<b>19</b>	<b>245.9</b>	<b>24</b>	<b>87.0</b>	<b>20</b>	<b>135.0</b>	<b>43</b>	<b>85.0</b>	<b>14</b>	<b>719.9</b>	<b>166</b>
<b>Cumulative Land Uses</b>														
Rural Residential and Right of Way	110.0	46	167.0	65	258.0	89	337.3	109	472.3	152	527.2	166		
Open Space	-	-	-	-	154.9	-	162.6	-	162.6	-	192.7	-		
<b>Total All Land Uses (Cumulative)</b>	<b>110.0</b>	<b>46</b>	<b>167.0</b>	<b>65</b>	<b>412.9</b>	<b>89</b>	<b>499.9</b>	<b>109</b>	<b>634.9</b>	<b>152</b>	<b>719.9</b>	<b>166</b>		

Source: Tierra Robles Community Services District; EPS. lu map

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Table A-2  
Tierra Robles CSD Feasibility Analysis  
Annual Land Use Absorption Assumption

Scenario 1 -  
20 Year Buildout

Item	Total Units per Phase	Annual Development Schedule [1][2]																			Remaining Development						
		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19		Year 20					
<b>Annual Absorption</b>																											
Phase 1	48	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	
Phase 2	19	-	-	-	-	-	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	
Phase 3	24	-	-	-	-	-	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	
Phase 4	20	-	-	-	-	-	-	-	-	1	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	
Phase 5	43	-	-	-	-	-	-	-	-	-	-	-	8	9	9	9	9	9	9	9	9	9	9	9	9	9	
Phase 6	14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Total Annual Absorption</b>	<b>166</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	
<b>Cumulative Absorption</b>																											
Phase 1	46	9	18	27	36	45	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	
Phase 2	19	-	-	-	-	-	8	17	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	
Phase 3	24	-	-	-	-	-	-	7	16	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	
Phase 4	20	-	-	-	-	-	-	-	-	1	10	19	20	20	20	20	20	20	20	20	20	20	20	20	20	20	
Phase 5	43	-	-	-	-	-	-	-	-	-	-	-	8	17	26	35	43	43	43	43	43	43	43	43	43	43	
Phase 6	14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Total Cumulative Absorption</b>	<b>166</b>	<b>9</b>	<b>18</b>	<b>27</b>	<b>36</b>	<b>45</b>	<b>54</b>	<b>63</b>	<b>72</b>	<b>81</b>	<b>90</b>	<b>99</b>	<b>108</b>	<b>117</b>	<b>126</b>	<b>135</b>	<b>144</b>	<b>153</b>	<b>162</b>	<b>166</b>	<b>166</b>	<b>166</b>	<b>166</b>	<b>166</b>	<b>166</b>	<b>166</b>	

Source: Tierra Robles Community Services District, EPS.

[1] Based on an annual absorption assumption of 9 units per year.

[2] Assumes development occurs sequentially by phase (i.e. phase 1 is fully absorbed before phase 2 commences).

## APPENDIX B:

### Annual Expenditure Calculations



Table B-1	Annual Expenditure Calculation—Phase 1.....	B-1
Table B-2	Annual Expenditure Calculation—Phase 2.....	B-2
Table B-3	Annual Expenditure Calculation—Phase 3.....	B-3
Table B-4	Annual Expenditure Calculation—Phase 4.....	B-4
Table B-5	Annual Expenditure Calculation—Phase 5.....	B-5
Table B-6	Annual Expenditure Calculation at Buildout .....	B-6
Table B-7	Tax Levy Preparation Cost Estimate .....	B-7
Table B-8	County Overhead Cost Estimate .....	B-8
Table B-9	Oak Woodland Management Program Annual Costs.....	B-9
Table B-10	Annual Reserve Fund Expenditure Estimation by Phase (2 pages) .....	B-10



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Phase 1

Table B-1  
Tierra Robles CSD Feasibility Analysis  
Annual Expenditure Calculation - Phase 1 (2019\$)

Item	Amount	Unit	Cost per Unit	Total Cost	Recurrence	
					Interval	Annual Cost
<b>Roadway and Street Maintenance</b>						
Slurry Seal	320,000	Sq. Ft.	\$0.18	\$57,600.00	7	\$8,228.57
Overlay	320,000	Sq. Ft.	\$1.30	\$416,000.00	20	\$20,800.00
Stream Crossing Facilities Maintenance/Replacement	4	Units	\$38,906	\$155,624.00	50	\$3,112.48
<b>Total Roadway and Street Maintenance</b>						<b>\$32,141.05</b>
<b>Landscape Maintenance</b>						
Water	1,000	Cubic Ft.	\$0.20	\$200.00	1	\$200.00
Landscape Areas	40,000	Sq. Ft.	\$0.75	\$30,000.00	1	\$30,000.00
<b>Total Landscape Maintenance</b>						<b>\$30,200.00</b>
<b>Storm Drainage</b>						
Storm Drains BMP Maintenance/Replacement	10	Units	\$200.00	\$2,000.00	1	\$2,000.00
<b>Total Storm Drainage</b>						<b>\$2,000.00</b>
<b>Maintained Open Space</b>						
Open Space Areas	0	Acres	\$120.00	\$0.00	1	\$0.00
Resource Management Areas	51	Acres	\$200.00	\$10,200.00	1	\$10,200.00
<b>Total Maintained Open Space</b>						<b>\$10,200.00</b>
<b>Wastewater</b>						
Electricity	4	Pumps	\$240.00	\$960.00	1	\$960.00
Septic Tanks Inspection	46	Units	\$60.00	\$2,760.00	1	\$2,760.00
Laterals	46	Units	\$10.00	\$460.00	1	\$460.00
Collection System Pipeline	8,000	Linear Feet	\$0.10	\$800.00	1	\$800.00
Treatment/Dispersal OM&M	52	Week	\$500.00	\$26,000.00	1	\$26,000.00
Sampling/Lab Fees	365	Day	\$120.00	\$43,800.00	1	\$43,800.00
Environmental Compliance	100	Units	\$50.00	\$5,000.00	1	\$5,000.00
<b>Total Wastewater</b>						<b>\$79,780.00</b>
<b>TRCSD Administration</b>						
Management	46	Units	\$630.43	\$29,000.00	1	\$29,000.00
Office Space Rent				TBD		TBD
Property Taxes				\$0.00	1	\$0.00
Insurance				\$1,200.00	1	\$1,200.00
Legal Services	46	Units	\$0.00	\$0.00	1	\$0.00
Accounting	46	Units	\$15.00	\$690.00	1	\$690.00
Tax Levy Preparation [1]						\$136.42
<b>Total TRCSD Administration</b>						<b>\$31,026.42</b>
<b>County Overhead [2]</b>						<b>\$402.55</b>
<b>Oak Woodlands Management Plan [3]</b>						<b>\$2,967.00</b>
<b>Reserve Fund [4]</b>						<b>\$18,525.00</b>
<b>Total Annual Expenditures</b>						<b>\$207,242.02</b>

Source: TRCSD; EPS.

pf cost

[1] Includes costs associated with County efforts to assign and levy the annual tax to TRCSD parcels. Refer to Table B-7 for details.

[2] Reflects additional costs incurred by County Staff to serve the Board of Supervisors for the period of time in which the Board of Supervisors is the acting Board for the TRCSD. Refer to Table B-8 for details.

[3] Refer to Table B-9 for details.

[4] Refer to Table B-10 for details.

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Phase 2

Table B-2  
Tierra Robles CSD Feasibility Analysis  
Annual Expenditure Calculation - Phase 2 (2019\$)

Item	Amount	Unit	Cost per Unit	Total Cost	Recurrence Interval	Annual Cost
<b>Roadway and Street Maintenance</b>						
Slurry Seal	454,000	Sq. Ft.	\$0.18	\$81,720.00	7	\$11,674.29
Overlay	454,000	Sq. Ft.	\$1.30	\$590,200.00	20	\$29,510.00
Stream Crossing Facilities Maintenance/Replacement	4	Units	\$38,906	\$155,624.00	50	\$3,112.48
<b>Total Roadway and Street Maintenance</b>						<b>\$44,296.77</b>
<b>Landscape Maintenance</b>						
Water	1,000	Cubic Ft.	\$0.20	\$200.00	1	\$200.00
Landscape Areas	40,000	Sq. Ft.	\$0.75	\$30,000.00	1	\$30,000.00
<b>Total Landscape Maintenance</b>						<b>\$30,200.00</b>
<b>Storm Drainage</b>						
Storm Drains BMP Maintenance/Replacement	10	Units	\$200.00	\$2,000.00	1	\$2,000.00
<b>Total Storm Drainage</b>						<b>\$2,000.00</b>
<b>Maintained Open Space</b>						
Open Space Areas	0	Acres	\$120.00	\$0.00	1	\$0.00
Resource Management Areas	70	Acres	\$200.00	\$14,000.00	1	\$14,000.00
<b>Total Maintained Open Space</b>						<b>\$14,000.00</b>
<b>Wastewater</b>						
Electricity	8	Pumps	\$240.00	\$1,920.00	1	\$1,920.00
Septic Tanks Inspection	65	Units	\$60.00	\$3,900.00	1	\$3,900.00
Laterals	65	Units	\$10.00	\$650.00	1	\$650.00
Collection System Pipeline	12,400	Linear Feet	\$0.10	\$1,240.00	1	\$1,240.00
Treatment/Dispersion OM&M	52	Week	\$500.00	\$26,000.00	1	\$26,000.00
Sampling/Lab Fees	365	Day	\$120.00	\$43,800.00	1	\$43,800.00
Environmental Compliance	100	Units	\$50.00	\$5,000.00	1	\$5,000.00
<b>Total Wastewater</b>						<b>\$82,510.00</b>
<b>TRCSD Administration</b>						
Management	65	Units	\$600.00	\$39,000.00	1	\$39,000.00
Office Space Rent				TBD		TBD
Property Taxes				\$1,250.00	1	\$1,250.00
Insurance				\$2,500.00	1	\$2,500.00
Legal Services	65	Units	\$50.00	\$3,250.00	1	\$3,250.00
Accounting	65	Units	\$15.00	\$975.00	1	\$975.00
Tax Levy Preparation [1]						\$52.55
<b>Total TRCSD Administration</b>						<b>\$47,027.55</b>
<b>County Overhead [2]</b>						<b>\$568.82</b>
<b>Oak Woodlands Management Plan [3]</b>						<b>\$2,967.00</b>
<b>Reserve Fund [3]</b>						<b>\$22,987.50</b>
<b>Total Annual Expenditures</b>						<b>\$246,557.63</b>

p2 cost

Source: TRCSD; EPS.

- [1] Includes costs associated with County efforts to assign and levy the annual tax to TRCSD parcels. Refer to Table B-7 for details.
- [2] Reflects additional costs incurred by County Staff to serve the Board of Supervisors for the period of time in which the Board of Supervisors is the acting Board for the TRCSD. Refer to Table B-8 for details.
- [3] Refer to Table B-9 for details.
- [4] Refer to Table B-10 for details.

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Phase 3

**Table B-3**  
**Tierra Robles CSD Feasibility Analysis**  
**Annual Expenditure Calculation - Phase 3 (2019\$)**

Item	Amount	Unit	Cost per Unit	Total Cost	Recurrence Interval	Annual Cost
<b>Roadway and Street Maintenance</b>						
Slurry Seal	554,000	Sq. Ft.	\$0.18	\$99,720.00	7	\$14,245.71
Overlay	554,000	Sq. Ft.	\$1.30	\$720,200.00	20	\$36,010.00
Stream Crossing Facilities Maintenance/Replacement	4	Units	\$38,906	\$155,624.00	50	\$3,112.48
<b>Total Roadway and Street Maintenance</b>						<b>\$53,368.19</b>
<b>Landscape Maintenance</b>						
Water	20,000	Cubic Ft.	\$0.20	\$4,000.00	1	\$4,000.00
Landscape Areas	80,000	Sq. Ft.	\$0.75	\$60,000.00	1	\$60,000.00
<b>Total Landscape Maintenance</b>						<b>\$64,000.00</b>
<b>Storm Drainage</b>						
Storm Drains BMP Maintenance/Replacement	20	Units	\$200.00	\$4,000.00	1	\$4,000.00
<b>Total Storm Drainage</b>						<b>\$4,000.00</b>
<b>Maintained Open Space</b>						
Open Space Areas	155	Acres	\$120.00	\$18,588.00	1	\$18,588.00
Resource Management Areas	90	Acres	\$200.00	\$18,000.00	1	\$18,000.00
<b>Total Maintained Open Space</b>						<b>\$36,588.00</b>
<b>Wastewater</b>						
Electricity	12	Pumps	\$240.00	\$2,880.00	1	\$2,880.00
Septic Tanks Inspection	89	Units	\$60.00	\$5,340.00	1	\$5,340.00
Laterals	89	Units	\$10.00	\$890.00	1	\$890.00
Collection System Pipeline	15,200	Linear Feet	\$0.10	\$1,520.00	1	\$1,520.00
Treatment/Dispersal OM&M	52	Week	\$500.00	\$26,000.00	1	\$26,000.00
Sampling/Lab Fees	365	Day	\$120.00	\$43,800.00	1	\$43,800.00
Environmental Compliance	100	Units	\$50.00	\$5,000.00	1	\$5,000.00
<b>Total Wastewater</b>						<b>\$85,430.00</b>
<b>TRCSD Administration</b>						
Management	89	Units	\$438.20	\$39,000.00	1	\$39,000.00
Office Space Rent				TBD		TBD
Property Taxes				\$1,250.00	1	\$1,250.00
Insurance				\$2,500.00	1	\$2,500.00
Legal Services	89	Units	\$50.00	\$4,450.00	1	\$4,450.00
Accounting	89	Units	\$15.00	\$1,335.00	1	\$1,335.00
Tax Levy Preparation [1]						\$59.03
<b>Total TRCSD Administration</b>						<b>\$48,594.03</b>
<b>County Overhead [2]</b>						
						<b>\$778.84</b>
<b>Oak Woodlands Management Plan [3]</b>						
						<b>\$10,815.27</b>
<b>Reserve Fund [4]</b>						
						<b>\$26,137.50</b>
<b>Total Annual Expenditures</b>						
						<b>\$329,711.84</b>

Source: TRCSD; EPS.

p3 cost

[1] Includes costs associated with County efforts to assign and levy the annual tax to TRCSD parcels. Refer to Table B-7 for details.

[2] Reflects additional costs incurred by County Staff to serve the Board of Supervisors for the period of time in which the Board of Supervisors is the acting Board for the TRCSD. Refer to Table B-8 for details.

[3] Refer to Table B-9 for details.

[4] Refer to Table B-10 for details.

# DRAFT

Phase 4

Table B-4  
Tierra Robles CSD Feasibility Analysis  
Annual Expenditure Calculation - Phase 4 (2019\$)

Item	Amount	Unit	Cost per Unit	Total Cost	Recurrence Interval	Annual Cost
<b>Roadway and Street Maintenance</b>						
Slurry Seal	701,000	Sq. Ft.	\$0.18	\$126,180.00	7	\$18,025.71
Overlay	701,000	Sq. Ft.	\$1.30	\$911,300.00	20	\$45,565.00
Stream Crossing Facilities Maintenance/Replacement	10	Units	\$38,906	\$389,060.00	50	\$7,781.20
<b>Total Roadway and Street Maintenance</b>						<b>\$71,371.91</b>
<b>Landscape Maintenance</b>						
Water	30,000	Cubic Ft.	\$0.20	\$6,000.00	1	\$6,000.00
Landscape Areas	120,000	Sq. Ft.	\$0.75	\$90,000.00	1	\$90,000.00
<b>Total Landscape Maintenance</b>						<b>\$96,000.00</b>
<b>Storm Drainage</b>						
Storm Drains BMP Maintenance/Replacement	30	Units	\$200.00	\$6,000.00	1	\$6,000.00
<b>Total Storm Drainage</b>						<b>\$6,000.00</b>
<b>Maintained Open Space</b>						
Open Space Areas	163	Acres	\$120.00	\$19,508.40	1	\$19,508.40
Resource Management Areas	120	Acres	\$200.00	\$24,000.00	1	\$24,000.00
<b>Total Maintained Open Space</b>						<b>\$43,508.40</b>
<b>Wastewater</b>						
Electricity	14	Pumps	\$240.00	\$3,360.00	1	\$3,360.00
Septic Tanks Inspection	109	Units	\$60.00	\$6,540.00	1	\$6,540.00
Laterals	109	Units	\$10.00	\$1,090.00	1	\$1,090.00
Collection System Pipeline	18,850	Linear Feet	\$0.10	\$1,885.00	1	\$1,885.00
Treatment/Dispersal OM&M	52	Week	\$500.00	\$26,000.00	1	\$26,000.00
Sampling/Lab Fees	365	Day	\$120.00	\$43,800.00	1	\$43,800.00
Environmental Compliance	100	Units	\$50.00	\$5,000.00	1	\$5,000.00
<b>Total Wastewater</b>						<b>\$87,675.00</b>
<b>TRCSD Administration</b>						
Management	109	Units	\$449.54	\$49,000.00	1	\$49,000.00
Office Space Rent				TBD		TBD
Property Taxes				\$1,250.00		\$1,250.00
Insurance				\$2,500.00	1	\$2,500.00
Legal Services	109	Units	\$50.00	\$5,450.00	1	\$5,450.00
Accounting	109	Units	\$15.00	\$1,635.00	1	\$1,635.00
Tax Levy Preparation [1]						\$64.43
<b>Total TRCSD Administration</b>						<b>\$59,899.43</b>
<b>County Overhead [2]</b>						<b>NA</b>
<b>Oak Woodlands Management Plan [3]</b>						<b>\$11,203.88</b>
<b>Reserve Fund [4]</b>						<b>\$29,925.00</b>
<b>Total Annual Expenditures</b>						<b>\$405,583.62</b>

p4 cost

Source: TRCSD; EPS.

- [1] Includes costs associated with County efforts to assign and levy the annual tax to TRCSD parcels. Refer to Table B-7 for details.  
 [2] Reflects additional costs incurred by County Staff to serve the Board of Supervisors for the period of time in which the Board of Supervisors is the acting Board for the TRCSD. Refer to Table B-8 for details.  
 [3] Refer to Table B-9 for details.  
 [4] Refer to Table B-10 for details.

# DRAFT

Phase 5

**Table B-5**  
**Tierra Robles CSD Feasibility Analysis**  
**Annual Expenditure Calculation - Phase 5 (2019\$)**

Item	Amount	Unit	Cost per Unit	Total Cost	Recurrence Interval	Annual Cost
<b>Roadway and Street Maintenance</b>						
Slurry Seal	720,000	Sq. Ft.	\$0.18	\$129,600.00	7	\$18,514.29
Overlay	720,000	Sq. Ft.	\$1.30	\$936,000.00	20	\$46,800.00
Stream Crossing Facilities Maintenance/Replacement	11	Units	\$38,906	\$427,966.00	50	\$8,559.32
<b>Total Roadway and Street Maintenance</b>						<b>\$73,873.61</b>
<b>Landscape Maintenance</b>						
Water	30,000	Cubic Ft.	\$0.20	\$6,000.00	1	\$6,000.00
Landscape Areas	140,000	Sq. Ft.	\$0.75	\$105,000.00	1	\$105,000.00
<b>Total Landscape Maintenance</b>						<b>\$111,000.00</b>
<b>Storm Drainage</b>						
Storm Drains BMP Maintenance/Replacement	40	Units	\$200.00	\$8,000.00	1	\$8,000.00
<b>Total Storm Drainage</b>						<b>\$8,000.00</b>
<b>Maintained Open Space</b>						
Open Space Areas	163	Acres	\$120.00	\$19,508.40	1	\$19,508.40
Resource Management Areas	180	Acres	\$200.00	\$36,000.00	1	\$36,000.00
<b>Total Maintained Open Space</b>						<b>\$55,508.40</b>
<b>Wastewater</b>						
Electricity	14	Pumps	\$240.00	\$3,360.00	1	\$3,360.00
Septic Tanks Inspection	152	Units	\$60.00	\$9,120.00	1	\$9,120.00
Laterals	152	Units	\$10.00	\$1,520.00	1	\$1,520.00
Collection System Pipeline	23,050	Linear Feet	\$0.10	\$2,305.00	1	\$2,305.00
Treatment/Dispersal OM&M	52	Week	\$500.00	\$26,000.00	1	\$26,000.00
Sampling/Lab Fees	365	Day	\$120.00	\$43,800.00	1	\$43,800.00
Environmental Compliance	100	Units	\$50.00	\$5,000.00	1	\$5,000.00
<b>Total Wastewater</b>						<b>\$91,105.00</b>
<b>TRCSD Administration</b>						
Management	152	Units	\$327.63	\$49,800.00	1	\$49,800.00
Office Space Rent				TBD		TBD
Property Taxes				\$1,250.00	1	\$1,250.00
Insurance				\$2,500.00	1	\$2,500.00
Legal Services	152	Units	\$50.00	\$7,600.00	1	\$7,600.00
Accounting	152	Units	\$15.00	\$2,280.00	1	\$2,280.00
Tax Levy Preparation [1]						\$76.04
<b>Total TRCSD Administration</b>						<b>\$63,506.04</b>
<b>County Overhead [2]</b>						<b>NA</b>
<b>Oak Woodlands Management Plan [3]</b>						<b>\$11,203.88</b>
<b>Reserve Fund [4]</b>						<b>\$34,687.50</b>
<b>Total Annual Expenditures</b>						<b>\$448,884.43</b>

Source: TRCSD; EPS.

pg 5 cont

[1] Includes costs associated with County efforts to assign and levy the annual tax to TRCSD parcels. Refer to Table B-7 for details.

[2] Reflects additional costs incurred by County Staff to serve the Board of Supervisors for the period of time in which the Board of Supervisors is the acting Board for the TRCSD. Refer to Table B-8 for details.

[3] Refer to Table B-9 for details.

[4] Refer to Table B-10 for details.

# DRAFT

Phase 6/  
Buildout

Table B-6  
Tierra Robles CSD Feasibility Analysis  
Annual Expenditure Calculation at Buildout (2019\$)

Item	Amount	Unit	Cost per Unit	Total Cost	Recurrence Interval	Annual Cost
<b>Roadway and Street Maintenance</b>						
Slurry Seal	762,096	Sq. Ft.	\$0.18	\$137,177.28	7	\$19,596.75
Overlay	762,096	Sq. Ft.	\$1.30	\$990,724.80	20	\$49,536.24
Stream Crossing Facilities Maintenance/Replacement	16	Units	\$38,906	\$622,496.00	50	\$12,449.92
<b>Total Roadway and Street Maintenance</b>						<b>\$81,582.91</b>
<b>Landscape Maintenance</b>						
Water	50,000	Cubic Ft.	\$0.20	\$10,000.00	1	\$10,000.00
Landscape Areas	160,000	Sq. Ft.	\$0.75	\$120,000.00	1	\$120,000.00
<b>Total Landscape Maintenance</b>						<b>\$130,000.00</b>
<b>Storm Drainage</b>						
Storm Drains BMP Maintenance/Replacement	45	Units	\$200.00	\$9,000.00	1	\$9,000.00
<b>Total Storm Drainage</b>						<b>\$9,000.00</b>
<b>Maintained Open Space</b>						
Open Space Areas	193	Acres	\$120.00	\$23,121.60	1	\$23,121.60
Resource Management Areas	209	Acres	\$200.00	\$41,800.00	1	\$41,800.00
<b>Total Maintained Open Space</b>						<b>\$64,921.60</b>
<b>Wastewater</b>						
Electricity	16	Pumps	\$240.00	\$3,840.00	1	\$3,840.00
Septic Tanks Inspection	166	Units	\$60.00	\$9,960.00	1	\$9,960.00
Laterals	166	Units	\$10.00	\$1,660.00	1	\$1,660.00
Collection System Pipeline	32,073	Linear Feet	\$0.10	\$3,207.30	1	\$3,207.30
Treatment/Dispensal OM&M	52	Week	\$750.00	\$39,000.00	1	\$39,000.00
Sampling/Lab Fees	365	Day	\$120.00	\$43,800.00	1	\$43,800.00
Environmental Compliance	100	Units	\$50.00	\$5,000.00	1	\$5,000.00
<b>Total Wastewater</b>						<b>\$106,467.30</b>
<b>TRCSD Administration</b>						
Management	166	Units	\$300.00	\$49,800.00	1	\$49,800.00
Office Space Rent				TBD		\$0.00
Property Taxes				\$2,500.00		\$2,500.00
Insurance				\$2,500.00		\$2,500.00
Legal Services	166	Units	\$50.00	\$8,300.00	1	\$8,300.00
Accounting	166	Units	\$15.00	\$2,490.00	1	\$2,490.00
Tax Levy Preparation [1]						\$79.82
<b>Total TRCSD Administration</b>						<b>\$65,669.82</b>
<b>County Overhead [2]</b>						<b>NA</b>
<b>Oak Woodlands Management Plan [3]</b>						<b>\$12,729.45</b>
<b>Reserve Fund [4]</b>						<b>\$42,279.75</b>
<b>Total Annual Expenditures</b>						<b>\$512,650.84</b>

bo cost

Source: TRCSD; EPS.

- [1] Includes costs associated with County efforts to assign and levy the annual tax to TRCSD parcels. Refer to Table B-7 for details.  
[2] Reflects additional costs incurred by County Staff to serve the Board of Supervisors for the period of time in which the Board of Supervisors is the acting Board for the TRCSD. Refer to Table B-8 for details.  
[3] Refer to Table B-9 for details.  
[4] Refer to Table B-10 for details.

# DRAFT

Table B-7  
Tierra Robles CSD Feasibility Analysis  
Tax Levy Preparation Cost Estimate

Item	Assumption/ Source	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6
<b>Estimated Project Residents Projected Units (Cumulative)</b>	Table A-1	46	65	89	109	152	166
<b>Tax Levy Preparation Costs [1]</b>							
<b>Direct/Flat Fees</b>							
New Direct Setup Charge	\$89 per tax code	\$89.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Maintenance Charge	\$35 per tax code	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00
<b>Total Direct/Flat Fees</b>		<b>\$124.00</b>	<b>\$35.00</b>	<b>\$35.00</b>	<b>\$35.00</b>	<b>\$35.00</b>	<b>\$35.00</b>
<b>Variable Costs</b>							
First File Import	\$0.27 per parcel	\$12.42	\$17.55	\$24.03	\$29.43	\$41.04	\$44.82
Additional File Import [2]	\$0.44 per parcel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Variable Costs</b>		<b>\$12.42</b>	<b>\$17.55</b>	<b>\$24.03</b>	<b>\$29.43</b>	<b>\$41.04</b>	<b>\$44.82</b>
<b>Estimated Tax Levy Preparation Costs [3]</b>		<b>\$136.42</b>	<b>\$52.55</b>	<b>\$59.03</b>	<b>\$64.43</b>	<b>\$76.04</b>	<b>\$79.82</b>

Source: Shasta County Auditor-Controller, EPS.

- [1] Based on the Property Tax Direct Charges 2018-2019 letter from the County auditor-controller to special districts and government agencies, dated May 19, 2018.  
 [2] When an adjustment to a submitted direct charge file is necessary prior to the extension of the tax roll, the correction will be made in the file and the entire file re-imported. The Agency will be charged an additional file import fee. This analysis assumes that no adjustments to the submitted direct charge will be necessary.  
 [3] Additional cost may be incurred should additional file imports or corrections to specific parcels be required. When a parcel correction is required prior to the extension of the tax roll, a fee of \$20 per parcel corrected will be assessed. After extension of the tax roll, a roll correction will incur a fee of \$25 per correction per parcel. At this time, it is assumed no corrections will be required.

# DRAFT

Table B-8  
Tierra Robles CSD Feasibility Analysis  
County Overhead Cost Estimate

Item	Formula	Assumption/ Source	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6
<b>Estimated Project Residents</b>								
Projected Units (Cumulative)	a	Table A-1	46	65	89	109	152	166
Estimated Project Residents [1]	$b = a * 2.43$	2.43	112	158	216	264	369	403
<b>Budgeted Board of Supervisors Annual Expenditures</b>								
<b>Budgeted Board of Supervisors Costs</b>								
Budgeted Board of Supervisors Costs [2]	c	\$643,324						
Existing County Population [3]	d	178,271						
Estimated Board of Supervisors Costs per Capita	$e = c / d$	\$3.61						
Adjustment Factor [4]	f	0%						
Adjusted Board of Supervisors Costs per Capita	$g = e * f$	\$3.61						
Estimated Increase to Board of Supervisors Costs [5] [6]	$h = b * g$		\$403	\$569	\$779	\$0	\$0	\$0

overhead

Source: County of Shasta Fiscal Year 2018-19 Recommended Budget; County of Shasta Fiscal Year 2017-18 Cost Allocation Plan; California Department of Finance; EPS.

[1] Based on the average persons per household for Shasta County as calculated by the California Department of Finance.

[2] Based on the recommended 2018-19 Shasta County Budget.

[3] As provided by the California Department of Finance as of January, 2018.

[4] An adjustment factor is assumed to account for a portion of costs that would be fixed and are not expected to grow with development of TRCSD.

[5] Additional Board of Supervisors costs reflect the increased support activities required by the Board of Supervisors for the portion of time that the Board of Supervisors is operating as the governing entity for the TRCSD. Examples of potential support activities included in this estimate are support from the County Auditor-Controller and other County staff above and beyond any tasks performed in support of operations of the TRCSD.

[6] It is assumed that, upon voter approval, the Board of Supervisors will no longer operate as the board for TRCSD ten years following formation of the district or the district contains 500 residents, whichever comes first. Based on 2006 CSD legislation (SB-135-Kehoe) Section 61022, the local agency formation can as a term and condition of approving the formation of the district establish a lower threshold requirement requiring a vote to establish an independent board.



# DRAFT

Table B-9  
 Tierra Robles CSD Feasibility Analysis  
 Oak Woodland Management Program Annual Costs (2019\$)

Item	Cost Basis	Total Cost [1]	Recurrence Interval	Annual Cost	Total Annual Oak Woodlands Management Costs										
					Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6					
Total Project Acres															
Project Open Space Acres					110.00	167.00	412.90	499.90	634.90	719.90					
					0.00	0.00	154.90	162.57	162.57	192.68					
<b>Oak Woodland Management Costs</b>															
<b>Habitat Maintenance</b>															
Weed Control	per Open Space Acre	\$20	5 Years	\$4	\$0	\$0	\$620	\$650	\$650	\$771					
Fuels Treatment	per Open Space Acre	\$700	15 Years	\$47	\$0	\$0	\$7,229	\$7,587	\$7,587	\$8,992					
<b>Total Habitat Maintenance</b>					\$0	\$0	<b>\$7,848</b>	<b>\$8,237</b>	<b>\$8,237</b>	<b>\$9,762</b>					
<b>Reporting/Monitoring</b>															
Database Management [2]	Annually	\$700	1 Years	\$700	\$700	\$700	\$700	\$700	\$700	\$700					
Aerial Photos	Annually	\$1,000	5 Years	\$200	\$200	\$200	\$200	\$200	\$200	\$200					
Photodocumentation [2]	Annually	\$700	1 Years	\$700	\$700	\$700	\$700	\$700	\$700	\$700					
<b>Total Reporting/Monitoring</b>					<b>\$1,600</b>	<b>\$1,600</b>	<b>\$1,600</b>	<b>\$1,600</b>	<b>\$1,600</b>	<b>\$1,600</b>					
Office and Field Equipment [3]	Annually	\$10,000	15 Years	\$667	\$667	\$667	\$667	\$667	\$667	\$667					
Endowment Administration [2]	Annually	\$700	1 Years	\$700	\$700	\$700	\$700	\$700	\$700	\$700					
<b>Total Annual Oak Woodlands Management Costs</b>					<b>\$2,967</b>	<b>\$2,967</b>	<b>\$10,815</b>	<b>\$11,204</b>	<b>\$11,204</b>	<b>\$11,204</b>					

Source: El Dorado County Oak Woodlands Management Plan; Shasta County; TRCSD; EPS.

[1] Total Cost estimates are based on similar analyses completed for similar woodland management plans in the region.  
 [2] Based on estimated labor hours required for database maintenance, photodocumentation, and administration. This analysis assumes 20 hours required annually for each activity.  
 [3] Includes costs for vehicle acquisition and maintenance, assuming light use. Office equipment and supplies costs are assumed to be included in general TRCSD office expenses.

**Reserve Fund**

**Table B-10  
Tierra Robles CSD Feasibility Analysis  
Annual Reserve Fund Expenditure Estimation by Phase (2019\$)**

Item	Amount	Unit	Future Cost	Recurrence Interval	Annual Cost per Unit	Total Annual Cost
<b>Phase 1 Reserve Fund</b>						
Septic Tanks		[1]	\$4,500.00			
Laterals	46	Units	\$1,500.00	40	\$37.50	\$1,725.00
Collection System Pipeline	8,000	Linear Feet	\$30.00	40	\$0.75	\$6,000.00
Pumps	8	Units	\$750.00	5	\$150.00	\$1,200.00
Controls	24	Units	\$500.00	5	\$100.00	\$2,400.00
Treatment	12	Units	\$15,000.00	25	\$600.00	\$7,200.00
<b>Total Phase 1 Reserve Fund</b>						<b>\$18,525.00</b>
<b>Phase 2 Reserve Fund</b>						
Septic Tanks		[1]	\$4,500.00			
Laterals	65	Units	\$1,500.00	40	\$37.50	\$2,437.50
Collection System Pipeline	12,200	Linear Feet	\$30.00	40	\$0.75	\$9,150.00
Pumps	12	Units	\$750.00	5	\$150.00	\$1,800.00
Controls	24	Units	\$500.00	5	\$100.00	\$2,400.00
Treatment	12	Units	\$15,000.00	25	\$600.00	\$7,200.00
<b>Total Phase 2 Reserve Fund</b>						<b>\$22,987.50</b>
<b>Phase 3 Reserve Fund</b>						
Septic Tanks		[1]	\$4,500.00			
Laterals	89	Units	\$1,500.00	40	\$37.50	\$3,337.50
Collection System Pipeline	15,200	Linear Feet	\$30.00	40	\$0.75	\$11,400.00
Pumps	12	Units	\$750.00	5	\$150.00	\$1,800.00
Controls	24	Units	\$500.00	5	\$100.00	\$2,400.00
Treatment	12	Units	\$15,000.00	25	\$600.00	\$7,200.00
<b>Total Phase 3 Reserve Fund</b>						<b>\$26,137.50</b>

**Table B-10**  
**Tierra Robles CSD Feasibility Analysis**  
**Annual Reserve Fund Expenditure Estimation by Phase (2019\$)**

Reserve Fund

Item	Amount	Unit	Future Cost	Recurrence Interval	Annual Cost per Unit	Total Annual Cost
<b>Phase 4 Reserve Fund</b>						
Septic Tanks		[1] Units	\$4,500.00			
Laterals	109	Units	\$1,500.00	40	\$37.50	\$4,087.50
Collection System Pipeline	18,850	Linear Feet	\$30.00	40	\$0.75	\$14,137.50
Pumps	14	Units	\$750.00	5	\$150.00	\$2,100.00
Controls	24	Units	\$500.00	5	\$100.00	\$2,400.00
Treatment	12	Units	\$15,000.00	25	\$600.00	\$7,200.00
<b>Total Phase 4 Reserve Fund</b>						<b>\$29,925.00</b>
<b>Phase 5 Reserve Fund</b>						
Septic Tanks		[1] Units	\$4,500.00			
Laterals	152	Units	\$1,500.00	40	\$37.50	\$5,700.00
Collection System Pipeline	23,050	Linear Feet	\$30.00	40	\$0.75	\$17,287.50
Pumps	14	Units	\$750.00	5	\$150.00	\$2,100.00
Controls	24	Units	\$500.00	5	\$100.00	\$2,400.00
Treatment	12	Units	\$15,000.00	25	\$600.00	\$7,200.00
<b>Total Phase 5 Reserve Fund</b>						<b>\$34,687.50</b>
<b>Phase 6/Buildout Reserve Fund</b>						
Septic Tanks		[1] Units	\$4,500.00			
Laterals	166	Units	\$1,500.00	40	\$37.50	\$6,225.00
Collection System Pipeline	32,073	Linear Feet	\$30.00	40	\$0.75	\$24,054.75
Pumps	16	Units	\$750.00	5	\$150.00	\$2,400.00
Controls	24	Units	\$500.00	5	\$100.00	\$2,400.00
Treatment	12	Units	\$15,000.00	25	\$600.00	\$7,200.00
<b>Total Phase 6/Buildout Reserve Fund</b>						<b>\$42,279.75</b>

Source: TRCSD; EPS. Reserve

[1] Septic tank replacement is the responsibility of individual property owners.



PUBLIC RECORD ACT - DOCUMENTS FROM SHASTA

Paul

COUNTY PLANNING DEPARTMENT - ATTACHMENT

#2 SEISER

LETTER

3/31/22

FOR: 4/6 TIERRA ROBLES

FEIR PUBLIC

HEARING

From: Robert Geringer [mailto:robert@geringercapital.com]

Sent: Thursday, September 20, 2018 11:29 AM

To: Paul Hellman <phellman@co.shasta.ca.us>

Cc: Steve Nelson <snelson@shasta.com>

Subject: RE: Tierra Robles Proposal

Dear Paul,

Thank you for the discussion this AM regarding our project.

I have spoken with Steve on the three topics we discussed and would like you to hear directly from him, our path to this point and why we believe they are adequately addressed.

We would like to have another call tomorrow at 10 AM so Steve can give you a bit more detailed insight on these topics.

In direct response to the question posed "Why not Mello Roos District?", that was initially proposed but both Planning Director (Rick) and Public Works said absolutely NO. They wanted to be certain that there was more direct control of the CSD by LAFCO, who has approved the budget. Apparently Public works had experience with too many HOAs failing with no real recourse.

Please confirm your availability and I will circulate a conference number via invite.

Thank you.

Robert D. Geringer, President Geringer Capital  
9595 Wilshire Blvd., Ste. 214, Beverly Hills, CA 90212  
+1(310)656-8710 [O] - +1(310)656-8715 [F]

From: Paul Hellman <phellman@co.shasta.ca.us>  
Sent: Wednesday, September 19, 2018 3:00 PM  
To: Robert Geringer <robert@geringercapital.com>  
Subject: Tierra Robles Proposal

Mr. Geringer,

I assumed the position of Resource Management Director with the County of Shasta one month ago immediately following Rick Simon's retirement. Since that time, I have participated in meetings regarding your Tierra Robles proposal with Steve Nelson and Russ Wenham. As capable as Steve and Russ are as your local representatives, I would like to begin a dialogue with you directly about the proposal and where it currently stands with respect to processing. Please feel free to contact me at the number below or to send me an e-mail to schedule a date and time for us to have an initial conversation.

Sincerely,  
**Paul Hellman, Director**  
Department of Resource Management  
County of Shasta  
(530) 225-5114

## Kimberly Hunter

---

**From:** Paul Hellman  
**Sent:** Monday, September 17, 2018 12:20 PM  
**To:** sdnelson@shasta.com  
**Cc:** Russell Wenham; Kimberly Hunter; Lisa Lozier  
**Subject:** Tierra Robles CSD Proposal

Steve,

Kim, Lisa, and I met with Brian Muir, County Auditor-Controller, and members of his staff to discuss the proposed Tierra Robles CSD operating budget that you provided to me. I am ready to schedule a meeting for all of us to discuss this subject, but wanted to give you whatever time you would like to prepare to address the following questions raised by Mr. Muir and his staff:

1. How would the County be protected from fiscal exposure/liability in the event the CSD is unable to become independent or if it were to become insolvent at some point in the future?
2. Has the possibility of funding the proposed operations of the CSD through the formation of a Mello-Roos District been explored? If so, what was the conclusion of this exploration? If not, why hasn't this option been explored?

Please let me know when you will be ready to meet to discuss the proposed CSD and the above questions.

Thanks,  
**Paul Hellman, Director**  
Department of Resource Management  
County of Shasta  
(530) 225-5114

**Cc:** Kenneth Henderson <[krhenderson@co.shasta.ca.us](mailto:krhenderson@co.shasta.ca.us)>; Carla Serio <[cserio@co.shasta.ca.us](mailto:cserio@co.shasta.ca.us)>

**Subject:** FW: Tierra Oaks Onsite Wastewater Treatment System (OWTS) Question

FYI, The following e-mail string between Ken Henderson of County Environmental Health and George Low of the Regional Water Quality Control Board (RWQCB) addresses the potential operation of the proposed Tierra Robles centralized wastewater treatment system by an HOA. Although the RWQCB prefers such systems to be operated by a public agency, the RWQCB may permit the proposed system to be operated by an HOA.

**From:** Kenneth Henderson

**Sent:** Tuesday, October 02, 2018 10:39 AM

**To:** Low, George@Waterboards <[George.Low@waterboards.ca.gov](mailto:George.Low@waterboards.ca.gov)>

**Cc:** Carla Serio <[cserio@co.shasta.ca.us](mailto:cserio@co.shasta.ca.us)>; Paul Hellman <[phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)>

**Subject:** RE: Tierra Oaks Onsite Wastewater Treatment System (OWTS) Question

Thanks George:

I think you have answered my questions and provided good information in the case the developer wishes to proceed with the HOA. I have not been in contact with the developer directly but it is my understanding that the OWTS will have to be regulated by your office as it will receive more than 10,000 gallons per day. Shasta County will only be issuing permits for septic and pump tanks. I have not heard if they have made any progress with the City of Redding in regards to connecting to their sewer system.

Thanks again for your help.

Sincerely,

**Ken Henderson, REHS**

Senior Environmental Health Specialist  
Shasta County Environmental Health Division  
1855 Placer St, Suite 201  
Redding, CA 96001  
Office: 530-225-5787  
Fax: 225-5413

**From:** Low, George@Waterboards [<mailto:George.Low@waterboards.ca.gov>]

**Sent:** Tuesday, October 2, 2018 9:24 AM

**To:** Kenneth Henderson <[krhenderson@co.shasta.ca.us](mailto:krhenderson@co.shasta.ca.us)>

**Subject:** RE: Tierra Oaks Onsite Wastewater Treatment System (OWTS) Question

Ken,

I don't think there is any specific requirement, however the Board definitely prefers a CSD or a CSA as the entity responsible for the Facility/Development.

In the event the developer wishes to do a HOA we would likely ask for a plan to ensure continuity of operations. This plan would include information pertaining to the long term operation and maintenance of the facility and eventual replacement and upgrades of the facility's systems. Additionally our Board may require as part of any permit that the Discharge require some sort of Financial Assurance or Bond to ensure upkeep of the system.

I assume this facility would be permitted by us and not the county? I believe we have had preliminary discussions with the developer. Looks like they may have not made any head way with the City in efforts to connect to their system?

Let me know if you have any questions or would like to discuss further.

Lisa Lozier

---

**From:** Paul Hellman  
**Sent:** Friday, January 18, 2019 10:25 AM  
**To:** sdnelson@shasta.com  
**Cc:** Kimberly Hunter; Pat Minturn; Lisa Lozier; Russell Wenham; Charleen Beard  
**Subject:** RE: Accepted: TIERRA ROBLES

Steve, I'll check our availability and Bruce's and will get back to you shortly. Thanks, Paul

**From:** Steve Nelson [mailto:sdnelson@shasta.com]  
**Sent:** Friday, January 18, 2019 8:39 AM  
**To:** Paul Hellman <phellman@co.shasta.ca.us>  
**Cc:** Kimberly Hunter <khunter@co.shasta.ca.us>; Pat Minturn <pminturn@co.shasta.ca.us>; Lisa Lozier <llozier@co.shasta.ca.us>; Russell Wenham <Russ.Wenham@ghd.com>  
**Subject:** RE: Accepted: TIERRA ROBLES

Paul

In the last couple of weeks I have been working with EPS to complete the CSD Feasibility Analysis. I have gone through a couple of review of the analysis and it should be ready to be submitted to the county soon. In the mean time I would like to setup a meeting with you, your staff and Pat to review the traffic part of the project and other items that you feel that are outstanding. I assuming that the additional information Russ provided was expectable, but want to make sure this is correct. I would like to go over the time frame the county is looking at to get this project to the Commission once the CSD Feasibility Analysis is received by the county. I would suggest that Bruce Groves be a part of the meeting. I am hearing things that don't make a lot of sense to me and would like to talk things through with you and your staff.

Please let me know I am very flexible next week other than Tuesday.

**Steve Nelson**  
**S<sub>2</sub>~J<sub>2</sub> Engineering, Inc.**  
P.O. Box 650  
Cottonwood, CA 96022  
Phone: (530) 347-5168  
Cell: (530) 945-6076

**From:** Paul Hellman [mailto:phellman@co.shasta.ca.us]  
**Sent:** Monday, January 07, 2019 5:30 PM  
**To:** sdnelson@shasta.com  
**Cc:** Kimberly Hunter; Pat Minturn; Lisa Lozier  
**Subject:** RE: Accepted: TIERRA ROBLES

Steve,

Since the CSD is proposed to be operated as an independent district following the initial period when it would need to be overseen by the Board of Supervisors, the consensus is that the projected County overhead costs should be based upon the projected costs to operate the CSD as an independent district (plus at least an additional 10 percent to account for the presumed higher cost of benefits for County employees). We reserve the right to review the projected overhead costs presented in the analysis and to comment should we not concur with the projections. At a minimum, the County departments that we anticipate would be involved in administering the CSD under the direction of the Board of



Supervisors are as follows: Public Works, Resource Management (Planning & Environmental Health), County Counsel, Auditor-Controller, Support Services (Personnel & Risk Management), and County Administrative Office.

Thanks,  
**Paul Hellman, Director**  
Department of Resource Management  
County of Shasta  
(530) 225-5114

**From:** Steve Nelson [<mailto:sdnelson@shasta.com>]  
**Sent:** Monday, January 07, 2019 8:27 AM  
**To:** Paul Hellman <[phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)>  
**Cc:** Kimberly Hunter <[khunter@co.shasta.ca.us](mailto:khunter@co.shasta.ca.us)>  
**Subject:** RE: Accepted: TIERRA ROBLES

Paul

EPS is working on the first draft of the CSD feasibility analysis and have asked if you can provide information regarding overhead costs to be allocated to the TRCSD by the county. Is that information available.

Let me know.

**Steve Nelson**

**S<sub>2</sub>-J<sub>2</sub> Engineering, Inc.**

P.O. Box 650

Cottonwood, CA 96022

Phone: (530) 347-5168

Cell: (530) 945-6076

-----Original Appointment-----

**From:** Paul Hellman [<mailto:phellman@co.shasta.ca.us>]

**Sent:** Tuesday, December 04, 2018 10:18 AM

**To:** Steve Nelson

**Subject:** Accepted: TIERRA ROBLES

**When:** Tuesday, December 04, 2018 3:30 PM-4:30 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** CONFERENCE CALL WITH SHASTA COUNTY AND EPS

Regards,

**George Low, P.G.**

Senior Engineering Geologist  
Waste Discharge Requirement Unit  
Central Valley Regional Water Quality Control Board  
364 Knollcrest Drive, Suite 205  
Redding, CA 96002  
530.224.3208

**From:** Kenneth Henderson <[krhenderson@co.shasta.ca.us](mailto:krhenderson@co.shasta.ca.us)>  
**Sent:** Friday, September 28, 2018 1:31 PM  
**To:** Low, George@Waterboards <[George.Low@waterboards.ca.gov](mailto:George.Low@waterboards.ca.gov)>  
**Cc:** Paul Hellman <[phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)>; Carla Serio <[cserio@co.shasta.ca.us](mailto:cserio@co.shasta.ca.us)>  
**Subject:** Tierra Oaks Onsite Wastewater Treatment System (OWTS) Question

Hi George,

It has come to my attention that the developer would like to investigate the possibility of using a HOA in lieu of CSD for managing the proposed OWTS for the Tierra Oaks subdivision. Does the Water Board have any requirements that prevent the developer from using a HOA? Are there any other legal entities that could be used to manage the OWTS?

Thank you in advance for any information you can provide. Hope you have a good weekend.

Cheers,

**Ken Henderson, REHS**

Senior Environmental Health Specialist  
Shasta County Environmental Health Division  
1855 Placer St, Suite 201  
Redding, CA 96001  
Office: 530-225-5787  
Fax: 225-5413

## Kimberly Hunter

---

**From:** Paul Hellman  
**Sent:** Tuesday, November 27, 2018 10:22 AM  
**To:** sdnelson@shasta.com; 'Ellen Martin'  
**Cc:** Lisa Lozier; Kimberly Hunter  
**Subject:** RE: Tierra Robles CSD

I would like Brian Muir and Pat Minturn to participate in this call as well. I will check their availability and will get back to you as soon as possible with our availability. Thanks, Paul

**From:** Steve Nelson [mailto:sdnelson@shasta.com]  
**Sent:** Tuesday, November 27, 2018 8:34 AM  
**To:** 'Ellen Martin' <emartin@epssac.com>; Paul Hellman <phellman@co.shasta.ca.us>  
**Cc:** Lisa Lozier <llozier@co.shasta.ca.us>; Kimberly Hunter <khunter@co.shasta.ca.us>  
**Subject:** RE: Tierra Robles CSD

Paul

Shasta Red has engaged EPS in Sacramento to review the proposed Tierra Robles CSD fiscal analysis and to revise it as they see necessary. Ellen Martin who is the project manager for EPS would like to have a conference call with you and your staff. This call is intended to ensure that their analysis is presented in a manner that comports with County entitlement requirements. Below is a list of dates and time that Ellen is available. I am not available on Friday, December 7, other than that let me know what will work for you.

Please let us know what works for you.

**Steve Nelson**

**S<sub>2</sub>~J<sub>2</sub> Engineering, Inc.**

P.O. Box 650

Cottonwood, CA 96022

Phone: (530) 347-5168

Cell: (530) 945-6076

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**From:** Ellen Martin [mailto:emartin@epssac.com]  
**Sent:** Monday, November 26, 2018 5:43 PM  
**To:** sdnelson@shasta.com  
**Subject:** RE: Revised Tierra Robles Proposal

Thanks Steve. Here are some times that will work on our end:

## Lisa Lozier

---

**From:** Steve Nelson <sdnelson@shasta.com>  
**Sent:** Tuesday, December 4, 2018 1:03 PM  
**To:** Paul Hellman; Kimberly Hunter; Lisa Lozier; Pat Minturn; Brian Muir  
**Cc:** sdnelson@shasta.com; emartin@epssac.com  
**Subject:** FW: TRCSD Confernece Call - Dial In # Correction and Draft Agenda

**Importance:** High

To All

Below you will find an agenda that Ellen has given us of topic to discuss. The urgent item is the phone number for the call in was incorrect. Please note the correct number below.

**Steve Nelson**  
**S<sub>2</sub>~J<sub>2</sub> Engineering, Inc.**  
P.O. Box 650  
Cottonwood, CA 96022  
Phone: (530) 347-5168  
Cell: (530) 945-6076

**From:** Ellen Martin [mailto:emartin@epssac.com]  
**Sent:** Tuesday, December 04, 2018 12:45 PM  
**To:** sdnelson@shasta.com  
**Cc:** Jamie Gomes; Sean Fisher  
**Subject:** TRCSD Confernece Call - Dial In # Correction and Draft Agenda

Steve,

For purposes of our call this afternoon, I have developed the following agenda/discussion topics that I would like to route to the group before the meeting, pending your approval. Also, I noticed this morning that I erred in reporting the dial-in number – my apologies. The dial-in number is 1-855-212-0212. The Meeting ID remains unchanged – 297014812#. If you approve the discussion items documented below, I will send them around to the meeting attendees along with the correction to the dial in number.

### Agenda Topics

1. Introductions and Project Background
2. Purpose and Goals of Study
  - a. County Requirements
  - b. LAFCO Requirements
3. Feasibility Analysis Components/EPS Scope of Work
  - a. Land use phasing
  - b. TRCSD expenditures: start up and ongoing costs
  - c. Revenue sources and funding mechanism alternatives
4. Other Technical/Legal/Formation Considerations?
5. Next Steps
  - a. Ongoing Communication Protocols
  - b. Applicant/County Review Junctures

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Saturday, March 26, 2022 12:04:28 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: Ann  
Last Name: Mobley  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 10339 Oriole Lane, Palo Cedro

Additional Comments - Here's Why to Vote NO: The Palo Cedro area has minimum lot sizes for a reason. Residents in this area chose to live here because of this exact zoning, with the expectation that it would continue into perpetuity. After all, why not?

For the planning commission to recommend that the flawed EIR for the Tierra Robles subdivision be certified makes no sense. Planning commissions should be planning, not just caving in to the whims of a developer from the 'big city.'

The concerns that we have are many, including most urgently the fact that the roads in this area are already insufficient to accommodate evacuation during a fire. It took hours to get to a main thoroughfare to leave the area during the last several evacuations, and nothing has changed to improve that situation. Safety of our residents must be paramount, and to ignore the impact of so many more homes/vehicles is simply irresponsible. We all know that fires in California are increasing in frequency, intensity and duration, so making plans that do not take fire and fire safety into consideration is foolhardy.

Water is another huge concern, which of course also relates to fire. The Bella Vista Water district is already rationing water, fining for over-use, restricting ag water, and more. How on earth can they assert that they will be able to accommodate these additional homes? Many of us are already allowing part of our fire preventive landscapes to die to comply with their restrictions. What happens as we go forward and water is even more scarce? Higher fines, tighter restrictions? Please, try reducing your own water use by 40% and see how it goes.

Waste water treatment is another area of concern. It appears that the oversight plan creates a structure that's overtaxed, yet lacking in authority and funding. If things go awry, and the odds seem high, the county would have to step in, costing taxpayers, etc. In addition, the plan does not seem adequate to prevent wastewater from entering our waterways in years

when we get normal rainfall. Look closely at the EIR and use good judgement, please!

In short, this plan, while incorporating many "modern" techniques, seems like one more suited to a long distant time, a time when wildfire was not a constant threat in our area, when drought was not so pervasive, and our population was smaller, so the existing roadways could bear that amount of added traffic. Please, use your better judgment and good sense, and vote against this change in zoning. These 'big city' developers could create a development within existing zoning requirements. They would not make so much money, but they would also not be setting a precedent that leads to urban sprawl in a rural area. Think hard!

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, the TR Homeowners Association and Sheriff/Fire Protection:

1. Wildfire and Wildfire Evacuation: TR is located in a Very High Fire Hazard Severity Zone. The land surrounding and including TR has a persistent history of wildfire, namely, the Chatham Ranch Fire, the 1999 Jones Valley Fire, the 2004 Bear Fire, the 2019 Mountain Fire, the 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR IS a danger, with *significant* impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane, narrow wildfire evacuation routes. The FEIR estimates evacuation to "safe areas" could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving wildfire. Also given that most wildfires are started from human activity, the additional 445 residents will increase the risk of wildfire ignition impacting the surrounding community which is not even addressed in the FEIR per CEQA requirements. Nor is the CEQA impact of 1,774 added daily vehicle trips included in the wildfire analysis. TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENTS FOR SAFE WILDFIRE EVACUATION FOR EXISTING RESIDENTS OF PALO CEDRO/BELLA VISTA!

2. Water Availability: a) The FEIR and the developer continue to miscalculate the TR

water usage per the Bella Vista Water District (BVWD) which results in a 272-acre feet/year shortfall. b) The FEIR and the developer does not identify a CA Supreme Court requirement for a "likely" source of supplemental water to be transferred to the BVWD in single and multiple drought years so that existing customers are not impacted by USBR Central Valley Project (CVP) water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District (CCCSD). On 1/13/22 the CCCSD Board withdrew their interest to transfer water to BVWD. CCCSD is also subject to the same CVP water allocation cutbacks as the BVWD and does not have sufficient groundwater supplies as a back up for their existing customers (CCCSD had to purchase 700- acre feet of water from the City of Redding in the 2021 drought). d) BVWD has not issued a required Will Serve Letter to the developer as there is no agreement for supplemental water. e) The General Plan W-c states "All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and quality for the planned uses." TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER AVAILABILITY!

3. Zoning: TR lots are not consistent with the County's General Plan and current zoning (1 dwelling per 2 acres) and when compared to parcel sizes in the surrounding community. TR parcel sizes range from 1.19 acres to 6.81 acres. 44 homes or 26% are less than two acres, violating the existing zoning. Overall, 109 homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community. The remaining 57 homes or 35% are greater than 3 acres vs. 77% in the surrounding community. Development must be consistent with the surrounding community in a way that fits with existing infrastructure for roads, water, and safe wildfire evacuation routes. TR IS A LEAPFROG DEVELOPMENT THAT CHANGES THE RURAL CHARACTER OF PALO CEDRO AND INVITES FUTURE URBAN SPRAWL. THE REZONING AMENDMENT SHOULD BE DENIED!

4. TRHOA: The FEIR does not provide sufficient evidence under CEQA that ALL FEIR required mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a "Super HOA" that is overtasked, likely underfunded in 18 of the 20 initial years and has weak enforcement powers. Critical wildfire mitigations include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road and stormwater maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated off-site conservation easements. In lieu of forming a CSD, the FEIR does not specify a developer funded endowment fund of \$1.4 million to cover expected budgetary shortfalls. THE LAST THING THE COUNTY WOULD WANT IS THE TRHOA TO GO BANKRUPT.

Since TR's land does not perk for traditional septic the TRHOA is responsible for the highly technical oversight, operation and maintenance of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State had expressed a preference that such a system be overseen by a Community Services District, however this was dropped by the County and developer for unknown reasons. Compounding the concern is the miscalculation of TR's water usage (272 acre feet/year shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquids and solids that will flow to the system. THE FEIR DOESN'T SUPPORT THE VIABILITY OF THE TRHOA!

5. Sheriff and Fire Protection: TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. This area already experiences delayed sheriff response times and no additional officers or substation are included in this proposal. Section 5.13.2 of the FEIR states "Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services". However, the FEIR states "no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant." THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.



JAN 20 2022

TO: SHASTA COUNTRY PLANNING COMMISSIONERS

DEPT OF RESOURCE MGMT  
BUILDING DIVISION

PATRICK WALLNER  
JAMES CHAPIN  
TIM MacLEAN  
STEVE KERNS  
DONN WALGAMUTH

RE: TIERRA ROBLES PROJECT

My name is Jeannette Baugh, and I have been a resident on Boyle Road since 1979.

Since the passing of Gordon and Harriette Chatham and the sale of the 715.4 acres, my late husband and I have been opposing not only the rezoning of the property, but for any property projects that has and was brought before the Planning Commission and the Board of Supervisors.

Because they raised cattle on that property, and with their permission, we were allowed to ride our horses to check fences, the cattle themselves, and talk to any trespasser that were not supposed to be on the property.

Now the developer Robert Geringer of Geringer Capital of Beverly Hills, Ca. wants to put 166 homes on that beautiful property, the basic facts have been brought up several times before, and the fact is, that the property sold is not considered for our rural Palo Cedro.

I would also like to say, that back in 1999 when the devastating Jones Valley fire swept through our area destroying everything in its path, and because of the bumper to bumper traffic, if not for the Highway Patrol, we would never have gotten six horses let alone ourselves out of this danerous situation.

One more thing I would like to say IS everytime we are in a serious drought situation, all the wild animals that live and use this area , use my stock water tanks for their drinking water.

Again thank you for your time in this matter, which concerns all of us the live in and round this project.

JEANNETTE BAUGH



21241 BOYLE ROAD  
REDDING, CA. 96003



**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Oaks FEIR public hearing  
**Date:** Monday, January 24, 2022 8:10:26 PM

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Greetings

I am a water user from Clear Creek Community service Duatrick

I am against having our water "sold" to this development

We had the harshest water cut backs and fines throughout the north state since Oct 21 to Feb 22 by our water company. We paid a fine of \$400 dollars for using more than the allotted 29HCF in one month.

We as homeowners can not cut back more if our water is sold to others. Money does not create water

Please realize that your decision will impact thousands jus as the water resource board drastically impacted us financially.

I think my letter is past the hearing date but I needed to respond.

Things are so crazy these days. Where has common sense gone? I think into someone's pocket!

Thank you  
Respectfully,  
Phyllis Burgess  
[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Thursday, March 24, 2022 11:21:47 AM

**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

First Name: Jill  
Last Name: Colombo  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 10077 Road Runner Way, Redding, CA 96003

Additional Comments: SOOOOOOOOOOOOOOOOOOOOO many reasons to vote NO but in my opinion the #1 is the lack of water. We are in another drought. We - Here's already have huge penalties on our water consumption with not enough Why to water to go around. In my opinion, it would be a severe lack of judgement Vote NO: to let rezoning happen and more homes to come into our area!

Chairman Baugh, Supervisor Chimenti, Supervisor Garman, Supervisor Rickert, Supervisor Jones

Shasta County Board of Supervisors

1450 Court Street, Suite 308B  
002

Redding, CA 96001-01673  
2012102051

RE: Zone Amendment Z10-

Tract Map 1996 SCH NO.

Dear Honorable Supervisors,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to vote NO as we urge you to do the right thing for our rural community.

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, the TR Homeowners Association and Sheriff/Fire Protection:

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site conservation easements. In lieu of forming a CSD, the FEIR does not specify a developer funded endowment fund of \$1.4 million to cover expected budgetary shortfalls. THE LAST THING THE COUNTY WOULD WANT IS THE TRHOA TO GO BANKRUPT.

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3/7/2022

Dear Planning Commissioners:

Shasta: It means, Precious Water  
That is one thing among others,  
that is effected with to much growth.  
Water! We as a community want our  
voicis to be heard again. We have  
been letting you hear our voicis over  
a good many years on this subject.  
We don't object to growth, but it has  
to be done with great care. We as  
you, are stewards of this beautiful  
place we call Shasta County. If  
we aren't careful, it will become  
another disaster story of over  
population. More cars on roads  
that weren't built to hold alot of  
traffic. Money over the good  
stewardship of a community of its  
land never turns out good. Do take  
note - Many insurance companies  
will no longer offer Fire Insurance  
to some areas. If this man from  
Southern Calif builds, he maybe  
setting these home buyers up,

NO FIRE INS. Also the more houses built out in a rural area, the Wild Life has to go somewhere. Believe me, I know. When Foothill High School was built, the wildlife went to outline homes that had never a problem before. Plus it makes more road kill, which can cause car accidents! Deschutes can hardly handle the traffic of the high school now. All of this is on record. I just moved from Palo Cedro after living there 45 yrs. I couldn't no longer care for my acreage, too old now. But I still live in Shasta County & care about what happens to it for other generations. PLEASE, PLEASE, take a note from an old lady & think on the long term effects your decision is about these 166 houses that could hurt our Beautiful Home, Shasta County.

Thank You, Most Sincerely,  
Barbara Rain, 3594 Bearwood Pl  
Anderson, Cal 96007

**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Friday, March 25, 2022 9:36:00 PM

**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

First Name: Muriel

Last Name: Eades

Email: [REDACTED]

Your Address: 21 8 51 Vista Oaks Drive, Palo Cedro, CA 96073

Additional Comments - Here's Why to Vote NO: The obvious problems for denying this Sub division are traffic, lack of water and fire danger. Please vote no.

Chairman Baugh, Supervisor Chiment, Supervisor Garman, Supervisor Rickert, Supervisor Jones

Shasta County Board of Supervisors

1450 Court Street, Suite 308B  
002

Redding, CA 96001-01673  
2012102051

RE: Zone Amendment Z10-

Tract Map 1996 SCH NO.

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**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** Opposed To Tierra Robles  
**Date:** Sunday, February 27, 2022 2:41:05 PM

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Hello,

I am opposed to the Tierra Robles project for the following reasons:

1. Infrastructure utilities and roadways. Where will the water supply come from? How will this impact people already having water supply and fee issues? How will sewage be treated? Will Boyle Rd and Old Alturas Rd be expanded to 4 lanes from Old Oregon Trail to Deschutes Rd? Anything less will have a negative impact on existing residents, especially during evacuation scenarios. Old Alturas Rd has several sharp turns, will these be addressed?

2. Law enforcement. There will be increased crime. Where will the funds come from to assure proper law enforcement coverage with so many new residents?

If the project must go through, I would suggest reducing the number of homes by 2/3 and increasing the parks and open space.

Thank you.

Sincerely,

Joe Gowan

**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Friday, March 25, 2022 5:14:09 PM

**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

First Name: John  
Last Name: Hayden  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 19626 Midland Dr  
Additional Comments - Here's Why to Vote NO: As a local resident, I object to this development because I believe it will:

- Exacerbate already overtaxed water resources and cost existing BVWD higher rates and even more rationing
- Overburden existing roads and complicate emergency evacuations
- Change the rural nature and quality of the area
- Pollute waterways and groundwater basins when the treatment plant fails due to lack of funding
- Create a financial risk and burden to County when HOA bankrupts
- Overburden already understaffed police and fire resources
- Current EIS is inadequate and does not address drought issues

Chairman Baugh, Supervisor Chimenti, Supervisor Garman, Supervisor Rickert, Supervisor Jones  
Shasta County Board of Supervisors  
1450 Court Street, Suite 308B  
Redding, CA 96001-01673  
2012102051  
Dear Honorable Supervisors,

RE: Zone Amendment Z10-002  
Tract Map 1996 SCH NO.

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JAN 25 2022

January 19, 2022

ADMINISTRATION

Paul Hellman, Director  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001  
Email: [phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)

Subject: Proposed Tierra Robles Planned Development Project

Dear Mr. Helman,

I am writing to express my concerns regarding the proposed Tierra Robles Planned Development Project. I live in Palo Cedro along Deschutes Road near the proposed development. My property is served by Bella Vista Water District (hereinafter BVWD) and my school district is Bella Vista Elementary School District (hereinafter BVESD).

It is my understanding BVWD has stated in the event of a dry year, there may be a water shortage of BVWD water in which case Clear Creek Community Services District (hereinafter CCCSD) would transfer an additional amount to cover the shortage. I expect another drought year is in the works and I am under the impression, as I am sure you are, building more homes to be served by BVWD, would exacerbate water shortages. It is my understand BVWD has ran out of water in the past as well as CCCSD. Our water bill increased 1.75 times the prior year during the summer of 2021 due to the drought. I am genuinely concerned with respect to my human right to water and my water bill if this development is allowed to move forward. Additionally, these water systems have had a 30% increase in their annual State Water Board bill as of January 1, 2022. PG&E rates are increasing with mandatory undergrounding of electrical through fire prone areas nearby. This will affect the water systems pumping costs and adding 166 more homes plus apartment dwelling units will move the water system's PG&E rate into the highest tier. Between the annual Water Board increase and PG&E rate increase, I am afraid the end user (the customer) will bear the costs and most folks here just cannot afford that.

Furthermore, I am concerned about the proposed development increasing traffic. The development included apartment dwelling units which further increases the congestion. The proposed project is in a high fire danger area and the risk to existing homeowners attempting to escape a potential fire could be devastating.

I am also concerned about the lot sizes proposed. If I did my calculations correct, 50% of the lots are under three acres. Where does the re-zoning stop? I bought my home with the intention of living in an area where there is actually some green grass and pasture between myself and my neighbors. This is not the right place for this type of development. My hometown is slowly disappearing as quickly as land is being developed, and all for

money. If this development is allowed to move forward, it will set a precedent for future re-zoning. The County Board of Supervisors should be protecting our way of life here.

Lastly, the middle schools nearby have stated they are impacted and understaffed with third and fourth graders in one classroom at BVESD. The increase of students at these schools will be a detriment to the students there as the teachers are not able to provide the attention that each student deserves. Furthermore, with some teachers leaving as they oppose the vaccine requirements, the schools are even more understaffed.

I strongly oppose this development. Tierra Robles should not be allowed to move forward as it will be a detriment to those living in the area already.

Sincerely,

A handwritten signature in black ink that reads "Jules Marchesseault". The signature is written in a cursive style with a long horizontal line extending to the right.

Jules Marchesseault



**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Wednesday, March 23, 2022 10:53:06 AM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: Debbie  
Last Name: Johnson  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 21958 Boyle Rd

Additional Comments - Here's Why to Vote NO: We don't need the increased traffic this would create on a daily basis. This is very concerning if there is an evacuation needed in the are. We would be stuck for hours and it would be a gridlock.

Another big concern is the lack of water. We have ag property and don't have any ag water available this year. This has just gotten worse over the last several years and there no solution to this issue. A 166 new home only makes this issue worse.

We do not want our property rezoned. We moved here for a reason and rural living is what we want. We don't housing developments as our neighbors.

Chairman Baugh, Supervisor Chimenti, Supervisor Garman, Supervisor Rickert, Supervisor Jones

Shasta County Board of Supervisors  
1450 Court Street, Suite 308B  
002

Redding, CA 96001-01673  
2012102051

RE: Zone Amendment Z10-

Tract Map 1996 SCH NO.

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4. TRHOA: The FEIR does not provide sufficient evidence under CEQA that ALL FEIR required mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a "Super HOA" that is overtasked, likely underfunded in 18 of the 20 initial years and has weak enforcement powers. Critical

wildfire mitigations include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road and stormwater maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated off-site conservation easements. In lieu of forming a CSD, the FEIR does not specify a developer funded endowment fund of \$1.4 million to cover expected budgetary shortfalls. THE LAST THING THE COUNTY WOULD WANT IS THE TRHOA TO GO BANKRUPT.

Since TR's land does not perk for traditional septic the TRHOA is responsible for the highly technical oversight, operation and maintenance of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State had expressed a preference that such a system be overseen by a Community Services District, however this was dropped by the County and developer for unknown reasons. Compounding the concern is the miscalculation of TR's water usage (272-acre feet/year shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquids and solids that will flow to the system. THE FEIR DOESN'T SUPPORT THE VIABILITY OF THE TRHOA!

5. Sheriff and Fire Protection: TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. This area already experiences delayed sheriff response times and no additional officers or substation are included in this proposal. Section 5.13.2 of the FEIR states "Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services". However, the FEIR states "no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant." THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Public opinion response to Tierra Robles  
**Date:** Wednesday, February 2, 2022 7:23:41 AM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001

RE: Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051 RDEIR  
Proposed Tierra Robles Subdivision

Dear Mr. Hellman,

We live Off Oasis Rd in the Gold Hills subdivision and are in the BVWD.

We are concerned about the availability of BELLA VISTA WATER in the coming year/years. Every year we curtail usage, trying to do our part to conserve water. And, in the ensuing years after curtailing, we are asked to cut back again, by percentage, but this time on an even lower previous water usage amount. It's getting tricky to stay out of the water penalty usage phase. We've lost trees, our garden is much smaller, we save cold water at the shower head before showering, conserve on toilet flushes, and in general, are very judicious with water usage. And, with that, we are restricted even further. So, with that said, you are contemplating adding 166 more homes to an all ready beleaguered water supply. Why? To whose benefit.? Certainly not the those of us currently in the water district. We just can't conjure up more water.

These are not one off drought water years; this is our reality. Have you seen the narrow river that is Shasta Lake at the Antler's overpass? I still want to take showers, do the laundry, flush my toilet and grow a meager garden. Adding more homes to siphon off more BVWD water is not helping the multiyear water drought we are experiencing and will continue to experience.

Please stop this development.

Thank you.

Barbara and Greg Juell  
2253 Hope Ln  
Redding, CA 96003

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Monday, March 28, 2022 8:42:03 AM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: Jay

Last Name: Laurence

Email: [REDACTED]

Phone: [REDACTED]

Your Address: 22023 University Ave, Palo Cedro, CA 96073

Additional Comments - Here's Why to Vote NO: I am against the Tierra Robles development as it is estimated to use 352- acre feet of water per year, which BVWD does not have in single and multiple drought years through the year 2040, as their data shows that demand exceeds supply. These shortages then get passed down to the BVWD customers in the form of water rationing, increased fees, penalties and in some cases little or no water for agricultural users. Adding demand to an already over committed system is not responsible planning or development! If the District has enough water, then why is the BVWD and Shasta County planners requiring developers to enter into third party water purchases that are also subject to the same cutbacks as those water sources used by the District in single and multiple drought years? I am asking you to protect our limited water.

STOP EXCESS TRAFFIC, UNSAFE INTERSECTIONS AND UNSAFE FIRE EVACUATION ROUTES. Tierra Robles is expected to balloon our narrow and winding roads with 1,774 added daily trips from at least 332 more cars. During the school year, hundreds of extra vehicles pour into Palo Cedro from Redding and the surrounding areas, resulting in morning and afternoon traffic patterns and volumes that impact roadway speeds, intersection safety and congestion. The County's traffic study alleges area roads meet minimum standards. I have difficulty exiting and entering onto my street from Deschutes and have witnessed dangerous accidents, with cars frequently crossing the mid line. Adding traffic circles, a few warning signs and a four-way stop at a curving intersection, mostly at tax payer expense, won't lessen the negative impact of this subdivision. Real problems are not addressed, such as on Boyle Road where no dedicated turn lanes are planned to regulate turning into and out of the subdivision's main entrance, making for a dangerous intersection. Given the recent traffic nightmares associated with the CARR and CAMP fires, Palo Cedro evacuation routes, plans and load capacities must be reviewed and revised now to ensure that another 166 homes and 332 more cars won't overwhelm the limited two lane feeder roads that border the new subdivision. The Draft and Final Environmental Impact Reports don't

even address these new wildfire realities. There are at least 315 existing homes and 630 cars that feed onto Boyle Road now. How can Boyle safely accommodate another 332 more cars? Keep our roads, intersections and evacuation routes less congested and safer – Say NO to Tierra Robles! 2-3 MILES OF ADDED BUMPER TO BUMPER CARS/RVs/BOATS/TRAILERS ON ALREADY OVER CAPACITY, DANGEROUS WILDFIRE EVACUATION ROUTES FOR YOU AND YOUR NEIGHBORS (Remember the 1999 Jones Valley and CARR Wildfire Evacuations) MISCALCULATED, UNLIKELY, UNRELIABLE SUPPLEMENTAL WATER TO THE BELLA VISTA WATER DISTRICT IN DROUGHT YEARS A REZONING AMENDMENT THAT SETS A PRECEDENT FOR URBAN SPRAWL IN RURAL PALO CEDRO/BELLA VISTA. I did not remain in Palo Cedro to see every square inch of raw land be developed.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, the TR Homeowners Association and Sheriff/Fire Protection:

1. Wildfire and Wildfire Evacuation: TR is located in a Very High Fire Hazard Severity Zone. The land surrounding and including TR has a persistent history of wildfire, namely, the Chatham Ranch Fire, the 1999 Jones Valley Fire, the 2004 Bear Fire, the 2019 Mountain Fire, the 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR IS a danger, with significant impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane, narrow wildfire evacuation routes. The FEIR estimates evacuation to "safe areas" could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving wildfire. Also given that most wildfires are started from human activity, the additional 445 residents will increase the risk of wildfire ignition impacting the surrounding community which is not even addressed in the FEIR per CEQA requirements. Nor is the CEQA impact of 1,774 added daily vehicle trips included in the wildfire analysis. TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENTS FOR SAFE WILDFIRE EVACUATION FOR EXISTING RESIDENTS OF PALO

## CEDRO/BELLA VISTA!

2. Water Availability: a) The FEIR and the developer continue to miscalculate the TR water usage per the Bella Vista Water District (BVWD) which results in a 272-acre feet/year shortfall. b) The FEIR and the developer does not identify a CA Supreme Court requirement for a "likely" source of supplemental water to be transferred to the BVWD in single and multiple drought years so that existing customers are not impacted by USBR Central Valley Project (CVP) water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District (CCCSO). On 1/13/22 the CCCSO Board withdrew their interest to transfer water to BVWD. CCCSO is also subject to the same CVP water allocation cutbacks as the BVWD and does not have sufficient groundwater supplies as a back up for their existing customers (CCCSO had to purchase 700- acre feet of water from the City of Redding in the 2021 drought). d) BVWD has not issued a required Will Serve Letter to the developer as there is no agreement for supplemental water. e) The General Plan W-c states "All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and quality for the planned uses." TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER AVAILABILITY!

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4. TRHOA: The FEIR does not provide sufficient evidence under CEQA that ALL FEIR required mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a "Super HOA" that is overtasked, likely underfunded in 18 of the 20 initial years and has weak enforcement powers. Critical wildfire mitigations include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road and stormwater maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated off-site conservation easements. In lieu of forming a CSD, the FEIR does not specify a developer funded endowment fund of \$1.4 million to cover expected budgetary shortfalls. THE LAST THING THE COUNTY WOULD WANT IS THE TRHOA TO GO BANKRUPT.

Since TR's land does not perk for traditional septic the TRHOA is responsible for the highly technical oversight, operation and maintenance of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State had expressed a preference that such a system be overseen by a Community Services District, however this was dropped by the County and developer for unknown reasons. Compounding the concern is the miscalculation of TR's water usage (272 acre feet/year shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquids and solids that

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**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Sunday, March 27, 2022 11:26:03 AM

**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

First Name: Teresa  
Last Name: Martin  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 21532 Gilbert Dr, Palo Cedro, CA 96073  
Additional Comments - Here's Infrastructure and services in the area are insufficient  
Why to Vote NO: to support this new development.

Chairman Baugh, Supervisor Chimenti, Supervisor Garman, Supervisor Rickert, Supervisor Jones

Shasta County Board of Supervisors

1450 Court Street, Suite 308B  
002

RE: Zone Amendment Z10-

Redding, CA 96001-01673  
2012102051

Tract Map 1996 SCH NO.

Dear Honorable Supervisors,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to vote NO as we urge you to do the right thing for our rural community.

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, the TR Homeowners Association and Sheriff/Fire Protection:

1. Wildfire and Wildfire Evacuation: TR is located in a Very High Fire Hazard Severity Zone. The land surrounding and including TR has a persistent history of wildfire, namely, the Chatham Ranch Fire, the 1999 Jones Valley Fire, the 2004 Bear Fire, the 2019 Mountain Fire, the 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR IS a danger, with *significant* impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane, narrow wildfire evacuation routes. The FEIR estimates evacuation to "safe areas" could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving

wildfire. Also given that most wildfires are started from human activity, the additional 445 residents will increase the risk of wildfire ignition impacting the surrounding community which is not even addressed in the FEIR per CEQA requirements. Nor is the CEQA impact of 1,774 added daily vehicle trips included in the wildfire analysis. **TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENTS FOR SAFE WILDFIRE EVACUATION FOR EXISTING RESIDENTS OF PALO CEDRO/BELLA VISTA!**

2. Water Availability: a) The FEIR and the developer continue to miscalculate the TR water usage per the Bella Vista Water District (BVWD) which results in a 272-acre feet/year shortfall. b) The FEIR and the developer does not identify a CA Supreme Court requirement for a "likely" source of supplemental water to be transferred to the BVWD in single and multiple drought years so that existing customers are not impacted by USBR Central Valley Project (CVP) water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District (CCCSD). On 1/13/22 the CCCSD Board withdrew their interest to transfer water to BVWD. CCCSD is also subject to the same CVP water allocation cutbacks as the BVWD and does not have sufficient groundwater supplies as a back up for their existing customers (CCCSD had to purchase 700- acre feet of water from the City of Redding in the 2021 drought). d) BVWD has not issued a required Will Serve Letter to the developer as there is no agreement for supplemental water. e) The General Plan W-c states "All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and quality for the planned uses." **TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER AVAILABILITY!**

3. Zoning: TR lots are not consistent with the County's General Plan and current zoning (1 dwelling per 2 acres) and when compared to parcel sizes in the surrounding community. TR parcel sizes range from 1.19 acres to 6.81 acres. 44 homes or 26% are less than two acres, violating the existing zoning. Overall, 109 homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community. The remaining 57 homes or 35% are greater than 3 acres vs. 77% in the surrounding community. Development must be consistent with the surrounding community in a way that fits with existing infrastructure for roads, water, and safe wildfire evacuation routes. **TR IS A LEAPFROG DEVELOPMENT THAT CHANGES THE RURAL CHARACTER OF PALO CEDRO AND INVITES FUTURE URBAN SPRAWL. THE REZONING AMENDMENT SHOULD BE DENIED!**

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**5. Sheriff and Fire Protection:** TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. This area already experiences delayed sheriff response times and no additional officers or substation are included in this proposal. Section 5.13.2 of the FEIR states "Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services". However, the FEIR states "no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant." **THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.**

**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Friday, March 11, 2022 8:15:11 PM

**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

First Name: Delilah  
Last Name: Mast  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 21222 Rae Ln

Additional Comments: Hi there,

- Here's Why to Vote NO: This subdivision would cause so much unnecessary stress on the local community. The whole reason people moved out here is to get away from the city and to enjoy the peace of country life. This subdivision would completely disrupt that; for me personally, it would utterly ruin the quiet life my family lives, adding lots of ugly pollutions. The traffic jams would be insane! They already are during drop off and pick up times for the schools on Deschutes; so imagine how much worse it would become. The affect it would have on Bella Vista water would be consequential and detrimental. Please consider saying NO to this subdivision plan. Think of all it would disrupt, all the wonder it will forever steal from thousands of families! Thank you.

Chairman Baugh, Supervisor Chimenti, Supervisor Garman, Supervisor Rickert, Supervisor Jones

Shasta County Board of Supervisors

1450 Court Street, Suite 308B  
002

Redding, CA 96001-01673  
2012102051

RE: Zone Amendment Z10-

Tract Map 1996 SCH NO.

Dear Honorable Supervisors,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to vote NO as we urge you to do the right thing for our rural community.

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, the TR

Homeowners Association and Sheriff/Fire Protection:

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**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Friday, March 25, 2022 5:52:30 AM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: alice  
Last Name: Montgomery  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 10519 Neville Dr  
Additional Comments - My concerns are twofold:  
fire evacuation  
Here's Why to water  
Vote NO:

Please consider the already clogged evacuation time (over an hour) for Boyle Rd in case of wild fire. An HOUr!!  
Bella Vista water has had to drastically cut customers water. I am choosing which parts of my established fire preventative greenery will be unwatered to meet the drastic cuts. Bella Vista does not have the means to support 166 more houses.

allowing an additional housing in this area at this time is not prudent and is downright dangerous.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

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**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Thursday, March 24, 2022 3:22:11 PM

**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

First Name: Michael  
Last Name: Paine  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 19572 Carnegie Dr.

Additional Comments - Here's Why to Vote NO: I regularly bicycle on boyle road and would be using it to commute on into Redding from Palo Cedro. I'm concerned with no shoulder about the safety of adding more traffic with no improvements. I'm also concerned about the BVWD water situation. The drought trend the last 5-7 years is alarming and adding more strain to an already strained water district. This project does not mirror the surrounding area and would negatively change the character of eastern Redding and Palo Cedro. I say NO on Tierra Robles.

Chairman Baugh, Supervisor Chimenti, Supervisor Garman, Supervisor Rickert, Supervisor Jones

Shasta County Board of Supervisors

1450 Court Street, Suite 308B  
002

Redding, CA 96001-01673  
2012102051

RE: Zone Amendment Z10-

Tract Map 1996 SCH NO.

Dear Honorable Supervisors,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to vote NO as we urge you to do the right thing for our rural community.

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**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles FEIR Public Hearing  
**Date:** Wednesday, March 9, 2022 5:35:07 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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Hello,

I am writing to you to ask for your help in stopping the Tierra Robles planning of 166 homes in Palo Cedro. I moved here from the Bay Area in 2018 with my husband and 4 kids to live in a rural small town where I feel safe. Please stop the developers. I am truly concerned about the drought and not having enough water and the traffic this will cause. The schools are already full and this will make it more difficult for our schools to provide a good education for our children when having to deal with more children. Palo Cedros traffic is not getting any better and bringing 166 new homes with families will make things worse in our community. Thank you for taking your time in reading this email.

Olivia Jaimez Parada  
23210 old 44 Dr, Palo Cedro, CA 96073.  
[REDACTED]

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Tuesday, March 8, 2022 9:14:13 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: Jeffrey  
Last Name: Plecque  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 9595 Winegar Road  
Additional Comments - Here's Why to Vote NO: Please represent the will of your constituency. We do not want this irresponsible development here.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

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**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Saturday, March 26, 2022 6:48:01 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: Robert

Last Name: Mobley

Email: [REDACTED]

Your Address: 10339 Oriole Ln.

Additional Comments The proposed development does not seem consistent with the surrounding area. The zoning change should not be allowed.

- Here's

Why to Vote NO: It is hard to believe you would consider adding more housing with the current drought conditions. There isn't enough water for the current residents. Yes, there may be a wet year occasionally, but there isn't sufficient water. It will be a continuing problem. DO NOT allow Additional development.

It doesn't seem like there are adequate consideration of sewer treatment.

During a fire situation the roads in the area can't handle the emergency traffic. I remember traffic problems from previous fires. Roads are not adequate.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

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**Paul Hellman**

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**From:** sheryl roscoe [REDACTED]  
**Sent:** Friday, February 11, 2022 1:49 PM  
**To:** Shasta County BOS  
**Subject:** Tierra Robles proposed subdivision

I'd like to express a concern and an opinion; hopefully the proposed subdivision has not yet been greenlighted. I do not feel Bella Vista has the capability to annex anything, much less a subdivision. I have been a customer of Bella Vista Water District for years. These last few with excess heat and water shortages have been stressful. Their penalties are harsh and their expectations for cutting usage unrealistic (weeks of 110+ weather leave ideals and expectations by the roadside). I don't believe that BV has the capacity to take on more hookups. Thank you, Sheryl Roscoe [REDACTED]

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles FEIR Public Hearing  
**Date:** Thursday, March 24, 2022 2:36:26 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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Kimberly Roth  
20449 Old Alturas Road  
Redding, CA 96003

[REDACTED]  
[REDACTED]  
Mar 24, 2022

Commissioner Chapin District 1, Commissioner Walgamuth District 4,  
Commissioner Wallner District 5  
Shasta County Planning Commission  
1855 Placer Street, Suite 103  
Redding CA 96001  
Email: [phellman@co.chasta.ca.us](mailto:phellman@co.chasta.ca.us)

Subject: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051

I am imploring you, please vote no on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and no. on the required Rezoning Amendment for a Planned Development.

I have lived on Old Alturas Road for almost 25 years. We are just .6 miles away from Boyle road. Old Alturas Road, as it is now, cannot safely hold the increased vehicles and traffic from the proposed subdivision. The current traffic and speeds has a toll on the wildlife, deer, turkeys, shunks, raccoons, often meet their end on this span. In fact, our family German Shepherd did also when he escaped our gate. As did our neighbor's dog. Our mailbox is across the street, and on weeknights it can be quite some time before we can safely cross. 166 upscale homes will likely have more than one vehicle, conservatively I estimate two vehicles per home. I pray 332 extra cars and trucks will only endanger wildlife and beloved pets, but in reality it will endanger every human being headed to Redding on Old Alturas Road towards Loomis Corners (a 4-way stop.). Then once more when they are headed home.

And we do not have enough water. You wouldn't build houses on the moon until someone engineered reliable, sustainable, breathable air, right? It is the same thing. The water isn't there.

Thank you for your time and consideration,

Kimberly Roth

P.S. Below I have enclosed the notice we received from Bella Vista Water March 1st.

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## NEWSLETTER - CRITICAL WATER SHORTAGE! March 01, 2022

U.S. Bureau of Reclamation outlines Initial 2022 Central Valley Project water allocations

On February 23, 2021, the U.S. Bureau of Reclamation provided the initial water supply forecast for the Central Valley Project (CVP) as follows:

North-of-Delta Contractors - Sacramento River (including Bella Vista Water District)

Irrigation water service and repayment contractors north-of-Delta are allocated 0% of their contract total.

Municipal and industrial water service and repayment contractors north-of-Delta will be provided water for public health and safety needs consistent with the CVP M&I Water Shortage Policy.

Because the District has limited access to groundwater, produced by District wells, and in accordance with the Bureau of Reclamation's Shortage Policy, the District will not receive any water supply allocation from the CVP for the 2022 Water Year beginning March 1, 2022, through February 28, 2023.

## DISTRICT DECLARES STAGE 5b - CRITICAL WATER SHORTAGE AND ADOPTS MANDATORY CONSERVATION MEASURES

Effective immediately, all municipal customers are asked to conserve at least 40% as compared to their historical use, defined as the prior three

years of unconstrained use (i.e. 2017, 2018, 2019).

Based on this initial allocation, the District must impose severe water restrictions and strongly encourages conservation along with wise and efficient water use by all customers. The District will utilize limited groundwater to provide for public health and safety purposes, first and foremost, based on the current standard of 55 gallons per person per day and will endeavor to supplement the zero supply allocation. If ever there was a time to sacrifice the lawn in order to conserve very limited water, this is it!

Residential, Rural, Commercial and Public Institutional Customer Classes  
All District Residential, Rural, Commercial and Public/Institutional accounts shall receive a quantity equal to 60% of their average historical use from the prior three unconstrained years (2017, 2018 and 2019) for each location and billing period. All District Residential, Rural, Commercial and Public/Institutional accounts that have no historical use shall receive a minimum quantity of 18 HCF for each billing period as set forth below. Overuse penalty rates shall apply to all use exceeding the 60% allocation or 18 HCF per billing cycle.

#### STAGE 5b - CRITICAL WATER SHORTAGE RESTRICTIONS AND PROHIBITIONS

Please review the attached summary of Mandatory Prohibitions. It will be critically important to limit outdoor water use and conserve water to meet public health, safety and sanitary purposes.

Customers are asked to conserve water in any way they can. For most customers, the vast majority of water is used outdoors and therefore represents the greatest opportunity for conserving water. Considerable conservation and savings can be achieved by reducing outdoor irrigation, shortening irrigation runtimes and sacrificing thirsty lawn areas, or relandscaping with native and drought-tolerant landscaping. For additional conservation ideas please visit the District's website: [www.bvwd.org](http://www.bvwd.org)

#### OVERUSE PENALTY

The District is a not-for-profit public agency formed under the California Water Code. There is no profit, no shareholders, and rates are used to offset operational costs, meet ever-increasing regulations and provide for infrastructure maintenance, rehabilitation and water supply augmentation. The District's Board and staff strive to keep rates as low as possible while balancing the need to maintain and reinvest in the water

system for the long-term benefit of the District’s customers. The District’s Board and staff would strongly prefer that customers conserve water and not incur any overuse penalties to ensure adequate supply to get through this difficult year. However, an overuse penalty, while undesirable, provides an important financial disincentive for exceeding supply allocations when voluntary conservation will not be adequate to achieve the necessary level of conservation. Revenue derived from overuse penalties will be used to offset the significantly higher expenses for groundwater pumping, water purchases and other drought-related programs that are not reflected in the current rates. Overuse penalties, as determined by the recorded meter reading, shall be as follows:

Effective immediately, Municipal Customers (Residential, Rural, Commercial, Public Institutional) that exceed their allocation will receive an Overuse Penalty of \$2.00 per HCF, in addition to the current water usage rate, for all use exceeding their allocation of 60% of their average historical use defined as the average of the prior three years of unconstrained use (i.e. 2017, 2018, 2019).

Example of How to Understand your Bill. In this example the Customer has an allotment of 18 HCF for the billing period of May 16 - July 19 based on the prior 3 unconstrained years.

	Previous	Current	
Readings (Hundred Cubic Feet).	3080	3110	equals 30 HCF
Water use rate:		$18 \text{ HCF} \times \$0.69 = \$12.42$	
Overuse Penalty rate: \$2.69/HCF = \$32.28		$(30 \text{ HCF} - 18 = 12 \text{ HCF}) \times$	
Total:		$\$44.70$	

**ADOPT A HYDRANT AND REPORT TAMPERING AND WATER THEFT!**

Fire hydrants provide a critically important fire suppression function for our region. Water theft and improper use of hydrants increase costs, may damage the hydrant, and cause damaging water hammer. Please consider “adopting” hydrants in your neighborhood by promptly reporting any use or tampering. The only authorized use of hydrants is by Calfire or the local fire department, District Operators performing maintenance or necessary



flushing, or by licensed contractors that have obtained a permit and are using a District issue hydrant meter. Please promptly report any hydrant tampering use to the District at (530) 241-1085.

## REVISED RATES

Each year the District reviews and adjusts rates based on the previously completed Cost of Service Rate Study. Increases or decreases in the wholesale cost of water purchased from the Central Valley Project (CVP) are directly “passed through” to customers. Additionally, the District annually adjusts the remaining costs components by the Consumer Price Index (CPI-U) plus up to 2% as a contingency for higher increases in chemicals, power, and other District expenses. The adopted rates reflect the increased CVP rates and the CPI-U adjustment plus 2% and become effective May 1, 2022.

## SCHEDULE OF BIMONTHLY WATER RATES

### RESIDENTIAL, RURAL, COMMERCIAL, PUBLIC INSTITUTIONAL AND LANDSCAPE IRRIGATION

Meter Class	Base Rates
\$ 47.01	20
\$ 50.38	30
\$ 55.60	50
\$ 64.90	100
\$ 73.09	160
\$ 77.63	200
\$ 87.14	300

\$ 98.53	450	
123.56	900	\$
136.47	1200	\$
147.69	1500	\$
163.93	2000	\$
178.07	2500	\$
197.75	3300	\$
222.85	4500	\$
249.47	6000	\$

The commodity rate is \$0.69 per HCF (One hundred cubic foot).

Water Treatment Plant Improvement Loan Repayment - \$14.00 bimonthly charge for all customers.

#### Fire Service Rates

Line Size		Base Rate
\$ 30.09	2	
\$ 40.92	3	
\$ 57.77	4	

\$ 79.43                      6

\$ 99.89                      8

\$ 125.17                    10

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra oaks subdivision  
**Date:** Sunday, March 27, 2022 7:43:58 PM

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Traffic on Boyle road is already overwhelming as people bring their children to Foothill high from Redding and use Boyle road and drive very fast. It is a cross through road for people going to the lake from Redding. Big trucks go through here very fast.  
Not safe to walk or bike Boyle road.  
There will be at least 3-4 cars per household and more trips than I think have been estimated. Drive down Boyle and look at how many cars are currently in each yard. 4-5 per house.  
I have seen a big increase in this year.  
I have lived on Boyle road for 34 years.  
I have been reduced on my water usage every year.  
There is not enough water for current customers.  
They should not be allowed to let waste water from tubs and showers contaminate the soil with out treatment. This isn't allowed anywhere else in the county.  
No safe fire exits.  
Need another road out of this subdivision. We are all at risk if we have another Jones fire. That fire burned my neighbors house.  
Marcia Russell

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Sunday, March 27, 2022 8:04:26 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: Marcia

Last Name: Russell

Email: [REDACTED]

Phone: [REDACTED]

Your Address: P.O. Box 615 Palo Cedro ca 96073

Additional Comments: Fire safety . No adequate roads for exit in case of fire.

Remember Jones valley fire.

- Here's Why to: Not enough water to support these homes. My water allocation goes down every year

Vote NO: Waste water system inadequate. Cannot pollute the soil.

Traffic. Too many cars will be using this road that already is not capable of handling the added trips per day and allow people to exit their homes safely. I live between two curves and it is very dangerous for me to exit my home. I have lived here for 34 years and have seen the danger increase dramatically especially during the school hours.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, the TR Homeowners Association and Sheriff/Fire Protection:

1. Wildfire and Wildfire Evacuation: TR is located in a Very High Fire Hazard Severity Zone. The land surrounding and including TR has a persistent history of wildfire, namely, the Chatham Ranch Fire, the 1999 Jones Valley Fire, the 2004 Bear

Fire, the 2019 Mountain Fire, the 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR IS a danger, with *significant* impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane, narrow wildfire evacuation routes. The FEIR estimates evacuation to "safe areas" could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving wildfire. Also given that most wildfires are started from human activity, the additional 445 residents will increase the risk of wildfire ignition impacting the surrounding community which is not even addressed in the FEIR per CEQA requirements. Nor is the CEQA impact of 1,774 added daily vehicle trips included in the wildfire analysis. TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENTS FOR SAFE WILDFIRE EVACUATION FOR EXISTING RESIDENTS OF PALO CEDRO/BELLA VISTA!

2. Water Availability: a) The FEIR and the developer continue to miscalculate the TR water usage per the Bella Vista Water District (BVWD) which results in a 272-acre feet/year shortfall. b) The FEIR and the developer does not identify a CA Supreme Court requirement for a "likely" source of supplemental water to be transferred to the BVWD in single and multiple drought years so that existing customers are not impacted by USBR Central Valley Project (CVP) water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District (CCCSD). On 1/13/22 the CCCSD Board withdrew their interest to transfer water to BVWD. CCCSD is also subject to the same CVP water allocation cutbacks as the BVWD and does not have sufficient groundwater supplies as a back up for their existing customers (CCCSD had to purchase 700- acre feet of water from the City of Redding in the 2021 drought). d) BVWD has not issued a required Will Serve Letter to the developer as there is no agreement for supplemental water. e) The General Plan W-c states "All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and quality for the planned uses." TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER AVAILABILITY!

3. Zoning: TR lots are not consistent with the County's General Plan and current zoning (1 dwelling per 2 acres) and when compared to parcel sizes in the surrounding community. TR parcel sizes range from 1.19 acres to 6.81 acres. 44 homes or 26% are less than two acres, violating the existing zoning. Overall, 109 homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community. The remaining 57 homes or 35% are greater than 3 acres vs. 77% in the surrounding community. Development must be consistent with the surrounding community in a way that fits with existing infrastructure for roads, water, and safe wildfire evacuation routes. TR IS A LEAPFROG DEVELOPMENT THAT CHANGES THE RURAL CHARACTER OF PALO CEDRO AND INVITES FUTURE URBAN SPRAWL. THE REZONING AMENDMENT SHOULD BE DENIED!

4. TRHOA: The FEIR does not provide sufficient evidence under CEQA that ALL FEIR required mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a "Super HOA" that is overtasked, likely underfunded in 18 of the 20 initial years and has weak enforcement powers. Critical wildfire mitigations include Wildland Fuel/Vegetation Management Plan, Oak

Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road and stormwater maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated off-site conservation easements. In lieu of forming a CSD, the FEIR does not specify a developer funded endowment fund of \$1.4 million to cover expected budgetary shortfalls. THE LAST THING THE COUNTY WOULD WANT IS THE TRHOA TO GO BANKRUPT.

Since TR's land does not perk for traditional septic the TRHOA is responsible for the highly technical oversight, operation and maintenance of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State had expressed a preference that such a system be overseen by a Community Services District, however this was dropped by the County and developer for unknown reasons. Compounding the concern is the miscalculation of TR's water usage (272 acre feet/year shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquids and solids that will flow to the system. THE FEIR DOESN'T SUPPORT THE VIABILITY OF THE TRHOA!

5. Sheriff and Fire Protection: TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. This area already experiences delayed sheriff response times and no additional officers or substation are included in this proposal. Section 5.13.2 of the FEIR states "Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services". However, the FEIR states "no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant." THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.

**From:** [REDACTED]  
**To:** [Shasta County BOS](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote NO on Tierra Robles FEIR and the Rezoning Amendment for a Planned Development  
**Date:** Thursday, March 24, 2022 9:55:54 AM

**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

First Name: Mary  
Last Name: Severson  
Email: [REDACTED]  
Your Address: 10953 Sparrow Lane, Palo Cedro

Additional Comments - Here's Why to Vote NO: Our home burned in the 1999 Jones fire. We rebuilt and live behind this proposed development. We had no fire crews working to suppress the fire then nor were we evacuated. Deschutes road is our only exit road. Even now at rush times, it is difficult to enter the road. It is especially crowded at school times. There have been frequent accidents on Deschutes due in large to people driving too fast. Additional traffic on our exit road, especially in a fire evacuation is frightening. Also, we are already on strict water restrictions. No doubt draught will be a common thing in years to come. Bella Vista Water has already stated they will not have adequate water.

Chairman Baugh, Supervisor Chimenti, Supervisor Garman, Supervisor Rickert, Supervisor Jones  
Shasta County Board of Supervisors  
1450 Court Street, Suite 308B  
Redding, CA 96001-01673  
2012102051  
Dear Honorable Supervisors,

RE: Zone Amendment Z10-002  
Tract Map 1996 SCH NO.

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to vote NO as we urge you to do the right thing for our rural community.

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wildfire mitigations include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road and stormwater maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated off-site conservation easements. In lieu of forming a CSD, the FEIR does not specify a developer funded endowment fund of \$1.4 million to cover expected budgetary shortfalls. THE LAST THING THE COUNTY WOULD WANT IS THE TRHOA TO GO BANKRUPT.

Since TR's land does not perk for traditional septic the TRHOA is responsible for the highly technical oversight, operation and maintenance of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State had expressed a preference that such a system be overseen by a Community Services District, however this was dropped by the County and developer for unknown reasons. Compounding the concern is the miscalculation of TR's water usage (272-acre feet/year shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquids and solids that will flow to the system. THE FEIR DOESN'T SUPPORT THE VIABILITY OF THE TRHOA!

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February 15, 2021

Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street, Redding, CA 96001

RE: RE: Zone Amendment Z10-002  
Tract Map 1996 SCH NO. 2012102051  
RDEIR Proposed Tierra Robles Subdivision

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's Old Alturas exit road and are OPPOSED to this new subdivision.

We wrote a letter to you on January 12 and since then have looked more closely at the Tierra Robles EIR on the county website and found an area of great concern to us about **WATER**, specifically with regard to the below referenced section.

[https://www.bvwd.org/news-detail?item\\_id=19907](https://www.bvwd.org/news-detail?item_id=19907) This link is to the mandatory rationing of Bella Vista water by requiring customers to cut down 20% and is still in effect as of this date. We have been Bella Vista Water customers for over 30 years.

**MM 5.17-4b:** Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an **Agreement with BVWD to provide BVWD with adequate water supplies on an annual basis during identified shortage conditions in a quantity that represents a minimum of 90 percent of the project's prior year water usage**. Shortage conditions shall be defined to exist when BVWD has been notified by the U.S. Bureau of Reclamation (USBR) that it will receive less than a 100 percent (full) allocation of its CVP water supplies for the coming delivery season, as that determination has been announced by USBR as of April 15th of each year. The augmenting water supplies shall be made available to BVWD through the Agreement with BVWD consistent with the methodology of USBR's. Central Valley Project Municipal and Industrial Storage Policy, Guidelines and Procedures **until such time as BVWD has received three successive water years of full (Unconstrained) CVP water allocations** following buildout and completion of all phases of the development and newly created water demands. For any shortage condition that occurs after three years of full CVP allocation following buildout, the project applicant shall no longer be required to provide BVWD with augmenting water supplies, but the project applicant shall then be fully subjected to the shortage provisions administered by BVWD to all its customers. The project applicant shall demonstrate that any water supply provided to BVWD

under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.

**THIS IS COMPLETELY UNACCEPTABLE to us as current Bella Vista Water District customers.** Last year, 2021, because of drought conditions, we were rationed to 80% of our normal usage for the preceding three years. But the proposal above would potentially give Tierra Robles a larger share at 90% of the water supply. This could seriously impact all previously existing Bella Vista Water district customers. Would we have to be rationed even further so BV Water could meet the demands for 3 years during construction of the project, so that Tierra Robles could get 90% per this agreement? At present it is likely 2022 could turn out to be another drought year for rainfall and we could be once again rationed at 80% or possibly even more.

According to the letter from Clear Creek Community Irrigation District Bella Vista would incur a number of fees if Clear Creek were to supply Bella Vista with water. There is nothing in the EIR about the developer paying for these fees so were it to happen the fees would no doubt be passed on to existing customers, raising existing customers costs. Again - NOT ACCEPTABLE to us existing customers.

And finally, attached is a letter sent from the Clear Creek Community Irrigation District to the Planning Commission with the pertinent sections highlighted. Please note that CCCSD states:

**This letter is to notify the Shasta County Department of Resource Management that the Clear Creek Community Services District (CCCSD) does not have an agreement to provide a surface water transfer to the Bella Vista Water District (BVWD) during times of drought, nor does the District intend to enter into any such Agreement with the BVWD.**

Since this is counter to the submitted FEIR, Tierra Robles would have to come up with an alternate source of water and submit a new EIR so I urge the planning commission NOT to approve the FEIR and to acknowledge that we are facing severe water shortages and it would be unconscionable to approve any new projects that would affect the supply of water in the county which is already in short supply.

Thank you for your consideration  
Karen & Tom Taylor



Clear Creek Community Services District  
5880 Oak Street  
Anderson, Ca 96007

January 13, 2022

Paul Hellman, Director  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street, Ste 103  
Redding, CA 96001

RE: Tierra Robles Planned Development

Dear Mr. Hellman:

This letter is to notify the Shasta County Department of Resource Management that the Clear Creek Community Services District (CCCSD) does not have an agreement to provide a surface water transfer to the Bella Vista Water District (BVWD) during times of drought, nor does the District intend to enter into any such Agreement with the BVWD.

The CCCSD had a very challenging water year in 2021-2022. During the 2021-2022 water year, the Bureau of Reclamation (BOR) provided the CCCSD with only 425 acre-feet of surface water. This curtailment caused the CCCSD to run out of surface water and the District had to quickly find another water source to avoid being in breach of its BOR contract by using water above its 425 acre-feet allotment.

In June of 2020, the CCCSD Board of Directors authorized the District's General Manager to enter into negotiations with the BVWD for a potential future transfer of *up to* 100 acre-feet of surface water during times of drought. Those negotiations were never completed, and a transfer agreement was never approved by the CCCSD Board of Directors.

Considering the water shortages of 2021-2022 and the likely severe water allocation curtailment in the 2022-2023 water year, the District and its customers are unwilling to forego any surface water, particularly in a drought year. In addition, the Central Valley Project Municipal and Industrial Water Shortage Policy (M&I WSP) 2.1.2 Terms and Conditions, Item 7 states, "Reclamation will strive to deliver CVP water to M&I water service contractors at not less than the amount needed to meet PHS need, taking into consideration contractors' CVP allocations and available non-CVP supplies." This means that the BOR may reduce the CCCSD's surface water allocation to zero because it has non-project water available (ground water wells) to meet public health and safety requirements. A zero-water allocation by the BOR would prevent the CCCSD from having any surface water from the Central Valley Project available to transfer to the BVWD; the District can

therefore not enter into any agreement to provide the BVWD with surface water during a drought period.

Because a potential agreement between the CCCSD and the BVWD to transfer a portion of CCCSD's CVP allocation is cited in the Tierra Robles Planned Development Environmental Impact Report as a proposed source of supplemental water supply, the Board wanted to make clear to the County that this is not in fact a viable option.

Sincerely,

A handwritten signature in green ink that reads "Cedric Twight". The signature is written in a cursive style with a large, stylized initial "C".

Cedric Twight, Chair of the Board  
Clear Creek Community District

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Friday, March 25, 2022 9:21:39 AM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: William  
Last Name: Thompson  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 10575 Northgate Drive 96073

Additional Comments - Here's Why to Vote NO: This addition of 166 homes Tierra Robles project would seem to be an overreach for essentially a rural area and would encourage more clusters of development in an area that lacks infrastructure and water. My primary concern is an extreme lack of water to support this development both for daily use and fire suppression. The water shortage is only projected to get worse. Also additional traffic on country roads not designed to be major feeder routes is an additional issue that would need to be addressed. I am concerned that the Planning Commisioners and Board of Supervisors consider this to be a viable option to mitigate a supposed housing shortage in this county.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

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**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Monday, March 28, 2022 8:44:04 AM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: Terri  
Last Name: Marchesseault  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 22023 University Ave, Palo Cedro

Additional Comments - Here's Why to Vote NO: I am against the Tierra Robles development as it is estimated to use 352-acre feet of water per year, which BVWD does not have in single and multiple drought years through the year 2040, as their data shows that demand exceeds supply. These shortages then get passed down to the BVWD customers in the form of water rationing, increased fees, penalties and in some cases little or no water for agricultural users. Adding demand to an already over committed system is not responsible planning or development! If the District has enough water, then why is the BVWD and Shasta County planners requiring developers to enter into third party water purchases that are also subject to the same cutbacks as those water sources used by the District in single and multiple drought years? I am asking you to protect our limited water.

STOP EXCESS TRAFFIC, UNSAFE INTERSECTIONS AND UNSAFE FIRE EVACUATION ROUTES. Tierra Robles is expected to balloon our narrow and winding roads with 1,774 added daily trips from at least 332 more cars. During the school year, hundreds of extra vehicles pour into Palo Cedro from Redding and the surrounding areas, resulting in morning and afternoon traffic patterns and volumes that impact roadway speeds, intersection safety and congestion. The County's traffic study alleges area roads meet minimum standards. I have difficulty exiting and entering onto my street from Deschutes and have witnessed dangerous accidents, with cars frequently crossing the mid line. Adding traffic circles, a few warning signs and a four-way stop at a curving intersection, mostly at tax payer expense, won't lessen the negative impact of this subdivision. Real problems are not addressed, such as on Boyle Road where no dedicated turn lanes are planned to regulate turning into and out of the subdivision's main entrance, making for a dangerous intersection. Given the recent traffic nightmares associated with the CARR and CAMP fires, Palo Cedro evacuation routes, plans and load capacities must be reviewed and revised now to ensure that another 166 homes and 332 more cars won't overwhelm the limited two lane feeder roads that border the new subdivision. The Draft and Final Environmental Impact Reports don't

even address these new wildfire realities. There are at least 315 existing homes and 630 cars that feed onto Boyle Road now. How can Boyle safely accommodate another 332 more cars? Keep our roads, intersections and evacuation routes less congested and safer – Say NO to Tierra Robles! 2-3 MILES OF ADDED BUMPER TO BUMPER CARS/RVs/BOATS/TRAILERS ON ALREADY OVER CAPACITY, DANGEROUS WILDFIRE EVACUATION ROUTES FOR YOU AND YOUR NEIGHBORS (Remember the 1999 Jones Valley and CARR Wildfire Evacuations) MISCALCULATED, UNLIKELY, UNRELIABLE SUPPLEMENTAL WATER TO THE BELLA VISTA WATER DISTRICT IN DROUGHT YEARS A REZONING AMENDMENT THAT SETS A PRECEDENT FOR URBAN SPRAWL IN RURAL PALO CEDRO/BELLA VISTA. I did not remain in Palo Cedro to see every square inch of raw land be developed.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
1855 Placer Street, Suite 103, Redding, CA 96001  
RE: 4/6/22 Tierra Robles FEIR Public Hearing Comments  
Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
Dear Honorable Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished rural community. Thank you for considering this request to Vote NO as we urge you to do the right thing for our rural community.

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**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** [CAUTION: FAILED DMARC] Vote No on Tierra Robles FEIR Certification and No On The Rezoning Amendment  
**Date:** Thursday, March 24, 2022 12:54:12 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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First Name: judy  
Last Name: Visco  
Email: [REDACTED]  
Phone: [REDACTED]  
Your Address: 10396 Sundance Rd

Additional Comments - Here's Why to Vote NO: Please vote NO on building the Tierra Robles subdivision. Boyle Road already has a lot of traffic due to the residents and the students driving to Foothill High School. The increase in water usage would drain the little we have now. Boyle Road would prevent escape in case of an emergency or fire. Thank you.

Commissioner Chapin, Commissioner Walgamuth, Commissioner Wallner  
Shasta County Planning Commission  
Department of Resource Management - Planning Division  
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January 10, 2022

10295 Jackson Hole Rd.  
Palo Cedro, CA 96073

DEPT OF RESOURCE MGMT  
RECEIVED

JAN 18 2022

ADMINISTRATION

Mr. Paul Hellman  
Shasta County Dept. of Resource Management  
Planning Division  
1855 Placer St., Suite 103  
Redding, CA 96001

Dear Mr. Hellman,

After reading the EIR and the mitigations proposed there in, I am so disappointed and concerned that our Planning Department has failed this community by not making significant changes to the mitigation in the RDEIR. Many residents in this community have expressed their concerns regarding fire, fire evacuation, water and added traffic as well as other concerns. Furthermore, PATROL hired Remy, Moose, Manley to research and report their findings in response to the RDEIR in a letter dated February 2021. Even though the information was relevant and very serious, it was totally ignored by the Planning Department. Hence, the serious concerns were never addressed. Add to this, CEQA Guidelines have not been met and rulings regarding other projects i.e., Vineland Area Citizens for Responsible Growth were totally ignored.

In my first letter to you, I expressed most of the same concerns that are restated in the second letter from Remy, Moose, Manley. These concerns are ongoing, and I pray the Board of Supervisors does not approve the current EIR for Tierra Robles.

Sincerely,

Jean Sturm

Attn: Planning Dept -  
Re: Tierra Robles -  
Drop Off Box -

January 20, 2021

Jean Sturm  
10295 Jackson Hole Rd.  
Palo Cedro, CA. 96073

Shasta County Dept. of Resource Management  
1855 Placer St.  
Redding, CA. 96001

Dear Mr. Hellman,

The purpose of this letter is to respond to certain parts of the Tierra Robles RDEIR. I certainly hope my comments and those of others will help you to see how valid our concerns are regarding the RDEIR for Tierra Robles and support us by providing an accurate EIR that will provide good stewardship of our land and provide a safe environment for the people who live here.

I have lived in Shasta County for almost 50 years and love the land and the people who live here. Like many people in this area, we have tried to be good caretakers of our beautiful surroundings. Unfortunately, we now believe that our way of life and safety in Palo Cedro and beyond are being threatened by developments like Tierra Robles that include poor planning and development and further complicate the health and safety of people in our community.

We have been Bella Vista Water District customers since 1972. For the first 30 years we were satisfied with the water pressure and allocation of water we received. This has changed. We now deal with fluctuations in water pressure throughout the year, which impacts everything from irrigation to showers. Furthermore, we have had to take measures to accommodate draught conditions

by reducing water usage during these long and frequent periods of draught by letting our lawn and many plants die.

In the RDEIR it is stated that the total number of acre-feet per year to meet the water demands for Tierra Robles would be 80 acre-feet per year. It also states that if BVWD cannot fulfill that requirement due to draught, an additional 100 acre-feet will be purchased from another water district. The Bella Vista Water District clearly states in their 2015 Water Management Plan, Tierra Robles requires 352 acre-feet per year at buildout. As one can see, there is a 172 acre-feet per year discrepancy between what BVWD states Tierra Robles will need to meet the water demands at buildout and what the RDEIR reports TR requires to meet the needs of their proposed subdivision at buildout. This certainly does not create a feeling of good will and security that the planning department has made such a grave miscalculation, and that they have our best interest at heart.

I understand that Shasta Red is in the process of negotiating with the Clear Creek Community Service District to obtain 100 acre-ft. per year of water when draught conditions impact the ability for BVWD to provide enough water to service Tierra Robles. What I find disconcerting is that there is still uncertainty whether there is a reliable supplemental water source. BVWD and CCCSD are still in the discussion phase, and there are all these other entities, such as the USBR, that have to approve this transfer of water. Delivery of the 100 acre-feet of water is not a guarantee. Add this to the huge miscalculation in the RDEIR about the number of acre-feet of water required to meet the needs of the residents in Tierra Robles at buildout and the uncertainty of an auxiliary water source, and one can easily see there is a big problem with the RDEIR and the planning of this project.

In the RDEIR there is no mitigation for traffic transfer from Tierra Robles to Boyle Rd. or the reverse of transfer from Boyle Rd. into Tierra Robles. Boyle Road's two narrow lanes leave no room for error. It is estimated that there will be approximately 300 plus cars owned by residents in Tierra Robles. Your report states that this will equal 1774 vehicles pulling in and out of TR on a daily basis. A

left-hand turn lane from Boyle Rd. into Tierra Robles would facilitate a much safer transition into the subdivision. Furthermore, a merging lane from TR onto Boyle would allow for traffic to safely merge, especially if there were a line of cars trying to leave TR and transition onto Boyle. Don't you think these mitigations would help with emergency evacuation in the case of a fire?

In the RDEIR there is a lengthy explanation regarding emergency evacuation. The estimated traffic volume in this evacuation model would be 8,542 vehicles passing through the study area heading to one of the 8 safety locations. They estimate 25 feet per vehicle, 8542 multiplied by 25 feet equals 213,550 feet or 40 miles of traffic! We believe this estimate does not reflect all the RVs, animal trailers and other vehicles that people will use. In your calculation this will take 1.5 to 3.5 hours. It is noted that the study minimizes the impact of TR's vehicles, which are at least 362 vehicles that equal another 1.7 miles of vehicles, and it would add just 15 minutes to the entire amount of time to arrive at a safety point. How can 1.7 miles of vehicles merging in to the 40 miles of vehicles add only 15 minutes to the evacuation process especially when people are in a que and moving very slowly? I have to add, this study does not model or address having to leave by just one exit from Tierra Robles onto Boyle Rd. In the 1999 Jones Fire, Boyle Rd was bumper to bumper. Did the author of this study visit this study area? Boyle Rd. is mis-located and labeled incorrectly on all the Figures shown in this study? The study author quoted street data from state roads, not residential roads. Primarily data came from SR 299 and SR 44 rather than surface streets.

The study states there will be long lines of all vehicles on all the roads that were studied. Escape speeds can be as slow as 3 mph in the queueing of vehicles. As evidenced in fires all over California such as the Paradise Fire, people die in their vehicles trying to escape. Queueing creates death traps! At least 7 of 70 deaths in the Camp Fire were from people who died in their vehicles or fleeing their stopped vehicles. Our area is a recipe for disaster.

The EIR calls for a new Emergency Access road on the private road of North Drive, however the developer does not have a legal easement from the existing 28 homeowners. In addition, the current roadway does not meet the required road standards for an Emergency Access Road. What will the developer do to obtain a legal easement to Northgate Drive and how will they be responsible for bringing the road up to CALFIRE standards?

The County is obligated to follow the Governor's Fire Hazard Planning Requirements and the County's General Plan that community developments must be built with safety from wildfire and/or by not promoting added development in a very High Fire hazard severity zone. Jurisdictional Hazard Mitigation requires compliance with its prescriptions to reduce risk and preventing loss from future hazard events by limiting new exposures identified in hazard areas. The County is obligated under this hazard plan to follow this prescription in order to comply with FEMA funding requirements. If there is no compliance, there could possibly be no FEMA funding.

I have other questions, as well. Does CALFIRE and Shasta County Fire have the staff and equipment to protect all the suggested refuge sites? What evidence does the study present that these 8 refuge sites can even accommodate all the thousands of vehicles that are expected to evacuate?

The study conclusion blows off the impact of any added TR traffic onto already overcrowded, dangerously congested evacuation routes because TR allegedly represents less than 5% of the total traffic flowing to escape. The county must follow its general, hazard mitigation plan commitments to not add development to an already overwhelmed wildfire, evacuation route system. To ignore faulty planning and development spells disaster for all residents living in this area. Please consider the safety for all the residents who live in rural areas in Shasta Co.

Thank you for your time,

Gunther and Jean Sturm

Clear Creek Community Services District  
5880 Oak Street  
Anderson, Ca 96007

January 13, 2022

Paul Hellman, Director  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street, Ste 103  
Redding, CA 96001

RE: Tierra Robles Planned Development

Dear Mr. Hellman:

This letter is to notify the Shasta County Department of Resource Management that the Clear Creek Community Services District (CCCSD) does not have an agreement to provide a surface water transfer to the Bella Vista Water District (BVWD) during times of drought, nor does the District intend to enter into any such Agreement with the BVWD.

The CCCSD had a very challenging water year in 2021-2022. During the 2021-2022 water year, the Bureau of Reclamation (BOR) provided the CCCSD with only 425 acre-feet of surface water. This curtailment caused the CCCSD to run out of surface water and the District had to quickly find another water source to avoid being in breach of its BOR contract by using water above its 425 acre-feet allotment.

In June of 2020, the CCCSD Board of Directors authorized the District's General Manager to enter into negotiations with the BVWD for a potential future transfer of *up to* 100 acre-feet of surface water during times of drought. Those negotiations were never completed, and a transfer agreement was never approved by the CCCSD Board of Directors.

Considering the water shortages of 2021-2022 and the likely severe water allocation curtailment in the 2022-2023 water year, the District and its customers are unwilling to forego any surface water, particularly in a drought year. In addition, the Central Valley Project Municipal and Industrial Water Shortage Policy (M&I WSP) 2.1.2 Terms and Conditions, Item 7 states, "Reclamation will strive to deliver CVP water to M&I water service contractors at not less than the amount needed to meet PHS need, taking into consideration contractors' CVP allocations and available non-CVP supplies." This means that the BOR may reduce the CCCSD's surface water allocation to zero because it has non-project water available (ground water wells) to meet public health and safety requirements. A zero-water allocation by the BOR would prevent the CCCSD from having any surface water from the Central Valley Project available to transfer to the BVWD; the District can

therefore not enter into any agreement to provide the BVWD with surface water during a drought period.

Because a potential agreement between the CCCSD and the BVWD to transfer a portion of CCCSD's CVP allocation is cited in the Tierra Robles Planned Development Environmental Impact Report as a proposed source of supplemental water supply, the Board wanted to make clear to the County that this is not in fact a viable option.

Sincerely,

A handwritten signature in green ink that reads "Cedric Twight". The signature is written in a cursive style with a large, stylized initial 'C'.

Cedric Twight, Chair of the Board  
Clear Creek Community District



Better bikeways, trails, walkable cities and vibrant public places

January 14, 2022

To: Shasta County Planning Commission

Re: **Please vote to uphold the goals of the people of Shasta County for healthy, safe and prosperous communities and to uphold the Shasta County General Plan**

**Please vote:** NO – to the request to change zoning in the rural areas of Shasta County

**Please recommend to County Board of Supervisors:** NOT consistent with the General Plan,  
**NO Thank you – to Tierra Robles development proposal**

Upon careful review of the Tierra Robles proposal, the Shasta County General Plan, and with ten years' experience involved with regional development projects and plans, regional agencies, and ongoing conversations and public engagement with people who live, work, and play in Shasta County – I submit this request by Shasta Living Streets to deny the requests for zoning changes in the rural area and recommend to the Shasta County Board of Supervisors that this proposal is inconsistent with the Shasta County General Plan.

This proposal is NOT consistent with the General Plan.

Therefore, the central question of this proposal before the Planning Commission is:

**Is this project**

**So good for our community,  
So without flaws or burdens for the county,**

**that it is worth changing development patterns and previously defined zoning,  
and setting a precedent for the future that will have consequences no one has yet  
examined?**

**>>> NO. No it's not that good.**

Consequences include, but are not limited to:

Additional unsafe, fiscally burdensome, out of compliance developments in the rural, agricultural, and open space areas throughout the county.

So, this is not just a request for new ideas and unsafe conditions in this one location.

Approving these ideas now will spread similar type projects across the county, impacting people and businesses in Anderson, Cottonwood, Shasta Lake City, Burney, Fall River, Shasta, Igo/Ono.



## **MEETING THE GOALS OF OUR COMMUNITY AND CONSISTENCY TO SHASTA COUNTY GENERAL PLAN**

In the decades before us, the people, businesses, elected leaders, and public staff of this region looked forward to encouraging developers and development projects that would help us build a community into the future – to be resilient, healthy, and prosperous.

Yes, we look forward to encouraging development, and as an organization our staff works with businesses and organizations across Shasta County to attract major funding, and to assist with plans for development of housing and transportation projects. We work hard to support developments that brings many great things to the people and businesses in our region.

However, this proposal called Tierra Robles does not move our community in a positive direction as set-forth in the Shasta County General Plan. Tierra Robles is not consistent with the General Plan and moves the entire county in a direction that is unhealthy, unsafe, and fiscally burdensome to the County. The proposal is not in alignment with the vision and direction of the people in our region, will take us out of compliance with the policies of the State of California – as we all work to build resilient, safe, healthy, and prosperous communities.

Today the people and agencies of Shasta County are struggling to meet a number of challenges. We must make careful, good decisions today about ideas for development that impact our future.

This Tierra Robles proposal suggests ideas and structures that we now know will create excessive risk, future cost, and burdens of all kinds, to all of us, beyond anything it offers to provide.

### **This proposal is NOT consistent with the Shasta County General Plan in multiple ways**

**Complete Streets Policy.** This project does not meet even the basic requirements for the required Complete Streets Policy (2008) for people living in homes in this area.

-> **Not consistent.** See additional details below.

**Air Quality.** “The County shall consider potential air quality impacts when planning the land uses and transportation systems needed to accommodate expected growth.” “The County shall work towards creating a land use pattern that encourages people to walk, bicycle, or use public transit for a significant number of their daily trips.”

->**Not consistent.** See additional details below.

**Fire Safety Element – Fire Prevention.** The General Plan calls for county staff and development processes to discourage growth in wildfire prone areas. This high to very-high risk area, with longer expected response times -- is specifically defined as not-for-denser-development.

->**Not consistent.**

**Parcel Suitability.** Despite the backflips to try to make-it-so (water deals, sewage plans) this land clearly cannot support the number of families proposed, for a “financially feasible long-term operation”.

->**Not consistent.**

## **TRAFFIC & CIRCULATION: TRANSPORTATION, AIR-QUALITY, HEALTH, LIVABILITY**

In the Traffic & Circulation analysis for the Tierra Robles proposal there are many words and many pages, incorrect assertions, and General Plan guidelines ignored or incorrectly explained away.

### **Challenges we face with no transportation choice:**

#### **Consequences of ignoring community need and the goals of our General Plan include**

In our region today, people have no choice but to drive for every trip. The high cost and lack of transportation choice destabilizes families, leads to poor health, and drives talented young people and retired couples to seek another place to live, work, and play.

Leaving our families stressed, our businesses without the employees they need, and our children at risk.

Today Shasta County has unacceptably high rates of debilitating health outcomes directly related to inactivity, along with some of the highest levels in the U.S. of death and life-altering injuries from car collisions with people walking and biking.

## **The Traffic & Circulation could be challenged in court for many assertions**

### **Current Conditions**

**Historic documents, storytelling, and photos tell us people have been biking between Redding Palo Cedro/Bella Vista since the 1890s.** Local residents will tell you stories of riding the route as teenagers. It's a beautiful place and a nice ride. It's 30-45 minutes between Redding & Palo Cedro by bike.

### **Boyle/Old Alturas is THE bicycle corridor to-from Redding & Palo Cedro/Bella Vista/Millville.**

Another incorrect assessment made – this is one of the most travelled bikeways in Shasta County today, with much higher volumes expected in the future – as it is the *only viable route* between Redding, Palo Cedro and beyond. HWY 44 or 299 being the only other option, unacceptable to most people for biking.

**Boyle/Old Alturas/Deschutes Roads are today unsafe for people walking and biking, and there is already strong interest and concern for safety.** Neighbors in the area are often seen walking in the ditch near the road, as there is no other safe location. Other neighbors are unable to leave their homes for a walk with their dog, due to unsafe traffic. People riding bikes now, or wanting to ride and walk, report many safety issues with no bikeway or safe walking next to speeding and distracted driving.

**Future expectations (without this project) show growing need and increased walking and biking** in the area for low-cost, clean transportation and local interest in active living. Ebikes now make these routes easy and enjoyable for people of all ages and abilities to and from school, shopping, workplaces. Many people in Shasta County are purchasing and riding ebikes, and are seen on this route today.

## **Tierra Robles Suggests Impacts: An additional 1,700 trips per day. This is: Burdensome. Not Mitigated. Brings Consequences.**

**Which is it – Close to Town or Too Far from Town?** Reading closely, arguments are made:

*'close to town – not causing increased VMT'*

*'too far from town – no ability to mitigate increased VMT'*

So – contradictory and NOT consistent.

Either way, the Tierra Robles proposal is NOT consistent with General Plan Air Quality or Transportation goals.

**Most people can ride a bike 3 miles in 20 minutes, using an ebike makes 6-10 miles easy.**

A 2-mile bike ride is an easy ride to work or school, incorrectly stated in the Traffic & Circulation analysis. A SRTA long-range planning study recently showed most trips in our county are 5 miles.

**Air Quality will be negatively affected, with no effort to meet General Plan goals.**

Each family will have to drive for every trip. No possibility for walking/biking to school or friend's homes, shopping, the park, or work.

**This proposal does not meet the General Plan Complete Streets goals.**

Not at the very minimum definition by Caltrans of Complete Streets.

**Incorrect assessment of need and interest for biking and walking trips:**

The Traffic & Circulation Document cites an outdated 2010 plan and says no one needs to walk or bike in this neighborhood – therefore dismissing current needs and Complete Streets and Air Quality goals.

In 2018, the county-wide GoShasta Biking & Walking Plan made clear the strong interest of people in the county for neighborhoods that give safe, inviting spaces for walking and biking.

**An additional 1,700 trips per day by this proposal will dramatically increase traffic and unsafe conditions for people.**

1,700 additional trips per day on a roadway already inadequate for the needs of people in the area to walk and bike – will create burdens for local families, county plans and budgets, and our ability as a community to reach our goals for a healthy and prosperous future for all.

**We urge you say YES to upholding the goals of the people of Shasta County for resilient, healthy, safe, and prosperous communities,  
We urge you to uphold the Shasta County General Plan**

**Please vote: NO – to the request to change zoning in the rural areas of Shasta County**

**Please recommend to County Board of Supervisors: NOT consistent with the General Plan,  
NO Thank you – to Tierra Robles development proposal**

Please do not recommend the ideas in this proposal to the Shasta County Board of Supervisors.

Please do not send the message *“with lots of time and paper – any proposal will be approved.”*

We look forward to supporting other developers and future plans for projects that provide people with quality living places, with coordinated housing and transportation options, that meet our stated General Plan goals and support quality of life for people in Shasta County.

**We need good decisions today to meet needs of the future. We urge you to support a healthy, safe, and prosperous future for the people of Shasta County as we build and grow, with the right development in the right place.**

Thank you very kindly,



Anne Wallach Thomas  
Executive Director, Shasta Living Streets

1313 California Street, Redding, CA 96001  
530.355.2230 athomas@shastalivingstreets.org  
shastalivingstreets.org



**Barbee and Brad Seiser  
10603 Northgate Drive  
Palo Cedro, CA 96073**



January 13, 2022

Shasta County Planning Commissioners  
c/o Mr. Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001  
Sent by Email January 13, 2022: phellman@co.shasta.ca.us

Dear Mr. Hellman,  
Please forward this letter and attachments to the members of the Shasta County Planning Commission for the January 19<sup>th</sup> Tierra Robles FEIR Public Hearing. We respectfully submit these comments into the public record on behalf of the undersigned.

Warm regards,  
***Brad Seiser and Barbee Seiser***

Dear Esteemed Commissioners,

Before I get to the main issues of why we don't support the approval of Tierra Robles (TR), please allow us to share a concern that impacts us personally, but also impacts all of us that live within the Boyle Road corridor from Deschutes Road to Old Alturas Road. We live on a private road, Northgate Drive which dead ends at the TR property line. In the 2017 DEIR Northgate was proposed as a secondary emergency egress roadway however, upon examination of County records the developer did not have a legally recorded easement to use this road for any subdivision purpose and Northgate would not meet County standards for an Emergency Egress Access Road.

Given the limited evacuation choices for those living in the Boyle Road corridor (314 homes exiting only on to Boyle from 24 streets) creating an additional evacuation route for existing residents could have been considered a benefit to both the developer and existing residents. The Developer never once offered to meet with Northgate Owners to negotiate a mitigation for resolution of the easement issue. The developer just continued to maintain he had a prescribed easement which would not be legal for a planned development. And then developer or the County changed their position and removed Northgate from consideration (as it appears in the FEIR). So, in the end, no one got a benefit from a resolution and the community still is dealing with a potentially deadly, unmitigated wildfire evacuation situation on the Boyle Road corridor.

It would seem that our Beverly Hills does not understand or accept the notion of being a good rural neighbor. While I can't speak for other owners, we were willing to negotiate.

**Note:** The Northgate Fire started on June 7, 2021, directly across from our property which resulted in a 4-acre vegetation wildfire which damaged a home on that property which also burned an adjoining property. Thankfully, Shasta Fire ground and CalFire Air crews responded quickly and after a few hours it was over. Luckily, because the winds were calm our neighborhood dodged a bullet. So, you can see wildfire danger is very real here.

We are writing to urge you to DENY both certification of the FEIR and the Rezoning Amendment for a planned development. We assert this denial is based on FEIR CEQA deficiencies and inadequacies in the areas of Wildfire and Wildfire evacuation, Bella Vista Water District water availability, and non-adherence to the County General Plan Requirements and a rezoning amendment for a planned development that is drastically inconsistent with the parcel sizes in the surrounding community.

For the past 10 years our family has been providing ongoing feedback to the Shasta County Planning Department and more recently the Planning Commission regarding the proposed 166 home suburban subdivision, Tierra Robles (TR) in rural Palo Cedro.

We will try to keep this simple so as to address the heart of the matter. These are the reasons why TR must not be allowed to cross the finish line at the 1/19/22 Public Hearing:

1. NO TR Water Availability Required by the General Plan Section 6.6 Water Resources, Policy W-c:
  - A. No "likely" source of supplemental water has been identified per the conditions of the CA Supreme Court Vineyard decision to supplement the BVWD in single and multiple drought years so existing customers are not impacted through full buildout. Per the BVWD the FEIR miscalculates/underestimates by 272 AFY the water demand for the project, making for an "unlikely" and unreliable source of supplemental water from any source.
  - B. Regarding a speculative water transfer from the Clear Creek CSD, no feasibility study has been completed as required by the BVWD Board, and there is no agreement for any transfer of water now or likely in the future. The Clear Creek CSD is itself a water stressed CSD as they are subject to the same USBR water allocation cutbacks as BVWD and just last year had to purchase 700 AFY from the City of Redding as their surface water allocations and wells could not meet their own customer's demand.
2. Wildfire and Wildfire Evacuation:
  - A. TR is located in a Very High Hazard Severity Zone (VHHSZ) and our home/property is in a VHHSZ. The 1999 Jones Valley Fire destroyed outbuildings on our Northgate property and the same for other properties on Northgate. Some homes on the streets below our home were totally destroyed.

- B. We concur with the onsite mitigation plans for Wildland Fuel Management and Vegetation Management and Oak Tree Management to ensure lands are defensible and not overgrown.
- C. However, as required by CEQA the FEIR does not analyze and mitigate for the environmental impact that TR will have on the surrounding community. The FEIR fails to analyze the impact of adding 166 homes, plus at least 15 Additional Dwelling Units that will add 445 new residents, all conducting human activities that can contribute to starting wildfires.
- D. TR vacant land is likely not going to start a wildfire, but TR residents will start fires through daily activity, mechanical equipment, lawn mowers, chain saws, cars etc. The FEIR ignores this totally. High winds on this bluff will take embers and distribute them far beyond the project's borders. The result is an invalid FEIR offering no analysis, leading to no mitigations for the surrounding community at all.
- E. Final RDEIR November 2020, Page 15-15 states "As of this time, Cal Fire, Shasta County Fire Department, Shasta County Office of Emergency Services, Shasta County Sheriff's Office, and others have not adopted a comprehensive emergency evacuation plan applicable to this area". Therefore, the FEIR does not present sufficient evidence to support the conclusion that Tierra Robles would not contribute to a delay during an emergency wildfire evacuation such that would substantially impair the execution of the County's EOP.
- F. There is NO mention that the FEIR Wildfire and Wildfire Evacuation Sections, including the Traffic Evacuation Study area were vetted, assessed, analyzed, evaluated by Shasta Fire or the Sheriff. Of note, in the Final RDEIR November 2021 page15-165 it does state "that the Study was reviewed by the Shasta County Department of Public Works and was found to be credible" Really, we did not know that Public Works were wildfire and evacuation experts.
- G. That said, the Traffic Evacuation Study is a poster child for why TR should not be approved. It memorializes the inadequacies of what could be the worst that could happen in a wildfire evacuation.
- H. Importantly, the FEIR states the following purpose of the Traffic Evacuation Study which negates any use of the conclusions or inferences that can be made for the purpose of this FEIR related to Wildfire and Wildfire Evacuation:

"it is not appropriate to compare the evacuation study analysis to the effectiveness of an emergency evacuation plan."(Final RDEIR November 2020, Page 15-15)

This means that the FEIR's use of the Traffic Evacuation Study cannot be considered substantial evidence for a conclusion that traffic from the Tierra Robles project poses a less than significant impact on the surrounding community. The conclusions of the Traffic Evacuation Study are null and void.

- I. So, knowing that the Study's conclusions are null and void, here are the "hypothetical" FEIR facts that worry us sick on the Boyle Road corridor and the surrounding community:
  - a. The Study estimates 8,542 vehicles flowing through the surrounding roads. The study estimates 25 feet per vehicle X 8542 vehicles equaling 213,550 feet or 40 miles of traffic! And its not clear from their calculations that this will reflect all the RVs, boat, and animal trailers that people will evacuate.
  - b. The real horror of the Study is that it advises it will take anywhere from 1.5 to 3.5 hours to process all those vehicles depending on 8 safe refuges, which can't accommodate the number of vehicles assigned to the simulated traffic volume. Escape speeds are estimated at 3 mph in bumper-to-bumper traffic. People under the same speed restrictions In the Camp Fire died in their cars! We don't want that for our exit onto Boyle Road!
  - c. The Study estimates the TR vehicle traffic will account for only 5% of the total traffic which would 427 vehicles or 2 miles of traffic which also may not include all RVs, boat, and animal trailers.
  - d. The FEIR minimizes the impact of TR's traffic on the surrounding community. Common sense asks, how can 2 miles of cars merging into 40 miles of studied traffic add only 15 minutes to the evacuation process for those traveling the greatest distance to reach a safe refuge, especially when the study notes that all the studied roads will have bumper-to-bumper queueing?
  - e. For the study to minimize the impact of TR vehicles on the surrounding community to 15 minutes of delay in getting to safety in a wildfire evacuation is irresponsible and callous. 15 minutes could have made the difference in people living or dying in the 2018 Camp Fire!
  - f. Regarding the Boyle Road corridor, the Study does not model or address the impact of the added TR vehicles when having to leave just by one exit onto Boyle Road. Given the historical perspective that wildfires typically start north of TR and travel south, it is likely that TR cars will have to exit onto Boyle Road.
  - g. The FEIR fails to mention or study the 1999 Jones Valley Fire which came from the North, and where for a time Boyle Road was bumper to bumper. A law enforcement officer reported to us that it took him 15 minutes just to



drive from the Deschutes Road all the way up Boyle to Old Alturas Road in heavy smoke with trailers stuck on the side of the road and lane blockage. Again, only 15 minutes.

J. The TR FEIR Violates the Shasta County General Regarding Fire Safety and Restricting Development in High-Risk Fire Hazard Areas:

Shasta County General Plan PARTIAL RECIRCULATED DRAFT EIR • December 2020 5.19-8 – 5.19-

“The Fire Safety and Sheriff Protection Element, Public Safety Group, of the Shasta County General Plan contains policies regarding fire protection and development practices within an identified high-risk fire hazard area. These policies are intended to protect persons and structures from fires and ensure that development minimizes the risk of creating fire hazards or defending against those hazards. The following General Plan objectives and policies are applicable to the proposed Project:

Section 5.4 – Fire Safety and Sheriff Protection

- Objective FS-1. Protect development from wildland and non-wildland fires by requiring new development projects to incorporate effective site and building design measures commensurate with level of potential risk presented by such a hazard and by discouraging and/or preventing development from locating in high-risk fire hazard areas.”

TR is located in a Very High Fire Hazard Severity Zone so is the surrounding residential and agricultural areas. The facts and arguments presented above in Section 2 demonstrates that TR does not meet the conditions of the General Plan for Fire Safety. The FEIR proves that TR has a negative impact on the surrounding community and its impact is significant. Also, the FEIR does not propose any mitigations to address it’s impact on the surrounding community, namely because the FEIR claims there are no problems. Based on the facts presented above, this leapfrog development is placed in the midst of a surrounding community that does not have the safety infrastructure to ensure the safety of existing residents or any future residents in the event of severe wildfire situation

Based on the above evidence and rationale the Planning Commission must The evidence and conclusions of the FEIR Wildfire Traffic Evacuation Study are the best reasons why the Commission should deny FEIR certification

Maintaining the current zoning by not granting the rezoning amendment will guarantee the surrounding community will not be subjected to the fire dangers imposed by Tierra Robles’ 445 new residents, 2-3 miles of added vehicular, bumper to bumper traffic during a emergency wildfire evacuation, particularly on the Boyle Road corridor and other surrounding two lane roads. The County and FEIR do not address how they would mitigate for this added traffic in a wildfire and the resulting

delays that would occur in an evacuation. There are no Wildfire mitigations identified that would address the potential loss of life if even 15 minutes of delay were to impact evacuations of existing residents. Therefore, the FEIR and the County has not met the burden under CEQA for the granting a Rezoning Amendment for a planned development.

3. General Plan and Zoning:

An approval of rezoning amendment for a planned development will set a precedent for urban sprawl in rural Palo Cedro/Bella Vista and other similarly settled areas of unincorporated Shasta County. This is a leapfrog development in that it is not placed in an area contiguous with other planned developments, such as the East Redding area where development grows from the City of Redding. We know there are other developers who are waiting to see what happens to TR so they can move on ag properties and other Unclassified parcels to make them planned developments. However, we did not come to live in Shasta County, to live to see it become Sacramento or Roseville.

- A. (see FEIR Composite Parcel Map Figure 5.10-1 and Table “Project is Inconsistent with Surrounding Parcel Sizes”) Current zoning is Residential Rural with 1 dwelling per 2 acres. TR parcel sizes range from 1.19 acres to 6.81 acres

The Rezoning Amendment should be denied because TR is not consistent with the County’s General Plan and current zoning when compared to parcel sizes in the surrounding community. By counting all the parcels on the map in each category of colored acreage we can compare the lot sizes of TR with the surrounding community.

Summary of Table “Project is Inconsistent with Surrounding Parcel Sizes” shows the following zoning/parcel size violations:

- a. 44 TR Homes or 26% are less than 2 acres and violate the existing zoning of 1 dwelling per two acres.
- b. 109 TR homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community.
- c. 57 TR homes or 35% are greater than 3 acres vs. 77% in the surrounding community.

This analysis proves that Tierra Robles does not fit with the existing parcel sizes in the surrounding community. This property could have been developed in a way that was consistent with surrounding parcel sizes, however, the developer to not to do. The developer should not be permitted to violate the General Plan and current zoning.

We have made the case for why the Tierra Robles is wrong for our rural community. We respectfully ask that Planning Commission deny both the certification of the FEIR and the rezoning amendment for a planned development.

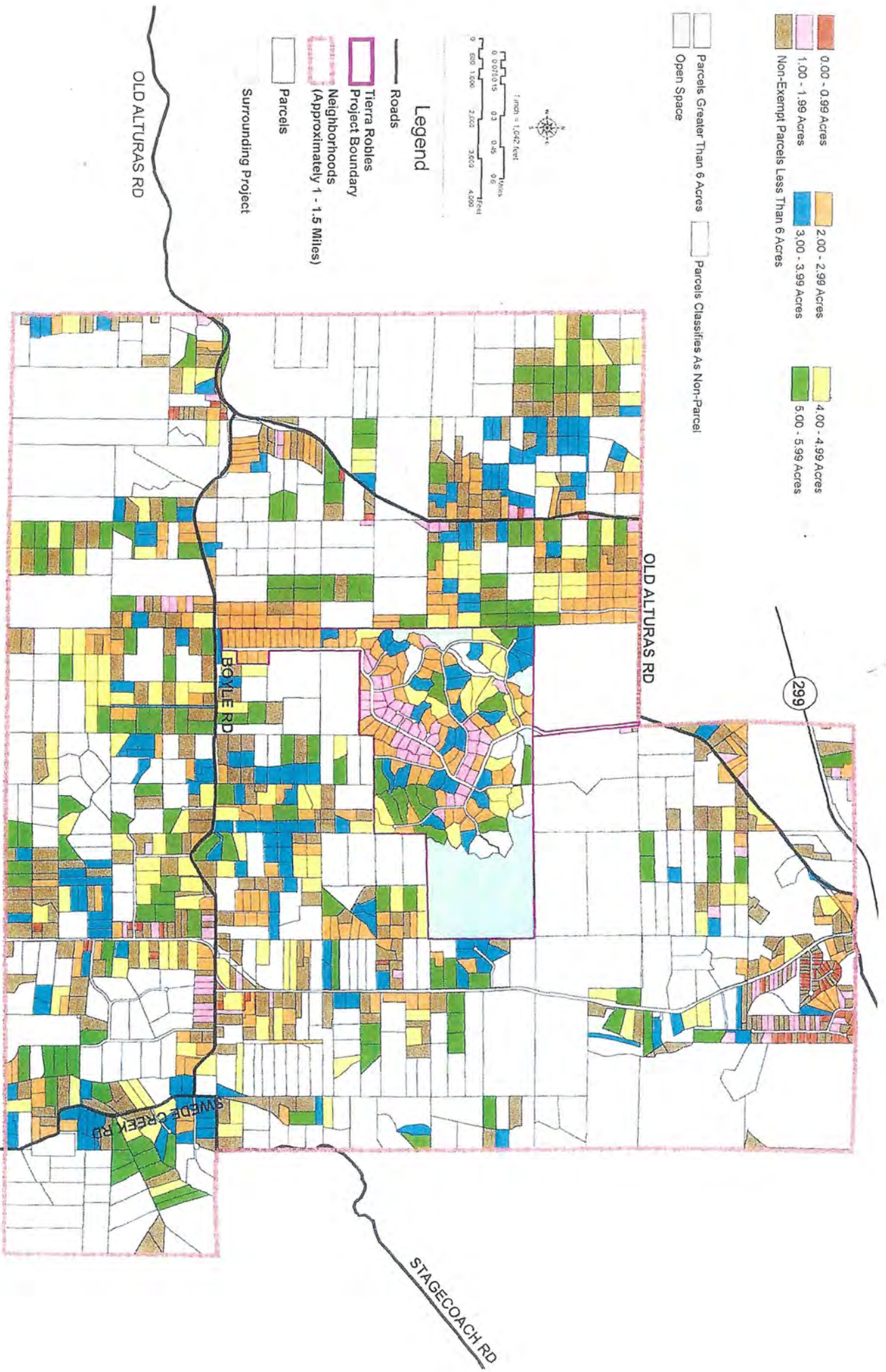
Warm regards,

***Brad Seiser and Barbee Seiser***

cc: Shasta County Board of Supervisors



SOURCE: Tierra Robles Project, Shasta County Public Data, Lehmann and Associates



TIERRA ROBLES PLANNED DEVELOPMENT • EIR  
Composite Parcel Map

# **PROJECT IS INCONSISTENT WITH SURROUNDING PARCEL SIZES**

**(PER EIR COMPOSITE MAP Figure 5.10-1 AND EIR APPENDIX LOT MAPS)**

<u>Acreage</u>	<u>Lotting Description</u>	<u>% Parcels</u>	<u># of Surrounding Parcels**</u>	<u>% of Surrounding</u>
1.00 – 1.99 ac	44 Homes	26%	48	5%
2.00 – 2.99ac	65 Homes	39%	155	18%
3.00 – 3.99 ac	25 Homes	15%	137	16%
4.00 – 4.99 ac	16 Homes	10%	117	13%
5.00 – 5.99 ac	11 Homes	7%	128	15%
6.0+ ac	5 Homes	3%	293	33%
Totals	166 Homes		878 Parcels	

\*\* Non-Exempt Parcels less than 6 acres - 273 - not included in the above surrounding percent calculations since the exact acreage is unknown, other than less than 6 acres. (This is an apples to apples comparison)

**44 HOMES OR 26% are less than two acres, violating the existing zoning (1 du/2 acres)**

**109 Homes or 65% - one to less than three acres**

**vs. 23% in surrounding areas**

**57 Homes or 35% - over three acres**

**vs. 77% in surrounding areas**

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Cc:** [Shasta County BOS](#); [Matthew Pontes](#); [Donnell Ewert](#); [HNSA COVID-19 Response Team](#); ["Sabrina Teller - Remy Moose Manley LLC"](#)  
**Subject:** Public Health Postponement Request for 1/19 Tierra Robles FEIR Public Hearing  
**Date:** Thursday, January 13, 2022 10:37:14 AM  
**Importance:** High

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Dear Mr. Hellman,

As you are likely aware the County has changed its policy Wednesday night regarding the current covid situation and its impact on County government operations as Omicron covid rates have been surging in Shasta County.

PATROL is writing to request a postponement of the 1/19 Public Hearing on Tierra Robles on the grounds that the meeting would pose a threat to public health and a virtual meeting would stifle a full throated, in person community response on Tierra Robles. The meeting should be reset to a time when Covid rates are flat as they were in June 2021, and do not pose a public health risk as we see today.

The Palo Cedro/Bella Vista/Redding community has waited two years for the opportunity to come again before the Planning Commission to make our case with Tierra Robles. This is a big deal to residents in District 3 and 4.

On July 21, 2021 Planning Commission and Department provided the Intermountain community an in person public hearing in an auditorium setting to fully communicate their views on the Fountain Wind Project. At the time of the 7/22/21 Hearing, the County Covid rate was flat as you can see from the attached screen shot of the HNSA covid website. On 7/22/21 the number of cases reported was 13. On 1/11/22 the case count was 197.

The public deserves an in person Planning Commission Hearing that is does not pose a threat to their health or pose any impediment virtual or otherwise to their full expression as citizens.

Please, respectfully consider this emergent request. We have received many inquiries about this meeting and peoples inability to attend in person or virtually.

Thank you. Warm regards,

Brad Seiser for  
PATROL/NO ON 166 HOMES Steering Committee  
P.O. Box 682  
Palo Cedro, CA 96073

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles proposed development  
**Date:** Wednesday, January 12, 2022 9:14:59 PM

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To Whom it May Concern:

As a lifelong resident of Shasta County, and a resident of the Deschutes/Boyle area of Palo Cedro for the last 30 years, I must register my dismay that there is continuing serious consideration of allowing this proposed development to proceed. There are far too many life threatening flaws to this plan for it to continue to be seriously considered.

First and most obvious of course is the potential for catastrophic loss of life in the event of a fire anywhere in our area or to the north of us. During the Carr Fire, for example, people were backed up on Deschutes Road such that they spent several hours in their vehicles trying to go south. We ourselves did not need to evacuate, but the simple act of going to the gas station to fill up in case the fire progressed and we DID need to evacuate was next to impossible. We were not able to get out onto Deschutes from the side street of Old Deschutes/Swede Creek Rd. Had we been forced to actually evacuate, we would have been stuck for hours with insufficient fuel. After what we saw in Paradise, we should be wise enough not to add so much more traffic to an already congested through-way. Safe evacuation is clearly critical as we move into this era of more frequent, much larger and much faster burning wildfires. Why put more people at such severe risk, merely to line the pockets of a developer?

Another grave concern to us is water. We have already lived through yet another year of water restrictions, making life much less comfortable than it had previously been. To add that much more demand to an already overtaxed system makes no sense whatsoever. When a resource is scarce, why would we increase demand?

Yet another concern isn't exactly life threatening, although in many ways this development would actually threaten the life that we expected to live based on the zoning in effect when we moved to this area. A rural lifestyle is what we signed up for and when instead we begin to see urban creep along with urban sprawl, that lifestyle is definitely threatened. Changing the zoning merely for a developer to make money makes no sense. The community does not want this change and the people who live in the area really should have some say, it seems, especially when the ramifications are so serious.

I do hope you will consider these concerns with more seriousness than was shown in the EIR revisions. Many lives potentially depend on your decision.

Sincerely,

Ann Mobley  
10339 Oriole Lane  
Palo Cedro, CA  
[REDACTED]



**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Bella Vista Development  
**Date:** Thursday, January 13, 2022 9:48:45 AM

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Dear PLANNING COMISSION:

I live in Bella Vista and I am on a well. We had great hopes to get Bella Vista WATER, WHEN IT WAS BEING PULLED EAST. However, that would be an ideal world... It seems that our local government is pushing to build the TIERRA ROBLES. Yeah, stress out the small water system, with current restrictions on water, overload our neighborhood with new development.

IT IS NOT O.K. THIS DECISION, AS YOU WELL KNOW, IS PUTTING CURRENT RESIDENTS OF SHASTA COUNTY, ESPECIALLY BELLA VISTA, IN QUESTIONABLE POSITION.

LET US KEEP THE RURAL QUIET LIVING, AS SPARCE AS IT IS. DEVELOP INFRASTRUCTURE FIRST AND THEN GET TO THIS DEVELOPMENT IDEA.

I ASK YOU TO CANCEL THE TIERRA ROBLES NOW!

Ursula Buxton

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles development  
**Date:** Friday, January 14, 2022 8:40:11 AM

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Dear Sir,

I am completely against this proposed development in our community. I just moved here a year and a half ago after losing my home to the Camp fire. I have finally settled in and I'm loving the area. But due to this last drought it was very tough with the water situation. It appears that we cannot handle large developments like that along with destroying the appeal of the the area. This is a very nice community and I would hate to see it destroyed with big city developers caring only about profits. Please do not permit this to go any further.

Sincerely,

Robert Chiavola

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** 1/19/2022 Tierra Robles DEIR Public Hearing Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
**Date:** Wednesday, January 12, 2022 9:27:02 PM

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Dear Commissioners,

We are requesting that you vote **NO** on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and **NO** on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for this area of rural Palo Cedro for the many reasons cited below. Rezoning would be a disastrous precedent for similar developments that will bring urban sprawl to our treasured Shasta County.

**Our personal comments and the prepared information below reflect why to vote NO:**

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, Public Safety, the TRHOA, and Traffic. Our greatest concerns are:

- **Wildfire & Evacuation:** TR is in a very high fire hazard severity zone with a persistent history of wildfires. The design of this development is insufficient for sensible defensible space around each building, as required by CalFire. The FEIR and its severely flawed traffic evacuation study *even* demonstrate the conclusion that TR is a danger, with significant impact to the surrounding community. TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENT ON WILDFIRE FOR EXISTING RESIDENTS OF PALO CEDRO. Many of us have been through fire and evacuation...we know what current population evacuation density requires and adding the residents of 166 homes is untenable.
- **Sheriff & Fire Protection:** TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. Our area already experiences delayed sheriff response times and no additional officers or substations are included in this proposal. It is ludicrous to suggest that the addition of 166 homes will not add to the burden on our already overburdened emergency services.
- **TRAFFIC:** TR's development will add another 1,774 daily trips and at least 362 vehicles on already congested, winding, narrow County roads and intersections -- some which already have higher than state average accident rates. Proposed traffic mitigations are an insult for the actual problem areas where the greatest density will occur, such as entering and exiting the development on Boyle Road. The delayed, ineffective suggested solutions in no way resolve this actual death trap in waiting.
- **WATER AVAILABILITY:** The FEIR and developer continue to miscalculate the TR water usage. No water agreement has been negotiated between Bella Vista Water District (BVWD) and Clear Creek Community Services District (which is also subject to cutbacks and lacking in adequate well supplies). BVWD has not issued a required Will Serve Letter to the developer. The General Plan stated "All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and quality for the planned uses. TR DOES

**NOT MEET THE CEQU OR GENERAL PLAN REQUIREMENTS ON WATER!**

- **TRHOA/WASTE TREATMENT:** The FEIR does not provide sufficient evidence that all DEIR required TR mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a "Super HOA" that is overtasked, likely underfunded in 18 of the initial 20 years and has weak enforcement powers. *Our greatest concern in the TRHOA is the responsibility for the highly technical oversight and operation of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State has preference for such systems to be overseen by a Community Services District; however, this was dropped by the County and developer. Compounding the concern is the miscalculation of the amount of BVWD water usage ( a 272 AFY shortfall.) If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquid and solids that flow to the system. Might we add, we are vehemently opposed to such a system at all, and this blatant planned mismanagement is unacceptable to us and should be to you as well.*

Thank you for considering our request to vote **NO** on the **FEIR** and the **Rezoning Amendment**. We urge you to do the right thing for our beautiful rural community.

Michael P. Fullerton and Carolyn P. Fullerton  
01/11/2022  
10556 Petunia Lane  
Palo Cedro CA 96073



**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Comments regarding the Proposed Tierra Robles Project and the Final EIR  
**Date:** Friday, January 14, 2022 7:20:14 PM

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January 14, 2022

Dear Mr. Hellman,

As a property owner on Northgate Drive in Palo Cedro for over 25 years I am concerned about many aspects of the proposed Tierra Robles Subdivision. The intent of this letter is to comment on the county's responses to the Final Environmental Impact Report and to address specific concerns that I have about this proposed project.

My major concerns include the following:

1. The insufficient/inadequate amount of water available to our area.
2. The Wild Fire Evacuation Plan is a disaster waiting to happen.
3. Boyle, Old Alturas and Deschutes roads are already over stressed.
4. The rezoning of our rural community would set a dangerous precedent.

As a customer of Bella Vista Water, I have experienced water rationing for several years. I have had to make difficult decisions as to which trees and plants on my 5 acres to let die because of the water restrictions put in place. It does not appear that the FEIR has proven a likely source of supplemental water. The Clear Creek Community Services District (CCCSD) is over stressed with its current demand. How can this be a reasonable plan to supplement Bella Vista Water needs?

The proposed location for Tierra Robles is located in a Very High Fire Hazard Severity Zone, and is surrounded by significant pieces of real estate that bear the same designation by Cal Fire. The FEIR Wildfire Evacuation study says that TR residents and existing residents can evacuate to 8 different refuge sites. In a wildfire evacuation, study data advises it will take anywhere from 1.5 hours to 3.5 hours to reach these refuge sites in different directional scenarios.

The study advises there will be queueing of all vehicles on all the roads that were studied. Escape speeds can be as slow at 3 mph in the queueing of vehicles!

As stated, the Fire Evacuation Plan has major flaws that may result in serious health and safety issues for the local community. I experience the 1999 Jones Fire which burned three sides of my property. Having witnessed first-hand the ominous power and speed of a wildland fire heading straight for my property I am very aware of how important it is to have a clear and safe evacuation plan. As it is, Northgate Drive is one of many feeder streets onto Boyle Road which leads to either Old Alturas or Deschutes Road. These roads have already reached their capacity to handle traffic demands. If we add the traffic associated with an additional 166 homes, there is no way homeowners exiting with auto's, trucks, RV's and Horse Trailers would be able to outrun an encroaching wildland fire. There would surely be traffic gridlock and chaos as people tried to exit using the existing surface streets.

Finally, I am opposed to the rezoning of our rural community to include parcels smaller than 5 acres. I am disappointed that the county would consider changing the zoning in our area and allow the Tierra Robles development given the serious implications such as public safety, water restrictions and fire hazards that will directly impact the local community that has made lifestyle choices to live in a rural area that is safe and spacious.

Thank you in advance for your attention to my concerns and questions. I look forward to your response.

Respectfully yours,

Leslie Golden

10793 Northgate Drive

Palo Cedro, CA 96073



Shasta County Board of Supervisors  
Joe Chimenti (Dist 1)  
Leonard Moty (Dist 2)  
Mary Rickert (Dist 3)  
Patrick Henry Jones (Dist 4)  
Les Baugh (Dist 5)  
1450 Court St  
Redding, CA 96001

To the Shasta County Board of Supervisors and Planning  
Commissioners,

My name is James Griffith, I am a 20 year resident of Palo Cedro. I do not believe that the county has acted in good faith, and is in violation of the intent, if not the law in regards to CEQA concerning the Tierra Robles FEIR. Sadly I expect this from the developer, however, I expect the county to be independent and act on the behalf of and in the best interests of ALL Shasta County residents. I do not believe that the county has acted in good faith, and is in violation of the intent, if not the law in regards to CEQA concerning the Tierra Robles FEIR and I am planning to speak at the Planning Commission hearing on Jan 19, 2022 but due to the time limits imposed I cannot discuss these issues in detail, therefore I am writing this to supplement my time at the meeting.

The FEIR states Response 2-3 page 15-48

"The mitigation measure accounts for this by including language based on the current status of the tentative agreement between CCCSD and BVWD." There is NO tentative agreement, so how can this statement be supported? If there is such an agreement where can this be reviewed?

The FEIR states response 3-4 page 15-74

“The County does understand as the commenter notes that as of 2020 the additional well was drilled.” This is the exact opposite of what I stated! No well was drilled and that was the point of my statement.

The FEIR states response 3-4 page 15-74

“The County also notes, as shown in the Table, the water from an additional well, if it is drilled between 2020 to 2025 (the next ten years), that is correctly and appropriately reflected in the table as per BVWD UWMP.” If this FEIR had been prepared in good faith it would have noted that as of Nov 2021 BVWD has no plans to drill any additional wells. Instead the authors continue to present misleading data to support this project.

The FEIR states in response 3-4 page 15-14

“As discussed above, BVWD notes that it has never had to maximize its well capacity, thus it is reasonable for the additional wells to not yet be drilled.” If it is reasonable to not drill the wells, why is it reasonable for the county to use these undrilled wells to demonstrate additional water capacity?

The FEIR states in Master Response 1 page 15-75 “As one example, the plan analyzed potential new groundwater wells and determines that, with one additional groundwater well, BVWD could reasonably provide an additional 965 to 1,040 AFY of well water supplies beyond what BVWD's current wells provide. BVWD is planning to construct new groundwater wells "every 10 years starting in 2020," which could increase groundwater by 810 AFY per well. These figures are well in excess of the project's total anticipated water demand of 80 AFY.” The FEIR seems to be intentionally misleading. They quote from documents written in 2015, planning for 2020 and know that what they are stating has not happened even in 2021. Yet they use this erroneous information to mislead the commissioners and the public.

The FEIR states in response 3-11 page 15-76

“The comment notes that the language in MM 5.17-4b is misleading regarding the potential water supply. The County disagrees that the



water supply is “potential.” The water in question is a known supply and does exist.” Using this justification you could argue that ALL of the water in Shasta Lake is a “known supply and does exist”, there just is not an agreement in place for BVWD to get it. Ridiculous!

This is critical to understand because the FEIR references response 3-11 in responses 3-12 thru 3-18.

In my comments referred to as 3-23 I am very specific about 2 wells (29N/04W-04R03 and 29N/05W-11A02) that are the closest to the CCCSD wells that would be used for supplemental water pumping. The FEIR in response 3-23, beginning on page 15-79 fails to make any comments on these wells and the potential for additional drawdown due to additional pumping. In fact, these wells were not even included in the map of the area wells. The RDEIR has acknowledged that these wells are already showing drawdown and now recommends year round pumping in MM5-17. Groundwater recharge does not occur during summer months and dry years yet, that is precisely what is being proposed.

Quoted from response 3-23

“Past use of the wells has resulted in pumping for only a portion of the year (4 to 5 months) allowing for groundwater recharge and not resulting in overdraft conditions;”

And here is what is being recommended in the PRDEIR page 5-17.26

“While no impacts to groundwater supply have been identified, it is recommended that the agreement between BVWD and CCCSD be conditioned distribute the pumping throughout a particular year, whereby month-to-month pumping would be negligible, as a way to further protect from any noticeable changes in groundwater levels.”

The above paragraphs contradict each other. How can this be considered a reasoned analysis? If past pumping is allowing for groundwater recharge by only pumping 4-5 months, then wouldn't year round pumping inhibit the ability to recharge?

Also in the paragraph identified as 3-23 I asked several questions which were not addressed and there was no explanation as to why they did not consider them. Those questions were/are;

- How can this obvious issue of potential draw down not be addressed?
- Could additional groundwater pumping from the CCCSD wells have an increased adverse impact on the water levels in these wells?
- Why is Enterprise Sub-basin even discussed when the pumping would be from the Anderson Sub-basin?

Response 3-24

Potential Water Source

Page 13

*“The RDEIR analyzes one potential water supply that could satisfy the requirements of MM 5.17-4b.12 The RDEIR evaluates Clear Creek Community Services District's (CCCSD) ability to supply 100 AF of supplemental water and the potential environmental effects that could potentially result. As documented in the RDEIR, CCCSD could supply 100 AF of water through a groundwater substitution transfer without significant environmental effects.13 This conclusion is based on past pumping activities by CCCSD and the stable groundwater levels in the Anderson Sub-basin.14”*

CCCSD April 21, 2021 meeting minutes clearly state that even at 1898 AF they would have to pump to meet their own demands. Since June 2021 they have been reduced to 425 AF and were pumping at 100% well capacity. CCCSD had to go to the City of Redding and obtain a water transfer agreement for an additional 700 AF. With this in mind it is inconceivable that CCCSD could even be considered as a potential source of supplemental water during dry years. Yet the FEIR references the CCCSD 114 times in section 15.0 responding to comments, and in each instance they never mention that CCCSD CANNOT even meet their own demands. That's 114 opportunities to be truthful about the true water situation. Not even once did the FEIR

mention that the CCCSD is obviously unable to be a potential source of water. This was brought up by many of the responders (including myself) and each time the authors dismissed our concerns and questions about this specific issue. Just imagine the problem CCCSD would be in if they were currently contractually obligated to send up to 100 AF outside their district in support of a private development.

If such obvious errors and omissions can be made without regard for facts, this should cause each of you to question all of the other analysis in the FEIR.

The County notes the text of the baseline water calculation based on CWC §10608.20 that defines a target for water use. As discussed above, the County concurs that the overall baseline per capita water use rate would be 947 gpcd.

"As one example, the plan analyzed potential new groundwater wells and determines that, with one additional groundwater well, BVWD could reasonably provide an additional 965 to 1,040 AFY of well water supplies beyond what BVWD's current wells provide.<sup>22</sup> BVWD is planning to construct new groundwater wells "every 10 years starting in 2020," which could increase groundwater by 810 AFY per well.<sup>23</sup> These figures are well in excess of the project's total anticipated water demand of 80 AFY."

How can any reasoned analysis be stating that BVWD will be constructing a well in 2020 when it can be clearly shown that none were built in 2020 and none were planned as of Nov 2021?

**Response 3-27:**

The comment asks what constitutes a substantial increase. The terminology "not substantial" was in consideration of the 2015 year when pumping total 524 AFY which is approximately 19% of the water pumped that year. In addition, according to the CCCSD website, the total water used in 2017 was 3,610.63 AF, 2018 was 4,058.46 AF, 2019 3,805 AF. At these volumes, 100 AF, which would on average be

(2.56 percent) would not be substantial. This statement is no longer valid. CCCSD was reduced to 425 AF in 2021 and ran over that allotment in the first week of June forcing them to purchase supplemental water from the City of Redding. In addition, the 100 AF now represents nearly 25% of their yearly allotment from USBR.

**Response 3-28:**

The comment recommends that the CCCSD pumping be conditioned to distribute withdrawal throughout a particular year and spread between areas. The comment states that incorrect figures and documents are cited, and the data is misrepresented. The comment states that the Enterprise sub-basin is used but the Anderson sub-basin should be used. These comments are noted, and the commenter is referred to **Responses 3-21 through 3-27**, above. I ask you to read the referenced responses, they do not answer the questions asked.

Quoted from Response 3-21

The commenter also is referred to **Response 3-11** above, which also discusses the availability of water. Thus, CCCSD has indicated it has adequate capacity to serve the project should it require the transfer. Thus, the commenters concern regarding competition for the resource is unfounded, is not a CEQA issue, and no further response is required.

This FEIR was released to the public just before Thanksgiving 2021 and yet the county seems to have no idea that CCCSD cannot meet their own water needs. How can this FEIR continue to be valid when the main reference to a supplemental source of water has become invalid. The FEIR does not go into any discussion about other sources except in passing and this year not even those were available. There is no chance that satisfies the Vineyard Decision.

For Example;

Quoted from the CCCSD Nov 2021 Newsletter

“On September 21, 2021 the Redding City Council voted on a consent calendar item that pertains to each of us as water customers. Here is a report from Director Murray Miller the day after that meeting.

At the Redding City Council meeting last night (9/21/21), the amendment to the water transfer agreement with Redding was approved. Directors Murray Miller and Cedric Twight spoke during the consent calendar time expressing gratitude for the help that this transfer agreement makes possible as well as thanking the various parties involved with this process. What does the approval of this water transfer agreement mean? It means we have an additional 700AF of water to use during this water year (ends in February) in addition to the 500 AF. We will still have to conserve and pay for this water, but this helps us through our current drought situation. A thank you to the customers and our representatives who helped make this happen! Additionally, Redding City Mayor Erin Resner expressed last night that they were glad for the opportunity to help "[our] neighbors" (Mayor Resner). So, that warrants a hearty "thank you!" to the Redding City Council for their willingness to help!"

Yet only 3 days later, on Sept 24, a letter was written by Steve Nelson at S2~J2 Engineering, the firm representing the developer. It is included in the FEIR as Attachment 1. It continues to refer to CCCSD as a potential water source. How can the projects engineer believe that the CCCSD still be considered a potential source of supplemental water when 3 days earlier they were required to get supplemental water from the City of Redding, just to meet their own needs? Would the City of Redding allow them any water in the future if the CCCSD sold some of what was purchased to supply a private development?

Not only is the CCCSD not able to meet their own needs but the county can again be shown to be dishonest in the FEIR. The FEIR states in response 3-11 page 15-76 ""The comment notes that the language in MM 5.17-4b is misleading regarding the potential water supply. The County disagrees that the water supply is "potential." The water in question is a known supply and does exist." So even though

the developers own engineers (S2~J2, Tully & Young and Kimley-Horn) state that the water from CCCSD is only a “potential source of water”, the county disagrees. The county stated above that the water is a known supply!

### Response 3-34

It should be noted that another way localized withdraws from groundwater may be minimized is by using purchased surface water. At every opportunity the county refers to the CCCSD as a source of water even in drought years. Not once does the county even discuss the current drought and the CCCSD’s inability to meet its own needs without having to purchase water.

Rather than continue to repeat each time the FEIR mistates the water situation I ask the Commissioners to ask themselves why, was this serious water situation overlooked? How can this satisfy the proposed water mitigation measure? The residents in BVWD and CCCSD will be needlessly burdened if this project is approved without a reasoned and in-depth review of the true water situation and source of a true supplemental water supply.

Quoted from Master Response 2: Traffic Evaluation pg 15-16

### WildFire Evacuation

“Another factor in the evacuation process would be a managed and phased evacuation declaration. Evacuating in phases, based on vulnerability, location, or other factors, enables subsequent traffic surges on major roadways to be minimized over a longer time frame and can be planned to result in traffic levels that flow more efficiently than when mass evacuations include large evacuation areas simultaneously. Law enforcement personnel and Shasta County Office of Emergency Services staff would be responsible for ensuring that evacuations are phased appropriately, taking into consideration the vulnerability of communities when making decisions.” Can any Commissioner give me an example of a “managed and phased evacuation” that resulted in anything other than a mass exodus from the affected area? As a 30 traffic law enforcement officer I have never

seen one. I have heard of them only in planning meetings, in real life they do not exist.

Quoted from Master Response 2: Traffic Evaluation pg 15-17

“The County recognizes that while evaluation of past fire behavior can be valuable, based on variability of the principal contributing factors noted above, it would be speculative to analyze possible scenarios or extrapolate what may occur within the vicinity of the proposed project based on factors that are inherently unique to individual fire incidents, such as factors surrounding the 2018 Carr Fire in western Shasta County and the 2018 Camp Fire in Butte County.” I don’t ask for them to speculate on fire scenarios that occurred in other areas. Just look at the Jones Fire in 1999 that burned through this very area and apply this project to what we saw 22 years ago. Ask those that were there and had to evacuate what it was like, they will not tell you stories of the "managed and phased evacuation" the FEIR likes to speak about. They will tell you of the chaos and traffic jams on all local roads in an effort to escape the fast moving fire.

**Response 3-48:**

The comment cites page 1 of Appendix D-1. The comment questions what tests are being referred to and if they are available publicly for review and if the veracity can be measured.

The “tests” are the simulation of flows through the network for which results are reported throughout the Evacuation Study using computer models created for such calculations. The tests were created by the author for use in the fire evacuation scenarios. The modeling is a proprietary intellectual property and not provided to the public. No change to the RDEIR is necessary. How can anyone verify that data that is in there FEIR if none of the supporting information can even be viewed? The study may be flawed but we will never know if we cannot have our own expert look at it. Is the public actually required to pay for their own study to refute the claims made in this one? Even then, how can the Commisioners or the Supervisors made any judgements as to which has the better modeling and data output?

**Response 3-49:**

The comment references page 3 of Appendix D-1. The comment poses the same questions from Comment 3-48, above and if it uses Institute of Transportation Engineers (ITE) standards.

The tests were created by the author for use in the fire evacuation scenarios. The model inputs are summarized in Tables 2-1 and 2-2 of the Evacuation Study. There are no known ITE standards for modeling evacuations. The modeling is a proprietary intellectual property and not provided to the public. No change to the RDEIR is necessary. How can anyone verify that data that is in there FEIR if none of the supporting information can even be viewed? The study may be flawed but we will never know if we cannot have our own expert look at it. Is the public actually required to pay for their own study to refute the claims made in this one? Even then, how can the Commisioners or the Supervisors made any judgements as to which has the better modeling and data output?

In conclusion I believe that any reasonable examination of the FEIR should ask why it has so many flaws and why do each of them benefit the project. Flaws that I consider to be fatal to its mitigation measures in regards to water and wildfire evacuation.

Thank You,

James & Teresa Griffith



# Robert J. Grosch

10810 Cheshire Way, Palo Cedro, CA 96073-9777

Tel. [REDACTED]

January 14, 2022

Dept. of Resource Management, Planning Division

1855 Placer Street, Suite 103

Redding, CA 96001

## **Re. Proposed Tierra Robles Project**

Dear Reader,

After studying the materials relative to the above named proposed project I wish to enter into the record for consideration by the Planning Commission and the Board of Supervisors the following objections to this project and the related FEIR.

### **Traffic Study**

The traffic study for this project is altogether unacceptable. The County wisely required a comprehensive emergency egress traffic study. However, the consultant performing the study was chosen, hired, and paid by the developer. This created an obvious conflict of interest. Such an arrangement would never be allowed in a court of Law when the judge seeks expert opinion regarding a case at trial. Rather, the consultant should have been chosen, hired, and paid by the County, not the developer.

Despite the conflict of interest, the developer's consultant produced shocking conclusions regarding the amount of time it would take for Tierra Robles and their neighbors to reach a point of safety in case of an emergency evacuation, up to 3 ½ hours! In the consultant's own words: "The last group of evacuees would bear the brunt of inhibition from each other, recurrent congestion, residual queuing delay, and at the end experience abysmal overall speeds of less than 3 miles per hour..." (p.30) With escape times such as these additional emergency traffic in case of a wildfire is not "insignificant". The fact that this area of Shasta County is

already dangerously designed regarding fire safety does not mean making it less safe is “insignificant.”

The developer’s emergency traffic study is also flawed in its very design and does not represent the level of professionalism represented in the current published professional literature. The study ignores findings in studies of previous evacuations from elsewhere. These studies are readily available to read and learn from if one wishes to be informed and up to date in one’s field.

- No allowance is made for traffic generated by the fire other than for evacuation itself. Studies of past evacuations demonstrate that at least 50% of the people who eventually evacuate also make pre-evacuation trips, often to pick up children from school. These extra trips add significantly to the “background traffic” in an evacuation. Failure to include this increase in background traffic leads to inaccurate conclusions regarding evacuation traffic.
- No calculation is included for public transportation to evacuate those who do not have the means to evacuate themselves, such as people with disabilities, families with one car that was taken to work, or the homeless who live in the area.
- No calculations are made for those who must evacuate by means other than automobiles (foot traffic, bicycles, horses, etc.).
- No allowances are made for physical barriers appearing during the evacuation, such as downed wires and power poles, downed trees, stalled cars, collisions, etc. All of these things actually happen in an evacuation and the resulting delays must be calculated in estimated travel times. Ignoring these realities distorts estimates of evacuation times.
- Studies show that decisions to evacuate and when to do so are significantly influenced by the means by which a citizen receives notice of the evacuation order. Hence, a traffic study that does not account for how citizens will hear of the evacuation order cannot estimate what the residents’ evacuation behavior will be. When and if citizens evacuate must be known before evacuation times can be calculated.
- The study admits to evacuation times of as long as 3 ½ hours, at speeds of only 3 mph. Sitting in a car for long periods of time at 3 mph while trying to outrun a wildfire is a traumatic experience. The FEIR holds that lengthening the time folks need to escape is “not significant.” Except, of course, to the people running for their lives. A proper EIR that seeks to evaluate the impact of lengthening escape time from a wildfire must include the cost to the community for mental health support after the trauma of a 3 mph escape from the fire. Noteworthy are the costs for mental health support following the Carr Fire. In that case FEMA paid the County of Shasta \$339,783.26 to provide mental health support to those who survived the fire. This payment for mental health support did not include the costs of mental health support for persons whose health insurance provided payment.
- The traffic study does not specify escape route signage, such as we have throughout California for tsunamis. Such signage was a recommendation after the Woolsey Fire. No justification is given for not including this recommendation in the traffic study.

- The traffic study focuses on residents living in the study area bounded roughly by CA 299, CA 44, Oregon, Deschutes. However, in case of a wildfire people beyond these arbitrary boundaries may well also be adding to the traffic. Hence, the study is inadequate.
- The traffic study is ignorant of the capacity of its proposed “places of refuge.” For instance, the study allows for over 550 cars at Refuge Area 2 despite the fact that the area cannot accommodate more than 70 cars.
- Area 4 is said to have a capacity of up to 4000 passenger cars. But the area has only one way in and out. Having only one exit is itself creating a hazard. Also lacking from the calculations here is the ability to transport 4000 automobiles to this location, as 4000 automobiles driving at traffic jam spacing (25 ft. per vehicle) create a line of traffic 18.9 miles long! The ability of Area 4 and other areas of refuge to accommodate the specified traffic is simply impossible.
- According to after-the-fire studies it is common for people to change their routes while driving, especially if they are stuck in traffic and seeking a better, faster route on their own. Since deviating from the preferred route is common, this traffic dynamic must also be accounted for. Failure to do so makes the existing traffic study inadequate.
- The proposed project offers us frightening scenarios in many ways. Ignored in the study is the impossibility of a successful egress from the proposed project itself. If the northern exit is unsafe (as is likely because fire history tells us fire is most likely to come from the north) and only the exit onto Boyle Road is available, the reality of trying to move 360 automobiles onto Boyle Road, which will itself be accommodating autos from an additional 315 homes is horrifying. Three hundred sixty automobiles seeking egress from Tierra Robles at 25 ft. per vehicle makes for a line of cars 1.7 miles long! Many people will not be able to get out of their own driveways! Similarly, the study calculates that the overall study area would have to accommodate 8542 automobiles, or a line of traffic over 40 miles long!
- The traffic study becomes misleading because it (by its own admission) is based on an attempt “to identify minimum time needed to evacuate...” In other words, the evacuation times reported are *minimum* times, not *probable* times. This skewing of the data makes the report misleading and therefore renders the FEIR inadequate.

### **Broader Impact**

The FEIR does not specify what the impact of the proposed project will be on the surrounding development. Homes built in the surrounding properties are already dangerously situated by today’s standards. Adding additional homes to the area will increase the likelihood of fire in the area, as 90% of all wildfires are caused by human behaviors. Hence, more people means more fires. The FEIR does not specify how many more fires are likely to be caused if the proposed project goes forward and increases the population in the Boyle Road corridor by 57%.

The courts have blocked the Tejon Ranchcorp Development in L.A. County because this calculation was not made in the subject EIR, and recently the Superior Court of Lake County, California blocked a development because of the increased fire danger to the surrounding community. In the Lake County case the Attorney General for the State of California joined the suit as a Petitioner-Intervenor.

The impact on the surrounding community must be evaluated for both increased fire danger and increased egress dangers or the County will risk an expensive court battle which it is likely to lose.

### **Anticipating the Future**

All the studies and projections for the proposed project are based on the current situation. However, it is unreasonable to think that today's situation will not be even more threatening in the UWI over the next 10-20 years. It is easy to forget that just a few years ago we thought a 60 ft. clearance around a building was sufficient to create a defensible space. Yet today a 100 ft. defensible space clearance is required.

The EIR is deficient inasmuch as it does not detail how the proposed project will impact the environment over the next 20 years, especially since we know our wildfires are becoming more frequent, more powerful, and accompanied by increasingly severe winds. Failure to anticipate future conditions renders the EIR totally inadequate.

### **Unresponsiveness to Previous Objections**

The final EIR is unresponsive to previous objections from myself and others. To wit:

- My letter identified as "Letter A" asks for a response to the EIR's failure to answer how the proposed development will "provide circulation improvements for emergency access..." as required by Policy C-6j of the General Plan. The FEIR refers to "Master Response #3, which is unresponsive to the issue I raised in my "Letter A", rendering the FEIR inadequate and requiring the County to not let the project go forward at this time.
- Regarding traffic improvements the FEIR does not indicate the necessary safety improvements will be made to the existing roadways, but only that the developer will make a financial contribution to improvements to be made at some unspecified date. Hence, there is no guaranteed mitigation.
- Regarding the community's ability to safely evacuate in case of a fire the FEIR ignores the witness of myself and others who have previously testified that during the

1999 evacuation due to the Jones Valley Fire significant delays and traffic congestion took place on Boyle, Deschutes, and Old Oregon Trail. These eye witness accounts constitute substantial evidence. In commenting on our observations of the past which generated our previous objections the FEIR engages in non sequitur nonsense with this: “At this time Cal Fire, Shasta County Fire Department, Shasta County Office of emergency Services, Shasta County Sheriff’s Office, and others have not adopted a comprehensive emergency evacuation plan...All evacuations in the County follow pre-planned procedures to determine the best plan for the type of emergency. -- If there is no plan, how can they be following ”pre-planned procedures”?” (Master Response #2) The response is self-contradictory.

- Response 12-2 is once again unresponsive to the expressed concern.
- Response 12-3 Misunderstands the caution expressed in my letter and seems to think I suggested that homes be placed “between slopes” and would therefore be safer. Rather, I suggested that Tierra Robles be redesigned to reflect accepted safety standards for developments in WUI locations, placing streets between homes and wildlands.
- Response 12-4 misunderstands my letter of objection. Response 12-4 reads in pertinent part: “The proposed project would have similar access off Boyle Road as other developed areas within the area...Similar to most of the surrounding areas, the proposed project would not be connected to adjacent properties...thus the proposed project is consistent with other area developments in this regard.” Similarity with other properties in the area is NOT a good thing! Virtually all the surrounding homes live on dead end roads which imperil the residents should fire block their only way out to a major road. The proposed project has the opportunity to deviate from the pattern of homes imperiled by limited egress possibilities, but has not done so and refuses to even recognize the problem when confronted by area citizens through the EIR process. My urging that roads be placed on the perimeter of the development per today’s accepted development standards was ignored. Since the issue has not been evaluated and addressed in the FEIR, the project ought not go forward at this time because of the inadequacies in the FEIR.
- Response 12-5 continues the repetitive process of ignoring the substance of objections to the design of the proposed development. I suggested streets be placed on the perimeter of the development, but Response 12-5 wishes to make the point that this is not necessary because the plan for the development has the streets on the interior of the development. Once again, the response is unresponsive to the real issue.
- Response 13-1 fails to address the question I have raised as to a reasonable threshold to measure whether or not the infrastructure provides for safe egress in case of a fire. The response cites the Environmental Checklist which does not in fact provide a threshold by which to measure egress capabilities. The County’s response is unresponsive. They are stating that sufficient egress capability exists, yet have no standard by which to measure that assertion. Egress is not sufficient just because a staff person for the County says it is. In fact, Tierra Robles has MORE people per lane of traffic available for egress than the average WUI community in California. In other words, the proposed project is designed to be 34% more dangerous than average developments in WUI. (Associated Press).

- Response 12-5 fails to address my concern that under reasonably likely circumstances it would be necessary for a vehicle to leave Terra Robles and turn onto Boyle Road every 5 seconds. This is of course an impossible feat, even if Boyle were not already clogged with traffic from the existing 315 homes that feed onto Boyle. Once again the FEIR refuses to recognize or respond to the concerns I have raised. Therefore the FEIR is inadequate and ought not be accepted by the County.
- Responses 14-1,2: The County is proposing that vegetation management will be faithfully performed by a homeowner's association. Apparently they have little experience with homeowners' associations. HOAs are neighbors who too often are not invested in the CC&Rs and other rules in their community. The board of directors for a HOA are elected by the neighbors themselves. Unless there are rigid, strict, enforceable rules concerning vegetation management the volunteers on an HOA board are not likely to hold themselves accountable in this area of responsibility. The mere existence of an HOA does not guarantee performance of duty, therefore the FEIR is offering as a solution that which does not presently exist. This is therefore an inadequate answer to the issues that have been raised.
- Responses 15-1 to 15-13 – These responses all ignore the issues raised and refer to generalized responses to previous questions. Unresponsive answers to questions raised by the public are an insult to the public and a violation of the rules required to be kept in order to approve an EIR.
- Response 16-2 reads: “The County notes the proposed project includes many design elements and use of defensible space.” – However, the project violates the rules regarding defensible space by placing building envelopes as close as 30 ft. from the project boundary, making the required 100’ of defensible space impossible without trespassing onto the neighboring property. Many of the building envelopes are merely 60 ft. apart, once again making the 100 ft. defensible space requirement impossible to meet, depending upon where each homeowner chooses to utilize the building envelope for placement of the house. The “many design elements and use of defensible space” mentioned in this response fail to disclose that the design elements used violate the defensible space regulation in Public Resource Code 4291. This response is incomplete and misleading rendering this REIR inadequate.
  - “The proposed project has been reviewed by the Shasta County Fire Department and others with expertise on this topic,” states Response 16-2. We are not told the nature of that review, nor are we told who is referred to as “others with expertise on this topic.” Without better documentation the public is unable to know if the Fire Department’s review was sufficient, and who reviewed the project for the Fire Department. Nor can the public evaluate if the “others” who are unnamed in the EIR are in fact knowledgeable enough to render an opinion of value.
  - Response 17-1 unfortunately stands out as a clear example of the FEIR’s attempt to mislead when it says, “the overall density of the development (1 dwelling unit per 4.4 gross acres with a total of 166 units) is 22 units less than what would be allowed under the current General Plan land use designation.” This is not true! The calculations presented include land that cannot be built on because of severity of slope or need to save oak woodlands and other critically important

environmental features. This sort of misleading answer to the objections of Shasta County citizens is insulting to our intelligence! – This kind of dishonesty and misleading logic and language render disqualified the FEIR for approval by our county.

- Response 17-1 claims re. the lot design: “The proposed design is intended to maintain a semi-rural appearance given the siting of proposed building envelopes...” – Misleading! The entrance to the proposed development, its most public face, is to be lined with 19 houses sitting in a row, all facing the same direction, on narrow lots. This is not a “semi-rural appearance! Statement is false and misleading!
- Response 17-3 ignores the question raised and merely refers the reader to Responses 17-1, 17-2. Each of those is non responsive to the objections waged and the questions posed

### **Western Spadefoot Toad**

- The Western Spadefoot Toad has been identified by me on my property, which I estimate to be 1100 ft. from the boundary of the proposed development. This toad is a species of special concern, a classification that often leads to the species being listed as an endangered species.

The lifecycle of this toad is unique inasmuch as it lives most of its life underground and comes out to breed only when conditions are ideal for the survival of the tadpoles. If conditions are not suitable for this toad it can and will remain underground for years at a time. It requires a special formula of rain, humidity, temperature, and the existence of suitable ponds formed by the rain.

The DEIR concedes “Temporary pools on the proposed project site provide potentially suitable breeding habitat for western spadefoot, a State Species of Special Concern.”

Given the elusive nature of this Species of Special Concern it is troubling that it was sought apparently on only two occasions in 2015, March 26 and April 2. [DEIR, page 5-4-29]. There is no record of the humidity, presence of rain, existence of temporary pools of water, or air temperature during these visits. Hence there is no way to evaluate if these two visits were conducted under the proper conditions, especially considering the fact that by April our local climate is ordinarily much too warm and dry to create pools of water that will last for 3 weeks, the time necessary for this toad to produce its young.

In order to give the impression that a suitable search for this Species of Special Concern has been conducted, the DEIR states that “Managers conducted six site visits in 2016 in an attempt to locate Western Spadefoot Toads.” (p. 15-234). Apparently the writers of the DEIR are confused, citing two visits then six visits looking for this toad, and always without supporting evidence that they were even looking under proper conditions.

Given the contradictory reports of visits to the site to seek evidence of this elusive toad, and given the lack of data to assure us that however many visits actually took place these visits were done during the narrow band of suitable weather and conditions for this toad, the EIR for this project must be rejected as incomplete, misleading, and contradictory.

The EIR violates CEQA's concern and protection for wildlife such as the Spadefoot Toad.

Robert J. Grosch



RECEIVED

JAN 14 2022

COUNTY OF SHASTA  
PERMIT COUNTER

Shasta County Planning Commission  
1855 Placer Street, Suite 103

Redding CA 96001 Fax: (530) 245-6468 FAX email: Paul Hellman

phellman@co.shasta.ca.us Subject: 1/19/22 Tierra Robles FEIR Public Hearing **Zone**

**Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051**

Dear Commissioners,

I/We are requesting that you vote **NO** on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and **NO** on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished community.

**My/Our personal comments and the prepared information below reflect "Here's why to vote NO":**

*See attached comments.*

**Thank you for considering this request to vote NO on the FEIR and the Rezoning Amendment. I/We urge you to do the right thing for our rural community.**

Name(s) GERALD R. HAYLER Signature L.R. Hayler

Susan M. Hayler Signature Susan M. Hayler

Date: Jan 14, 2022 Address: 21212 Oak Knoll Rd Redding

Email: [REDACTED] Phone Number: [REDACTED]

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, and the TRHOA:.

1) **Wildfire And Wildfire Evacuation:** **TR is in a Very High Fire Hazard Severity Zone.** The land surrounding and including TR has a persistent history of wildfire, namely the Chatham Ranch Fire, 1999 Jones Valley Fire, 2004 Bear Fire, 2019 Mountain Fire, 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR *IS* a danger, with *significant* impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane dangerous wildfire evacuation routes. The FEIR estimates evacuation to

“safe areas” could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving wildfire. TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENTS ON WILDFIRE FOR EXISTING RESIDENTS OF PALO CEDRO!

Tierra Robles FEIR Public Hearing 1/19/22 Last Name of Commenter: \_\_\_\_\_  
Page 2

- 2) Water Availability: a) The FEIR and developer continues to miscalculate the TR water usage which results in a 272 Acre Feet/Year shortfall. b) The FEIR and developer does not identify a Court required “likely” source of supplemental water to be transferred to the Bella Vista Water District (BVWD) in single and multiple drought years so that existing BVWD customer are not impacted by CVP water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District which is also subject to CVP cutbacks and lacking in adequate well supplies. c) BVWD has not issued a required Will Serve Letter to the Developer. d) The General Plan W-c states “All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER!
- 3) Rezoning: TR is not consistent with the County’s General Plan and current zoning when compared to parcel sizes in the surrounding community. TR parcel sizes range from 1.19 acres to 6.81 acres for an average of 2.8 acres. 109 homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community. The remaining 57 homes or 35% are greater than 3 acres vs. 77% in the surrounding community. Development must be consistent with the surrounding community in a way that fits with the existing infrastructure for roads, water, utilities and safe wildfire evacuation routes. TR CHANGES THE CHARACTER OF RURAL PALO CEDRO AND INVITES FUTURE URBAN SPRAWL!
- 4) TRHOA: The FEIR does not provide sufficient evidence that All FEIR required TR mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a “Super HOA” that is overtasked, likely underfunded in 18 of the 20 initial years and has

weak enforcement powers. Critical Wildfire mitigations responsibilities include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road maintenance, storm water maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated offsite conservation easements.

TR's land does not perk for traditional septic and the TRHOA is responsible for the highly technical oversight and operation of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State has preference for such systems to be over seen by a Community Services District however this was dropped by the County and Developer. Compounding the concern is the miscalculation of the amount of BVWD water usage (a 272 AFY shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquid and solids that flow to the system.

- 5) Traffic: TR's 166 home plus at least 15 Additional Dwelling Units will add another 1,774 daily trips and at least 362 cars on already winding, narrow, congested County roads and intersections – some that already have higher than state average accident rates. Proposed traffic mitigations are either delayed, ineffective, or non-existent for problem roads and intersections, such as entering and exiting the development on Boyle Road.
  
- 6) Sheriff And Fire Protection: TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. The Palo Cedro/Bella Vista area already experiences delayed sheriff response times, and no additional officers or substation are included in this proposal. Section 513.2 of the EIR states “Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services”. However, the EIR states “no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant.” THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.

Concerns about the Tierra Robles Project by Gerald & Susan Hayler,  
January 13, 2022

We are in complete agreement with all of the points set forth in this letter to which this is attached.

Our home is at the end of Oak Knoll Rd, where we share a property line with the Tierra Robles project. There are several concerns that stand out as worthy of objecting to the approval of the project.

Our first concern is surviving the next fire like that of the 1999 Jones fire that passed through this property prior to our move to the area. The Tierra Robles could add up to 300 or more cars trying to evacuate a fire all at once. The Jones fire came from the north so the only exit from the area was to the south. As in the case of the Carr fire, our friends trying to evacuate that fire found that they were barely able to move and the fire was highly visible in their rear window. If the fire is coming from the north, all escaping traffic will have to head south. Tierra Robles traffic would have to exit via Boyle, either east or west. Those headed west to Old Alturas will most likely join us in a barely moving queue. The outcome of this would potentially look like the evacuation of the Paradise fire.

Another concern is the water. Tierra Robles would need to obtain a "Will Serve Notice" to get water service from the Bella Vista Water District (BVWD). We also get our water from BVWD and are currently on rationing and it is not the first time in recent years. Adding 166 more homes will require more water than BVWD can currently provide.

Wastewater treatment is another concern. The soil fails the perk tests so a sewage processing system has been proposed. The plan has the Tierra Robles Home Owners Association performing the management and operation of the sewage treatment plant. This is a major responsibility that is not being operated or controlled by Shasta County.

We feel it would be grossly irresponsible to approve this project.

01/12/22

Paul Hellman  
Director of Resource Management,  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street  
Suite 103,  
Redding CA 96001

Dear Mr. Hellman,

We have reviewed the FEIR for Tierra Robles Subdivision and feel the concerns we expressed in our letter dated February 1, 2001 have not been adequately addressed. Issues of traffic, road improvement, water supply, fire evacuation and the violation of the general plan continue to keep us wary of this project. We remain opposed to any rezoning of this area.

Since February 2021 we have endured yet another brutal fire year in Northern California. Our family and our neighbors stood ready to evacuate during the Fawn Incident in September which burned approximately 155 homes in the north Redding, Bear Mountain area. Any wind shift could have sent the fire south to our neighborhood. As we watched the loss of Greenville California and numerous homes and business' in Trinity County it became clear that fire is a primary phenomenon of our environment now. We must learn to adapt.

Part of the adaptation process is structuring communities and roads for expedient egress. Terra Robles has antiquated plans regarding fire and evacuation. We are doing what we can as citizens to plan evacuations and clear vegetation in the Boyle Road area, but the county has the responsibility of not contributing to the hazards posed by fire by exceeding the capacity of the existing infrastructure. We are asking for your help and your partnership in fire safety. Please don't work against us.

Since last February the North State experienced extreme drought that lengthened and added to the severity of the fire season. The FEIR states on ES14 that there is enough water even in low water years to supply Tierra Robles. Why then were we all on water rations and charged heavily for over use if there is plenty of water even in low years? Ground water was cited in the EIR as something that could bear significant impact and yet somehow, we will drill more wells. This does not add up.

The general plan reserves this area to be a buffer between the urban and the agricultural areas of our county. Tierra Robles does nothing to put residents near town centers, does not allow for public transportation or even safe cycling on the surrounding roads. This development would run counter to the Shasta County General Plan. The 2.0 Framework for Planning, page 8 under Economic Development and Patterns of Urbanization reads as follows;

“Conversely, economic development which contributes to increased traffic and air quality impacts, is not located within planned community centers, or does not promote efficient use of land and public services may result in a development pattern which could lessen the quality of life.”

Tierra Robles is not efficient planning. It does not work with our new normal. This area is less suitable for expansion than when the plan was written. Until the fire evacuation, roads and water supply for the greater community and then general plan are adequately addressed, we will continue to oppose Tierra Robles and any rezoning that would enable this project to proceed.

Sincerely,

Sara and Glenn Hoxie

1024 Roadrunner Way,  
Redding, CA 96003

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles FEIR Public Hearing  
**Date:** Friday, January 14, 2022 3:13:37 PM

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**EXTERNAL SENDER:** Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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Hi Paul,

This email is in regards to opposing the 166 home Tierra Robles subdivision in Palo Cedro. I recently (in the last 30 days) purchased a home in Palo Cedro, off of Boyle, as a way to move out of the city so there would be less traffic, noise, and neighbors.

Please don't allow a new development in a high fire risk area. Most insurance companies wouldn't even insure me, due to the location of the home I purchased.

Please take this email from a concerned citizen who opposes this project due to fire danger, zoning, water issue, traffic, etc.

Address: 21543 Bridgit Lane

Kind regards,

--

Julie Vanderwerf

Shasta County Planning Commission

1855 Placer Street, Suite 103

Redding CA 96001 Fax: (530) 245-6468 FAX email: Paul Hellman [phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us) Subject:  
1/19/22 Tierra Robles FEIR Public Hearing Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051

Dear Commissioners,

I/We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished community.

**Our personal comments and the prepared information below reflect "Here's why to vote NO":**

An approval of a Rezoning Amendment for a planned development sets the precedent for urban sprawl in rural Palo Cedro as other developers are watching what happens with TR.

166 new homes adds significant water demand (352 AFY) to already stressed Bella Vista Water District resources, particularly in single and multiple drought years. TR is required to supply BVWD with supplemental water throughout the buildout so existing customers are not impacted. The FEIR does not identify a Court required "likely" source of water and compounds the issue by miscalculating TR's yearly water demand by 272 AFY!

TR is in a very high fire hazard severity zone with a persistent history of wildfires. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over capacity, dangerous wildfire evacuation routes. The FEIR estimates that evacuation to "safe areas" could take 1.5 to 3.5 hours with queuing traffic on all the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving wildfire.

**Thank you for considering this request to vote NO on the FEIR and the Rezoning Amendment. I/We urge you to do the right thing for our rural community.**

Name(s):

Debbie Johnson \_\_\_\_\_ Signature *Debbie Johnson*

Mike Ruble \_\_\_\_\_ Signature *Mike Ruble*

Date: Jan 12, 2022 Address: 21958 Boyle Rd Palo Cedro, CA 96073

Email: ██████████ Phone Number: ██████████

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, and the TRHOA:.



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Tierra Robles FEIR Public Hearing 1/19/22 Last Name of Commenter: \_\_\_\_\_

Page 2

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state average accident rates. Proposed traffic mitigations are either delayed, ineffective, or non-existent for problem roads and intersections, such as entering and exiting the development on Boyle Road.

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January 13, 2022

Mr. Paul Hellman

phellman@co.shasta.ca.us

Shasta County Department of Resource Management

1855 Placer St., Redding, CA 96001

Re: Opposition to Proposed Tierra Robles (TR) Subdivision

Dear Mr. Hellman,

This letter is written in opposition to the proposed Tierra Robles Subdivision. We and our neighbors have many objections to this project and ask that the following comments be given consideration by Shasta County Planning Commission and the Board of Supervisors.

We feel this is a very poorly and dangerously designed project. Not to mention they are asking for unreasonable and unrealistic zoning changes not characteristic to this kind of area. The Rezoning Amendment should be denied because TR is not consistent with the County's General Plan and current zoning when compared to parcel sizes in the surrounding community. We believe that the established zoning laws and regulations have been set for a reason and should be upheld, as allowing exceptions or changes would only set precedent that could negatively impact Shasta County residents now and in the future. We feel Shasta County should keep the integrity of the zoning laws and not allow developers to come in and undermine them putting our community, safety, rural lifestyle, and environment at risk, leaving local area residents with the resulting costs and consequences. The FEIR does not adequately disclose, evaluate, and mitigate for potentially significant environmental impacts in the areas of water supplies, wildfire and wildfire evacuation, traffic safety, general plan and zoning and HOA issues.

Bella Vista Water District particularly in single and multiple drought years already struggles to accommodate existing customers. 166 new homes plus 15 ADU's will add significant water demand to already stressed BVWD resources, which could make less available for current customers and increased prices and ag users may be denied purchase of already unreliable supplemental water as a result. A significant shortage of water for everyone and increase in prices could be a costly result of this project.

TR will add additional calls-for-service to a more densely populated area and therefore increase demand to underfunded and understaffed law enforcement and fire protection services. The Palo Cedro/Bella Vista area already experiences delayed sheriff response times, and no additional officers or substation are included in this proposal leaving our safety in jeopardy. A significant increase in response times and lack of services could be a costly result of this project.

Increased traffic adds further strain on already limited resources for CHP, Sheriff's Dept staff, emergency responders and fire-fighters. Another approximately 1,774 daily trips and at least 372 cars on already winding, narrow, congested county roads and intersections, some of which already have higher than

state average accident rates which can only go higher given these added daily trips, will put drivers and my family at even more risk. Not to mention that the Wildfire Traffic Evacuation Study states up to a 4 hour evacuation time with bumper to bumper traffic on surrounding roadways worse than the experience of the evacuation fiasco of the Jones Fire back in 1999. A significant increase in service and response and unreasonable evacuation times could be a costly result of this project.

The previous house on our property was destroyed in the fast moving 1999 Jones Valley Fire due to lack of resources, accessibility and water availability. Since then we have been denied any new insurance provider coverage, so could our existing coverage be taken away like it was for fire victims in Paradise or our premiums increased because of water shortages and reduced fire-fighting response times? Again a significant increase in burden and lack of availability of resources could be a costly result of this project.

This is the largest proposed development that has been submitted to the county in several years, and according to county resource management, "it's pretty unusual for the unincorporated area of the county, and it's considered a pretty good-sized project anywhere."

We are not opposed to conscientious and sound growth, but a new development should not harm, deny water or safety resources, nor put residents at risk or squeeze them out due to increased costs or inability to get adequate fire insurance. It also should not burden the county to uphold proven and trusted zoning policy, financially overwhelm local governments or leave Shasta County taxpayers to endure the burdens caused by the need to enhance infrastructure, roads, fire, schools and public safety. A significant negative impact to public safety and decrease in resources could be a costly result of this project and hope Shasta County will advocate for its residents and families.

For these reasons and many others including an underfunded and overtasked HOA lacking governmental oversight and an inadequately and undersized proposed Onsite Wastewater Treatment Facility, we feel that Tierra Robles just isn't going to work for our community. We deserve better and ask that the Planning Commission and Board of Supervisors oppose.

Thank you for your review and consideration.

Respectfully,

Ron and Gina Knowles

Mailing address: P. O. Box 844, Palo Cedro, CA 96073

Physical address: off Leslye Lane in Palo Cedro, CA 96073

Cc: Supervisor Mary Rickert

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles Final EIR Response due Jan. 14 2022  
**Date:** Thursday, January 13, 2022 2:43:26 PM

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Paul Hellman, Director  
Shasta County Dept. of Resource Management  
1855 Placer St. Redding, CA 96001  
01/13/2022

Dear Mr. Hellman and Shasta County Planning Commissioners,

In a letter submitted last February (now referenced as letter 28 in volume 3B of the FEIR) I expressed several concerns regarding the proposed Tierra Robles development and why this project and zone amendment should be denied. Shasta County should NOT allow this urban-style 166 home development to be built in a very high fire hazard zone that is also currently zoned as a less dense rural-style area with a minimum lot size of 1 dwelling per 2 acres.

The FEIR document referred my questions and concerns to their Master Responses 2, 3, and 4 however, the document still does not adequately address my concerns or answer my questions regarding the safety issues I have raised.

The Traffic Study discussed in Master Response 2 concludes that the project will add about 15 minutes to the evacuation time. If this is true, having personal experience from evacuating from the Jones fire in 1999, 15 minutes is too long when fleeing a fast moving wind driven wildfire! The Jones fire started north of the proposed project area and blew through the Clough Creek drainage, through the proposed development site and south through Palo Cedro and onward. I was trying to evacuate onto Boyle Road from my home off Clough Creek as flames and smoke were everywhere and I could not get out of my driveway as one car and truck after another pulling trailers went by. The FEIR indicates that the development has an exit proposed for the north side onto Old Alturas Road at Clough Creek, the very area that burned like a wind tunnel during the Jones fire with 50 mph winds blowing that day. If this should happen again, and north winds are very common in this area, everyone will be evacuating the T.R. development via Boyle Road (the south exit) with a fire approaching from the north.

In addition, the Master Response did not address the fact that this project design is an enclosed development and has multiple cul de sac streets that are dead ends with only 2 streets leading out of the development. There will be 1 to 2 cars per home on each dead end street trying to get out at the same time only to attempt exits onto two already clogged

narrow winding roads and one of which may not even be useable with a fire approaching from the north as was the case in 1999 and again last year with the Fawn fire just north of the area.

Within the Fire Safety and Sheriff Protection Element of the Shasta County General Plan Objective FS-1 in Section 5.4 directs the County to, "Protect development from wild land and non-wild land fires by requiring new development projects to incorporate effective site and building design measures commensurate with level of potential risk presented by such a hazard and **by discouraging and/or preventing development from locating in high risk fire hazard areas.**" The final EIR documents discuss fire mitigation measures within the development however **they ignore the fact that the plan calls for preventing development in high risk areas in the first place.** The proposed project is **not** consistent with the Shasta County General Plan and current zoning as 44 of the proposed home sites are less than the 2 acre minimum lot size. The entire T.R. development is not consistent at all with the current pattern of development for the area and it violates the General Plan which calls for a minimum of 2 acres per home. Many parcels that surround the proposed site are zoned as 3 to 5 acres per home. The County's Zoning Plan calling for less density in high fire areas should be followed, it's a safety issue especially considering the unpredictable way fires are burning today with heavy winds and very dry fuels! **Please do not approve this project. Lives could be lost as has already happened in the Carr fire in 2018.**

Thank you,  
Sandra Kotch  
20858 Boyle Road  
Redding, CA 96003

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles FEIR Public Hearing  
**Date:** Thursday, January 13, 2022 8:04:12 PM

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We are requesting that the planning commission vote no to re-zone the area of the former Chatham Ranch and not allow the development of the Tierra Robles project.

It is not right for the planning commission to allow re-zoning for development in an area when all neighbors have had to abide by these rules. We live here because we want to be in an area with large lots and no traffic.

This developer has admitted that they will not be around in 10 years to fix any issues with an HSA or sewage treatment or traffic etc. There are many reasons he planning commission should not allow this development including: changing zoning, fire and evacuation safety, water resources, and loss of wildlife habitat.

We ask you not to allow this re-zoning in the area we love because it is “out in the country”, this is the reason we love where we live so much. This development will change the rural character of this area which is the reason we love it so much.

Thank you for your consideration,  
Jason & Amy Luther

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles Rezoning  
**Date:** Thursday, January 13, 2022 7:56:28 PM

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Dear Mr. Hellman,

I have had to follow the proposed rezoning of the Tierra Robles property for too long. The community was informed that the Planning Commission (PC) would make a decision in either July or August 2021 after two years of their putting off any decision. Over ten years creating the DEIR and then the FEIR and the only thing the Planning Department has responded to the community's concerns have been "no mitigation needed". It has been an insult to my fellow community members. Especially continually putting it off the PC's agenda last spring and summer when the drought and fire danger loomed large and wait to put the community's FEIR response time during the holiday season before being placed on the PC's agenda.

Unfortunately I have heard that new covid protocols at the county level are going to be in place soon. Those decisions may be out of the public's control but those of us who would like to attend in person need to be allowed to. So I will ask that there would be a postponement once again on the PC's agenda concerning the Tierra Robles property rezoning request.

This is very important for those of us who want responsible growth as well as great consideration before approving a rezoning request in Shasta County.

Nancy Main

Sent from [Mail](#) for Windows



January 11, 2022

Paul Hellman, Director  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001  
Email: [phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)

Subject: Proposed Tierra Robles Planned Development Project

Dear Mr. Helman,

I am writing to express my concerns regarding the proposed Tierra Robles Planned Development Project. I live in Palo Cedro along Deschutes Road near the proposed development. My property is served by Bella Vista Water District (hereinafter BVWD) and my school district is Bella Vista Elementary School District (hereinafter BVESD).

It is my understanding BVWD has stated in the event of a dry year, there may be a water shortage of BVWD water in which case Clear Creek Community Services District (hereinafter CCCSD) would transfer an additional amount to cover the shortage. I expect another drought year is in the works and I am under the impression, as I am sure you are, building more homes to be served by BVWD, would exacerbate water shortages. Our water bill increased 1.75 times the prior year during the summer of 2021 due to the drought. I am genuinely concerned with respect to my human right to water and my water bill if this development is allowed to move forward. Additionally, these water systems have had a 30% increase in their annual State Water Board bill as of January 1, 2022. PG&E rates are increasing with mandatory undergrounding of electrical through fire prone areas nearby. This will affect the water systems pumping costs and adding 166 more homes will move the water system's PG&E rate into the highest tier. Between the annual Water Board increase and PG&E rate increase, I am afraid the end user (the customer) will bear the costs and most folks here just cannot afford that.

Furthermore, there have been several instances in the morning 'rush hour' I am unable to cross over Deschutes Road to get in the southbound lane. The traffic is terrible. I have almost been in two collisions and in both instances, the vehicle almost rear-ended me as I attempted to turn into my driveway. The proposed development will bring more traffic, more congestion, and flared tempers. Not to mention the traffic jam it will cause should a wildfire move into this area. How will we be able to escape? We have all seen the travesty during the Paradise fire with burned vehicles left along the roadside.

I am also concerned about the lot sizes proposed. If I did my calculations correct, 50% of the lots are under three acres. Where does the re-zoning stop? I bought my home with the intention of living in an area where there is actually some green grass and pasture between myself and my neighbors. This is not the right place for this type of development. My hometown is slowly disappearing as quickly as land is being developed, and all for money. If this development is allowed to move forward, it will set a precedent for future re-zoning. The County Board of Supervisors should be protecting our way of life here.

Lastly, the middle schools nearby have stated they are impacted and understaffed with third and fourth graders in one classroom at BVESD. The increase of students at these schools will be a detriment to the students there as the teachers are not able to provide the attention that each student deserves. Furthermore, with some teachers leaving as they oppose the vaccine requirements, the schools are even more understaffed.

I strongly oppose this development. Tierra Robles should not be allowed to move forward as it will be a detriment to those living in the area already.

Sincerely,

A handwritten signature in black ink, appearing to read "Terri Marchesseault", with a long horizontal line extending to the right.

Terri Marchesseault

RECEIVED  
SHASTA COUNTY

JAN 14 2022

*Mary and Richard Martin*

21750 Robledo Road, Palo Cedro, CA 96073

DEPT OF RESOURCE MGMT  
PLANNING DIVISION

January 14, 2022

Shasta County Planning Commission  
1855 Placer Street, Suite 103  
Redding, California 96001

Dear Commissioners Chapin, MacLean, Kerns and Wallner,

We are writing to express our concern and dismay about the Tierra Oaks Proposed Development in Palo Cedro. This is our second letter to you on this subject. The first was dated January 26, 2021. We continue to stand by that letter, copy attached.

We implore you to vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Voting NO on these matters is the only course of action for you to adequately perform your responsibilities to the residents of Shasta County and your oath of office.

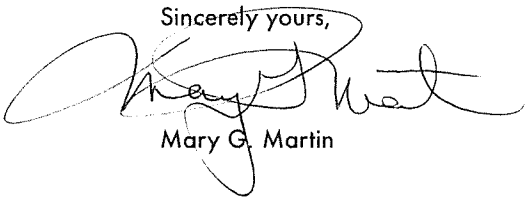
The FEIR is a totally inadequate document. It is hardly a reasonable justification for this proposed development. One simple example of its inadequacy is the section on Wildfire and Wildfire Evacuation. This development, as planned, could easily kill people in the event of an inevitable wildfire, including people who are current citizens of Shasta County and look to your leadership while providing for their health and safety and a safe environment for their children and future generations. The sections on Water Availability, the Homeowner's Association, Traffic and Sheriff and Fire Protection are also completely inadequate and based on false assumptions/data. All of the sections in the FEIR totally fail to justify this very negative development.

The Rezoning Amendment if passed would dramatically, and very negatively, change the living environment within all of Palo Cedro. This document totally fails to justify rezoning the site, a rezoning proposal completely contrary to the rural community standards which is the reason many of us relocated to Palo Cedro. Why are you even considering this rezoning proposal? It cannot be because there are no other land areas nearer Redding that could be developed and would comply with the County Plan.

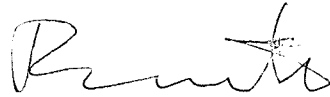
The only reason for this rezoning proposal is because the developer needs you to approve a rezoning in order to densely develop the site. The developer's aim is maximum profit, your goal should be the protection of the community and the County residents. There is no other reason for the rezoning. The developer could develop the site using the current acreage requirements for single family homes within our community and realize a reasonable profit. Your approval of this project, which will only maximum the developer's profits, will seriously and very negatively impact Shasta County, Palo Cedro and other local residents. This rezoning is totally unnecessary and unneeded for Shasta County and does nothing to add to our quality of life. In fact, it has the completely opposite effect, the quality of life will deteriorate. This rezoning proposal must be rejected. Let the developer adhere to the standards which were, and are, required of your current citizens.

We do look forward to each of you adequate and appropriately representing the best interests of Palo Cedro, Shasta County and our residents.

Sincerely yours,



Mary G. Martin



Richard H. Martin

# *Mary and Richard Martin*

21750 Robledo Road, Palo Cedro, CA 96073

January 26, 2021

Shasta County Planning Commission  
1855 Placer Street, Suite 103  
Redding, California 96001

Dear Commissioners Chapin, MacLean, Kerns and Wallner,

We are writing to you to express our serious concerns about the Tierra Oaks Proposed Development in Palo Cedro. This proposal is ill-conceived, with significant flaws, and does not serve our community or our county well. As you well know, Palo Cedro is a small, rural community comprised of homes on large acreage without the infrastructure or support of a development town or community. A development of this size, will dramatically change the culture of the community and stretch our limited resources (school, fire protection, commercial facilities, roads, water, recreational sites, etc.).

*Quercus douglasii*, known as blue oak, is a species of oak endemic to California, common in the Coast range and the foothills of the Sierra Nevada. Its range is less than 740 miles and only found surrounding the Central Valley. Northern California, the area we call home and you are considering for intensive development, is vital to the ecosystem health of our state and planet. People come here to recreate, to appreciate nature, to be inspired and in awe of our precious resources. Our economy is driven by this tourism. Yet, you are considering allowing a negative impact to 638.3 acres of this precious habitat. You are proposing removal of all viable trees within the project area, the few remaining trees will not be able to sustain viability and habitat.

Blue Oaks are long lived (174 - 450 years), the Shasta County Department of Resource Management encourages protection of oaks, for average retention of 30%. Shasta County Plan encourages landowners to replace trees removed by development. The Plan requires development to avoid impacts. The EIR utterly fails to meet this Shasta County requirement.

Today, we are better educated about the negative effects of human's actions on our climate and environment. Yet, this proposal fails to adequately consider those impacts. Cutting trees reverses effects of carbon sequestration and releases all their stored carbon dioxide. Keeping or planting trees is the best way to remove harmful greenhouse gases. One acre of trees absorbs 2.5 tons of carbon dioxide annually. Removing 638.3 acres of blue oaks would remove 1596 tons of carbon dioxide sequestration annually, put that CO<sub>2</sub> back into the atmosphere and further annually eliminate 165,958 pounds of beneficial oxygen. EPA calculates 11,000 pounds carbon dioxide made by average car, an acre of woodland would mitigate 2.7 cars, this project would eliminate mitigation for 1724 cars. The EIR analyzes the impact of new residents and development on greenhouse gases, but fails to analyze, and does not adequately include, the calculations for this element of the project.

Traditional asphalt absorbs 90% of sun's radiation. In an area of extreme heat and sunshine, the EIR fails to consider eco-friendly materials for road, sidewalks and other surfaces. Further, cool or reflective roofing is not considered in the project.

The EIR states the project "may use a combination of photovoltaic cells, solar water heating". Yet the State of California in 2019 (Title 24, Part 6, Building Energy Efficiency Standards) requires the installation of photovoltaic sized to "net out" annual kilowatt hour energy usage. Further the new law incentivizes energy storage and provides a number of energy efficiency practices, including heat pump water heaters and building thermal envelope construction (high performance attics, walls and windows). The EIR fails to address these requirements.

Use of natural passive solar heating and cooling elements such as natural shading and optimizing sunlight, as well as designing and locating structures on lots to meet these standards are not addressed in EIR.

In a proposal replete with negative environmental impacts which have not, in any manner, been mitigated, the most egregious relates to water. As we know all too well, a warming planet will cause water shortages, increasing wildfire risk and irreparable damage to our fragile environment. The EIR fails to meet the minimum CEQA requirements and glosses over the profound impact adding 166/181 new homes to a water distribution system already strained in dry years. The law, and California courts, have held that the County and the developer must identify the source of water needed to support and sustain the project. This proposal utterly fails to do so.

The analysis of the water "demand" is flawed, not adequately assessing the true need increasing a community's population by, essentially, half again will have on the existing and "potential" resources and infrastructure. California Water Code Section 10608.20 outlines the methodology to be used in analyzing proposed projects. This EIR has failed to properly adhere to this legal requirement.

The EIR attempts to "paper over" this flaw and base approval on some far off wish of an agreement between the Clear Creek Community Services District and Bella Vista Water District. Why would any of you, in good conscience, even consider such a project without that agreement being solidified, viable and in place? Further, and even more egregious, is the ludicrous idea that CVP will provide water for three years and, voila, no worries for the future. If ever there was a case of magical thinking without any basis in fact or reality, this is it.

Legal experts have long questioned the viability and relationship between CVP and Bella Vista, contending it is not as solidified as Bella Vista would wish, or we would all hope. To add additional strain on the system, with depleting water supplies and resources is not a viable option and this plan cannot be approved without a valid, enforceable long-term agreement in place BEFORE even considering county approval.

There is no analysis of the impacts this proposal will have on your employers, the taxpayers of Shasta County and residents of Palo Cedro. Absolutely, no consideration is given to current Bella Vista Water customers and the impacts water shortages will have on us. Will we all be required to ration water more often than has historically been true? What provisions have you made for that certainty? What about the impacts of water shortages on current agricultural needs?

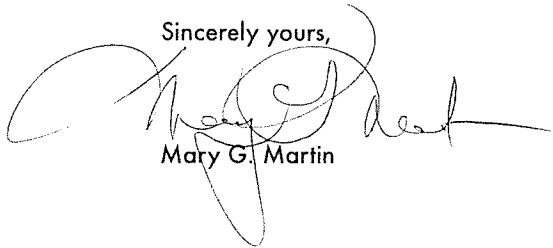
When it comes to wildfire protection and evacuation, the RDEIR would be almost a joke if it were not likely to kill Tierra Robles residents, as well as residents of nearby neighborhoods attempting to evacuate during a fast-moving wildfire incident. The section on wildfire and evacuation is long and wordy, but is entirely conceptual rather than reality based. Clearly, it is written by a sub-contractor with standard verbiage for EIRs. Butte County and the State of California learned

many lessons from the Camp Fire. One of those lessons was, if there is inadequate egress during a fast moving fire, people die. Shasta County needs to adhere to those lessons, of which you cannot claim ignorance or unawareness. To not learn those lessons, Shasta County and each one of its responsible individuals (such as members of the Planning Commission), is not fulfilling its/your responsibility toward the health and welfare of the potential future residents of Tierra Robles or neighbors/current residents. You are personally assuming liability as you have been made aware of a potentially deadly situation and have not adhered to the contemporary wildfire safety standards.

An owner of property has a right to develop that property in accordance with existing laws, statutes and codes. We are not proposing that you deny the developer the right to build homes, however, that should be done consistent with the requirements the residents of this community have adhered. Lot size should be between 5 and 10 acres, provisions for adequate water, fire protection, etc. should be consistent with the current zoning, state-of-the art knowledge and the County Plan. Failure to do any less is shirking your responsibilities and oath of office.

We do look forward to each of you adequately and appropriately representing the best interests of Palo Cedro, Shasta County and our residents.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Mary G. Martin', written over a large, stylized circular flourish.

Mary G. Martin

A handwritten signature in black ink, appearing to read 'Richard H. Martin', written in a cursive style.

Richard H. Martin

David Munro  
21287 Boyle Road  
Palo Cedro, Ca  
[REDACTED]

January 11, 2022

Shasta County Department of Resource Management

Mr. Hellman.

In response to the FEIR for the Tierra Robles dated November 2021. As you are aware, this development is being planned in what the State of California has deemed a VERY HIGH FIRE HAZARD SEVERITY ZONE.

I am passionate about many issues regarding this development, but I will focus on the following;

### **Fire Safety**

While looking over the FEIR, several important items worth discussing continue to come up. Wildland Fire Safety being my number one priority

Often during our north state wind events, the winds can gust up to 35-50 mph, with RH's in the single digit. Once a fire starts, the fire can travel miles in a short time, (example Jones Fire) often with burning embers flying up to ½ mile in front of the fire. (This is called spotting or Ember cast) this occurred during the Carr Fire and Camp Fire where embers traveled in the air and wedged under the eaves of homes, under vehicles, boats motorhomes and wildland grasses subsequently starting more fires.

The CARR Fire burned for a total of 39 days and over 1,000 homes were destroyed. 8 people died. We continue to allow the building of new homes in these fire prone areas, followed by strict building codes and that's where it stops. No enforcement 2 -3 years later when the brush, grass and tress grows back, another fire rages through. During the most recent Marshall Fire in Colorado last month, an entire subdivision was destroyed, most likely cause was ember cast from the wildland fire and high winds. And these were newer (90's) homes with fire resistant materials.

The FEIR states that the HOA will be the guiding entity and will make sure that the HOA will take measures to control abatement of unwanted grasses and brush, hence 100' clearance defensible space, as required by CAL FIRE. But it is revealed that if only a quarter of the development is built, that cost for each homeowner in the HOA will be astronomical and most likely unfeasible to the owners.

Life safety of the residents on Boyle Road and all of the approximately 39 side streets/roads that intersect onto Boyle Road Tables 5-19-9 through 5-19-21 show charts with evacuation times of up to 3.5 hours until reaching a safe zone. (same time to travel to San Francisco). Almost every single road off of Boyle Road has no other exit out except onto Boyle Road. These times shown



are without the TR development. With the development, the charts show a very small impact. Specifically 5%. I challenge this data for its inaccuracies. In Master Plan 2 (comments) the evacuation study concluded that with the existing evacuation time of 3-3.5 hours and 175 vehicle trips in the morning hours, and the same for evening hours and that the project would generate 1,774 average daily trips that this project would only add 15 minutes to the existing evacuation time. I find that assumption absurd. Additionally, during an evacuation, evacuees will be loading horse/ livestock trailers and RVs in addition to cars and pickups, increasing the number and length of vehicles in line trying to access Boyle Rd.

The FEIR also describes the evacuation as an orderly timed event. But real life scenarios prove different. The Camp Fire exhibited numerous vehicles that suffered total destruction from fire and where the vehicle was left abandoned in the roadway.



Camp Fire 2018

Once the buildout is complete and added to the equation with a Saturday late afternoon, hot summer day and a fast moving fire in your rear view mirror, myself and the residents really do not want to find out “**speeds and related clearance times would not substantially change**”. (Paragraph 2, 5-19-22). No one person can expect to add roughly 1700 additional vehicles to the Boyle Road corridor while in sheer panic fleeing for their lives while trying to merge onto Old Alturas/ Deschutes Rd and still expect that escape times would not substantially change. Another glaring issue missing from the FEIR is any mention that to evacuate to either Foothill HS or Shasta College could occur during school hours. Since our wildland fires burn from May through late October/November, school is in session a good part of our fire season in the north state. This means parking lots can be full of vehicles thus not allowing fleeing motorists any opportunity for refuge.

Also of another note, there had not been any mention in the EIR, RDEIR or the REIR of the 1999 Jones Fire that burned right through the proposed development. Not until it was brought up repeatedly in the comments as to why it was intentionally left out that it finally was mentioned in the FEIR. It appears it was intentionally left out to deceive the community.

As a refresher to the Planning Commission, the Jones Fire burned 26,200 acres and 174 homes were destroyed.

District 1 Supervisor Joe Chementi said (regarding the wind project) ” that he loved the idea of good paying jobs coming to the area and the economic development. “But when I look at it from a micro perspective, what’s the greatest environmental danger to our community right now? It’s Wildfire” Chementi said.

**Bella Vista Water District**

The lack of available water in consecutive drought years for the current residents of the BVWD will continue as long as California fails to add reservoirs within the state. The last reservoir built in California was 40 years ago. The population in 1980 was 24.3 million people. The population in 2020 is 39.5 million people. An increase of nearly 15,000,000 people. But yet, we use the same water supplies as in the years past with no new water sources. At some time in the near future, there will be a breaking point as noted with the current conditions at Shasta Lake.

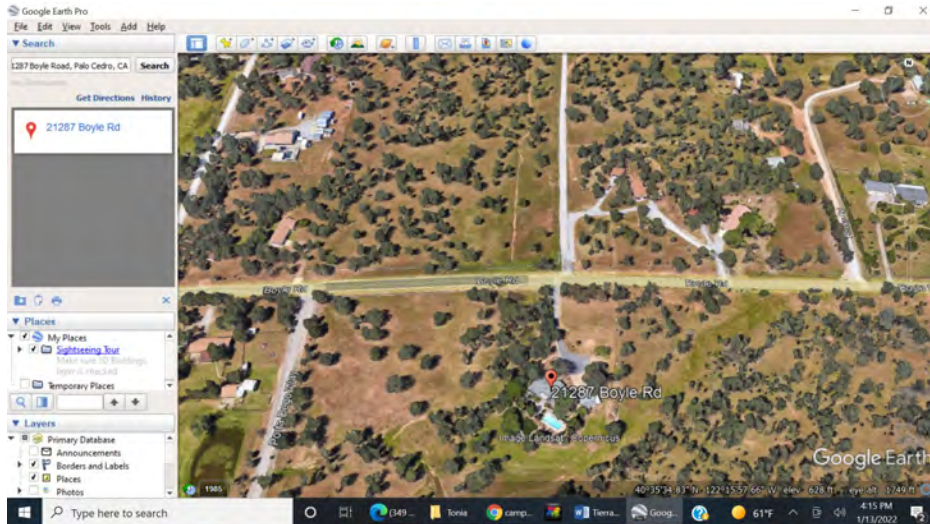
In Master response 3 and responses 7-a through 7-p, The EIR continually disagrees with all letters from commenters stating that their (EIR) facts are correct, and that these facts follow the findings of the Shasta County Resource Board. No real life scenarios or “what if” comes into play. I understand that. But, at some point, you need to ask yourself, referring the Shasta County Planning Committee, if real life does play a role? Since this project will definitely impact the Palo Cedro/ Bella Vista community with water shortages, evacuations and traffic, this project will probably not affect you or the Shasta County Planning Commission.

### **Inaccuracies within the FEIR**

Throughout the EIR and FEIR, letters written with justified and verifiable comments or questions from the community were often met with the response to refer to Mitigation 1, 2 or 3 of the FEIR and that no other response was needed. Unfortunately the EIR consistently refuses to answer the specific question that the commenter is requesting. Leaving yet another void in the FEIR

### **Seasonal creek**

Our property fronts Boyle Road on the south directly across the street from the proposed development (as seen on the map below). On the north side of Boyle is a seasonal creek that runs directly behind the proposed homes in a NS direction, the creek flows under Boyle Road through a large culvert (4' diameter) onto our property, along the side of our home and into our neighbor's pond behind our residence. In the map below you can see the dry creek bed to the left of the gravel driveway (Tierra Robles Parkway). My concern is that if approved, and construction starts, what will happen to the creek that flows through my property? Will the creek dynamics change? Less inflow or more inflow? Will we be flooded due to the construction? I could not find it listed within the EIR or FEIR. When we purchased the home and property that was one of the leading factors that we would have a creek next to our home. Will we be compensated for the loss of the creek frontage?



The picture on the left is looking NW at Boyle Rd

The picture on the right is looking towards the planned development, NNE

I appreciate your time. Will you please respond that you received this letter.

Sincerely,

David Munro

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Proposed Terra Robles subdivision  
**Date:** Thursday, January 13, 2022 9:42:07 AM

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Hi,

We have lived in Palo Cedro for over 30 year and have serious concerns about the proposal.

First, adequate water is an obvious concern. Bella Vista water district is challenged to provide water to existing customers now days. It is not reasonable to expect they could provide water to a new subdivision.

Given what happed with the traffic from the Carr fire, adequate roads to handle the extra traffic during an emergency is a large concern for us.

Adequate sewer treatment is also a large concern. I can't see how there plans adequately address the issue.

Thanks,  
Bob Mobley

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Proposed Re-zoning and Proposed Tierra Robles Subdivision.  
**Date:** Thursday, January 13, 2022 8:31:41 PM

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Greg and Pam Rachel

10142 Rocking Horse Lane

Redding CA 96003

RE: Proposed Tierra Robles subdivision and re-zoning

January 12,2022

Dear Mr.Hellman,

It rare for us to write a letter voicing our concerns, but we are strongly moved to do so regarding the proposed Re-Zoning and ultimately, proposed building of Tierra Robles Subdivision in our neighborhood!

WE URGE you and your fellow board members to Vote NO and reject this “forced” change!

We know you are aware of the EIR and the issues at hand, so we won’t belabor them, But here are some words for thought:

1. SPACE-The re-zoning would effect OUR space, the space that we moved out here for in the first place. The re-zoning proposed is NOT consistent with the County’s General Plan. A plan that already exists and that should be used as a guide for your decisions.

If Tierra Robles DOESN'T "fit" into the Plan, it should be rejected!

2. WATER-It would effect OUR available water. It puts the people that already live here (and pay taxes to do so.) in a position of even further water restrictions.

The "Will Serve" letter from BVWD has already expired and it is not certain to be renewed, nor is the proposed, expensive, uncertain availability of supplemental water, a viable option.

Why is the "cart before the horse", if there is no water, there should be NO subdivision.

3. WASTE- A sketchy, unproven waste water system that is proposed to be used. No one knows the real amount of water and waste that will be processed, or, exactly how it will be maintained, or by whom, ( a HOA?? We know how well those work) and at an unknown cost to the proposed new home owners.(the more costs to homeowners, the less attractive to buy)

The land didn't perk for the current standard of building, If it can't perk, there is your answer, it should be rejected!

4. PUBLIC SAFETY AND ADDITIONAL TRAFFIC-

No mitigation's (But,Isn't that just paying for the change??!!) are proposed for the immediate area of the subdivision, leaving it once again to those that already live here to "deal with it"!..... Just say NO!

5. FIRE, FIRE ,FIRE!!!!

If none of the other issues moved you, this one should!! If it doesn't, you should get another job where you actually care about the people who you serve! Seriously, We are not trying to be disrespectful, if this issue doesn't scare you more than anything else, this is not the job for you.

We respect whatever your beliefs may be regarding the causes and reasons of more wildfires and the "new normal" of wildfire behavior, but that part is irrelevant.

Here is what we do know:

- FACT- we are having MORE fires, BIGGER fires, and, Crazy, ERRATIC, hard-to-fight fires!!
- FACT- the wildfires we deal with now are not the fires of 20 years ago!
- FACT- Fire season is now 12 months out of the year!
- FACT- the area where the proposed subdivision is to be, is a known, HIGH RISK WILDFIRE AREA, and IS the PATH that fire tends to follow. (We've personally have experienced this more than once in the 22 years we have lived here.
- FACT- Northern California has experienced devastating loss of life and property due to the "new normal" of wildfires.

How with a clear conciseness can this be approved ???!! How can revenue be more important than lives ???!! How can you ignore the facts? How can you throw away the hard lessons learned about wildfires? Be part of the solution to saving lives by not "approving" a subdivision that not only would put the people in the subdivision in a "death trap", but would risk the lives of those who already live here by adding to the congestion and chaos of trying to evacuate.

We urge you to look at the facts, and not follow the money, respect the people that already live here and have been contributing to the tax base. Use the guidelines that are already in place for your decision making and do not create new ones that sets a precedent for losing more of our open spaces. Ultimately, only you, can prevent a possible disastrous event of a trusting group of people who bought in a "County approved" subdivision from loss of life!!

Thank you for listening and understanding our concerns when making your decision.

Greg and Pam Rachel

Dear Commissioners,

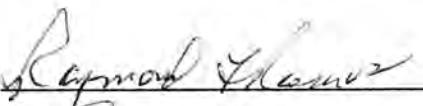

I/We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished community.

**My/Our personal comments and the prepared information below reflect "Here's why to vote NO":**



We are very concerned as to how this development will affect Palo Cedro. The water we get from Bella Vista is already very limited & doesn't allow much for landscaping so how is this development going to put in new landscaping & maintain it? The traffic on Boyle Road & Deschutes Road is already crazy making it hard at time to even get out of arterial roads due to Foothill, North Cow Creek & Junction School traffic. Fire is probably our biggest concern. As we have learned from the fires throughout California - more cars in an area means evacuations are more difficult and more lives are lost. Many of our roads have only 1 way out and are all 2 lanes. What are we supposed to do with 300+ more cars trying to get out of Palo Cedro?!! We are asking you to please vote NO on this project to save our lifestyle and possibly our lives.

Thank you

**Thank you for considering this request to vote NO on the FEIR and the Rezoning Amendment. I/We urge you to do the right thing for our rural community.**

Name(s): Raymond F Ramos Signature   
Carol R Ramos Signature 

Date: January 12, 2022 Address: 10801 Northgate Drive, Palo Cedro, CA 96073

Email:  Phone Number: 

The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, and the TRHOA.:

- 1) Wildfire And Wildfire Evacuation: TR is in a Very High Fire Hazard Severity Zone. The land surrounding and including TR has a persistent history of wildfire, namely the Chatham Ranch Fire, 1999 Jones Valley Fire, 2004 Bear Fire, 2019 Mountain Fire, 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR *IS* a danger, with *significant* impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane dangerous wildfire evacuation routes. The FEIR estimates evacuation to "safe areas" could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15



- 2) Water Availability: a) The FEIR and developer continues to miscalculate the TR water usage which results in a 272 Acre Feet/Year shortfall. b) The FEIR and developer does not identify a Court required “likely” source of supplemental water to be transferred to the Bella Vista Water District (BVWD) in single and multiple drought years so that existing BVWD customer are not impacted by CVP water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District which is also subject to CVP cutbacks and lacking in adequate well supplies. c) BVWD has not issued a required Will Serve Letter to the Developer. d) The General Plan W-c states “All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER!
  
- 3) Rezoning: TR is not consistent with the County’s General Plan and current zoning when compared to parcel sizes in the surrounding community. TR parcel sizes range from 1.19 acres to 6.81 acres for an average of 2.8 acres. 109 homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community. The remaining 57 homes or 35% are greater than 3 acres vs. 77% in the surrounding community. Development must be consistent with the surrounding community in a way that fits with the existing infrastructure for roads, water, utilities and safe wildfire evacuation routes. TR CHANGES THE CHARACTER OF RURAL PALO CEDRO AND INVITES FUTURE URBAN SPRAWL!
  
- 4) TRHOA: The FEIR does not provide sufficient evidence that All FEIR required TR mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a “Super HOA” that is overtasked, likely underfunded in 18 of the 20 initial years and has weak enforcement powers. Critical Wildfire mitigations responsibilities include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road maintenance, storm water maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated offsite conservation easements.  
  
TR’s land does not perk for traditional septic and the TRHOA is responsible for the highly technical oversight and operation of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State has preference for such systems to be over seen by a Community Services District however this was dropped by the County and Developer. Compounding the concern is the miscalculation of the amount of BVWD water usage (a 272 AFY shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquid and solids that flow to the system.
  
- 5) Traffic: TR’s 166 home plus at least 15 Additional Dwelling Units will add another 1,774 daily trips and at least 362 cars on already winding, narrow, congested County roads and intersections – some that already have higher than state average accident rates. Proposed traffic mitigations are either delayed, ineffective, or non-existent for problem roads and intersections, such as entering and exiting the development on Boyle Road.
  
- 6) Sheriff And Fire Protection: TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. The Palo Cedro/Bella Vista area already experiences delayed sheriff response times, and no additional officers or substation are included in this proposal. Section 513.2 of the EIR states “Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase

AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles FEIR Public Hearing  
**Date:** Thursday, January 13, 2022 5:49:25 PM

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Please present this email to each of the Board of Supervisors. I am asking that they vote NO on the ill-planned Tierra Robles subdivision.

I'm expressing my concern to you, that this subdivision could bring on a repeat of the Paradise fire disaster. Boyle Road cannot handle the additional cars that would be pouring onto the road in the event of a fire. The subdivision is not designed in a safe manner for defensible space or for road capacity. You know this area is a very high fire hazard severity zone with a persistent history of wildfires. Tierra Robles would add 2-3 miles of cars/RVs/boats/trailers evacuating on already over capacity, dangerous wildfire evacuation routes. The FEIR estimates that evacuation to "safe areas" could take 1.5 to 3.5 hours with queuing traffic on all the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours.

In addition, Bella Vista Water District has already been fining everyone who goes over their allotment of water, and the mention of buying water from the Happy Valley Water District isn't even logical because they ran out of water for themselves last year - they will not be able to provide water to the BVWD. Bethel University is under construction also and will be on Bella Vista Water - **the BV Water District is already under tremendous strain.** They have stated that they may ask everyone to give up their landscaping in the coming year(s). How is it feasible, then, to put in 166 more homes?

The tremendous potential for fire and cost to lives is your Number 1 reason to say NO.

With extreme concern,  
Susan M. Vanderwerf  
21541 Bridgit Lane

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** 1/19/22 Tierra Robles FEIR Public Hearing Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051  
**Date:** Thursday, January 13, 2022 12:24:09 PM

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Dear Mr. Hellman and Members of the Planning Commission:

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished community.

Our personal comments and the prepared information below reflect “Here’s why to vote NO”:

1. The added housing makes egress wholly unsafe in the case of fire. Until Shasta County and/or State will upgrade Boyle Road, Old Alturas, and Deschutes Road to give necessary exits to Highway 44 and 299, this project must be rejected.
2. Water resources are very limited and cannot sustain this project. Currently BVWD demanded the project provide supplemental sources, but this is calculated at minimal usage.
3. The character of the community is rural and zoned as such. Property owners surrounding this project will lose value. The infrastructure is not able to support this traffic on Boyle Road and its access roads.
4. Please do not create another Paradise disaster!

Thank you.

Hank and Liz Slowik

Date: 1/13/22                      Address: 22455 Meadowcrest Lane, Palo Cedro

Email: [REDACTED]                      Phone Number: [REDACTED]

Sent from my iPad

**From:** [REDACTED]  
**To:** [Paul Hellman; notierrarobles@gmail.com](mailto:notierrarobles@gmail.com)  
**Subject:** Tierra Robles Meeting, 01/19/22  
**Date:** Friday, January 14, 2022 9:56:33 AM

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Dear Shasta County Commissioners,

My family is opposed to the Tierra Robles Subdivision, and I will be short.

1. Fire, please see attached photographs. These were taken during the Jones fire. Take notice of the hose photo with my family and the amount of water coming out. That is full blast. We lost pressure due to the pumps at Bella Vista Water. Also note the pump-up sprayer in my husband's hand. That is what they used to wet the weeds. When I left that day with my dog, photos and important papers, I was not sure I would see my husband, brother and dear friend again. It was terrifying.

2. Water. We have built a beautiful piece of property over the last 30 years. Although mostly drought tolerant, I am already afraid, in my remaining, years we will lose our vegetation due to lack of water. We already have issues. The sub-division will put more pressure on our water.

3. Sewage system. Horses are bad enough. Open sewer? Please see above concerning "beautiful piece of property". I was a member of an HOA before I moved to this property. It is a joke. Regular folks do not know how to proceed. Think about the building that fell in Florida. HOA in charge.

4. Traffic. I think Old Alturas Rd is busy enough. It is used as a short cut to town from 299. Folks drive like it is a highway. I am a bike rider, however I cannot use this road to get to town for fear of losing my life. Also, during the Carr fire, I helped evacuate my mom out of Windsor Estates in Shasta Lake. Two ways out, it took 1:35 to get to my home. It's a 20 min drive. Windsor is concrete and pavement. We are field and trees.

Listed are my main concerns. I ask that you vote no. Take a drive out our way and you will agree.

I cannot attend the meeting on the 19th due to the covid risk, think of me in a worn-out red shirt, torn from the rose garden, with a concerned look on my face. I will be there in spirit.

Thank you for your time.

Dianna Stephens  
21724 Old Alturas Rd.  
PO Box 1314

Bella Vista, Ca. 96008













**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Cc:** [REDACTED]  
**Subject:** Omnicron  
**Date:** Wednesday, January 12, 2022 12:17:09 PM

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January 10, 2022

Dear Mr. Hellman,

I am writing to you to request that the Board meeting scheduled for January 19, 2022 be postponed until a later date due to the Covid crisis at the moment. It is forecasted that the Omnicron peak will occur around January 19th. The increase in cases in our county alone should be enough to warrant such action. I do believe it has been recommended by the CDC and the State Government that small and large group meetings be avoided at this time.

With Covid raging at the moment, I believe that this will stop a large number of people from attending this meeting and that will be a shame considering the large number of people who are very concerned about the current EIR.

I certainly hope you will consider the safety of all who are interested in the Tierra Robles EIR and reschedule this very important meeting to a time when it is safer to attend meetings.

I look forward to hearing a response from you, and thank you for your time.

Sincerely,

Jean Sturm  
[REDACTED]

Dear Shasta Land Planning Commissioners-

I am writing regarding the Tierra Robles recirculated draft of the EIR. Having a Master's Degree in Disaster and Emergency Management and having written my thesis on the Fountain Fire in Shasta County, I feel many issues regarding Fire were ignored both in the draft and in the comments. I refer to my larger letter as most of it was not addressed. However, I will try to simply summarize the main problems. I urge the County not to pass this. If it is passed, I suggest an alternative and advise in either case to first explore more mitigation measures necessary to compensate for the deficiencies in mitigation in this plan, especially for fire and water. I am not anti-development. However, I am concerned about Public Safety.

**To remain brief – here are some of the main issues I see.**

1) Past fire behavior has demonstrated this area has burned, is highly susceptible to burning and that adding more homes will only add to more homes and lives being at risk or lost if a fire were to occur. In emergency management, we do not have to guess where disasters will occur because they happen where they have previously occurred.

2) There have been multiple small fires within this project site JUST this year. These fires were fortunately suppressed quickly. However, more homes and more people will make this more difficult to suppress quickly.

3) This development sits in an area susceptible to the most destructive winds in terms of a wildfire that blow from the east and north and push the fire towards this vulnerable high fire hazard area. The Jones Valley Fire is one example of how this happens. However, more recently, if you saw footage of the fire near Boulder, Colorado, you will see the effects of a “small” 1600 acre wildfire combined with homes and buildings in close proximity. This fire was hindered by the wind that made the air fight impossible, and they had to rely their efforts on evacuation and ground crew. Fortunately, these residents and businesses were not located on small, narrow country roads, and they had many paths to evacuate. This would not be the case here, even with the one additional road planned to help in evacuation. If this were to happen in this area, an area already severely restricted in water resources, there would not be any water to suppress the fire.

4) I do not discount the credibility of the person doing the traffic analysis; however, I believe it is flawed as it relies on the entire city of Redding for its data which is much more populated than this rural portion of the County. It is an unfair comparison as most in the city do not have livestock to evacuate, trailers, and heavy equipment that make evacuation difficult on these narrow roads.

It also ignores a real scientific-based study on the CARR fire that I included that shows actual social behavior and not just “traffic projections” invalidates the study. You can not solely rely on math projections and science you have to understand how people behave in a disaster! People took up to 7 trips before finally evacuating. This would not simply lead to 2% traffic increase on these roads but possibly 7 times the amount of trips... on average, I believe the total was 3 trips. However, you would have to refer to my initial comment documenting this and its

citation as my time is limited, and I can't look this up at the moment. In Emergency Management, **Emergency Managers do not just rely on scientific studies and projections but the social behavior and social sciences** of those in an emergency manager. It is one of the keys to properly address disaster messaging and response.

5) While the traffic analysis states it was not an actual evacuation plan it is misleading. One reading it could easily interpret it as such and this should have been clarified much earlier. Further, stating that residents in the area or traveling in the area are already aware of the fire danger in Shasta County is not necessarily true, and you cannot actually document that. New residents are often surprised, and it is a huge assumption to believe everyone traveling through Shasta County knows this. How? Where is the citation?

6) As I and those who responded to my comments pointed out, we both outlined what requirements are necessary for mitigation. One of those is quantifiable and measurable. It is a sad state that the County says that CEQA suggests establishing a threshold but it is not required. However, this is contradicted by the responses themselves, as it does state mitigation must be quantifiable and measurable. **If a threshold to quantifiably measure is not required than how does any project actually meet CEQA standards?** What are those quantifiable mitigation measures if you state in your comments that no threshold is required? At the very least, I would hope you would list something to quantify and measure an acceptable evacuation time or the number of mitigation and impacts discussed.

7) The city of Redding and the County of a history of subdivisions that were never completed. This was documented in the report on the Carr Fire and led to evacuation problems and possibly to loss of lives. Because the subdivisions were only partially completed, there was no standard these subdivisions were held to.

8) I noted that one person in the County was on the payroll to check vegetation management. I was corrected and told there are 3 more by CALFIRE who do this as well. Unfortunately, as noted by the Grand Jury, comments by Shasta County CalFire in public meetings, and in reports on the Carr Fire and other fires in this County, **they DO NOT HAVE enough personnel to actually check for compliance with fire standards and defensible space.** This is not my assumption or a reports assumption it's from the mouths of CALFIRE staff in this County. I am sure you are well aware of this deficiency. Also, many vegetations defensible space inspections are set up by the home owners themselves

There are 180,000 residents in Shasta County. It includes 3,847 sq miles and approximately 72,000 households. To quantify that...

Each vegetation compliance monitor, or one, is responsible for 45,000 people, 962 square miles, and 18,000 homes. I'm not sure how four people make this any easier, and yes, it will just add 166 more households or 41 for each person. And I imagine there is not enough time in a single year to check all of these places.

9) Deferring to an HOA or homeowners to manage said mitigation is deferring it to groups of unknown entities that set their own limits. While the County may initially say they have to

follow such regulations, HOA boards and rules change. Will the County monitor this as well? As noted in other projects this County has improved they are to self report and self monitor. They are not followed up, again due to budgetary and staff constraints. Therefore, it is false security and not true mitigation in my understanding of CEQA law.

10) **Fire behavior is extremely important to understand in every project you approve. It responds different in rural areas than more densely populated.** Will this area be as densely populated as Redding itself, perhaps not. However, CEQA does require evaluating future projects. While there may not be future projects planned with growth in this County I think it is not an outrageous assumption to believe more subdivisions will follow.

11) Lastly, many specific studies and citations were disregarded. The respondents often say they did not rely on the one citation they used but multiple and exercised clear transparency yet, never disclose the other sources they relied upon. This is not argumentative it just is simply not transparent. I would have loved to see these citations and had them pointed out to; however when asked, they do not give them.

Again thank you for your time and your work on the planning commission. The residents of this area have stressed over this project for over 10 years! They worry about another Jones Valley Fire every day. Again, I am not anti-development. I simply want safe and responsible development. This area does not have the water to supply their residents or even amply suppress wildfire as is. Adding more will limit this for both residents and firefighters to utilize. I strongly encourage not passing this. However, if passed, I suggest further exploring other mitigation options and significantly reducing the size of the project. If possible, find a better place that is better equipped to handle more homes with water and not risk the lives of the citizens who are already there and/or who will move there.

Sincerely,

Kelly Tanner

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Nobles  
**Date:** Friday, January 14, 2022 11:58:07 AM

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Dear Mr. Hellman,

I am writing in opposition to the possible Tierra Robles Subdivision to be built in Palo Cedro.

I have lived in Palo Cedro for over 30 years and have severe concerns for "continuing" traffic problems, strain on our already problematic water system and the slow erosion of our beloved rural environment re-zoning would allow.

I appreciate the opportunity to be heard. of their neighborhoods.

Thank you for your time.

Ed Tierney  
10027 Deschutes Road  
Palo Cedro, CA 96073

[REDACTED]

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** No On 166  
**Date:** Thursday, January 13, 2022 4:02:37 PM

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Dear Commissioners,  
12 January 2022

I am requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished communities, not only to Palo Cedro but also to other rural areas of Shasta County

*1. One cannot overlook the fire danger this development will bring.*

Wildfire And Wildfire Evacuation: **TR is in a Very High Fire Hazard Severity Zone.** The land surrounding and including TR has a persistent history of wildfire, namely the Chatham Ranch Fire, 1999 Jones Valley Fire, 2004 Bear Fire, 2019 Mountain Fire, 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR *IS* a danger, with *significant* impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane dangerous wildfire evacuation routes. The FEIR estimates evacuation to “safe areas” could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving wildfire. TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENTS ON WILDFIRE FOR EXISTING RESIDENTS OF PALO CEDRO!

2. Water availability in draught years has seen Palo Cedro residents having to cut back and let plants and lawns die.: a) The FEIR and developer continues to miscalculate the TR water usage which results in a 272 Acre Feet/Year shortfall. b) The FEIR and developer does not identify a Court required “likely” source of supplemental water to be transferred to the Bella Vista Water District (BVWD) in single and multiple drought years so that existing BVWD customer are not impacted by CVP water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District which is also subject to CVP cutbacks and lacking in adequate well supplies. c) BVWD has not issued a required Will Serve Letter to the Developer. d) The General Plan W-c states “All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER!

*3. Rezoning of rural property that sees most parcel as three acres or more will open the rezoning door to any developer in Shasta County forever changing the rural character that brought us to want to live here.* TR is not consistent with the County’s General Plan and current zoning when compared to parcel sizes in the surrounding community. TR parcel sizes range from 1.19 acres to 6.81 acres for an average of 2.8 acres. 109 homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community. The remaining 57 homes or 35% are greater than 3 acres vs. 77% in the surrounding community. Development must be consistent with the surrounding community in a way that fits with the existing infrastructure for roads, water, utilities and safe wildfire evacuation routes. TR CHANGES THE CHARACTER OF RURAL PALO CEDRO AND INVITES FUTURE URBAN SPRAWL!

*4. On site waste treatment has not been thought thru. The state requires a Community Services District, but this has been dropped by the county and the developer.* TRHOA: The FEIR does not provide sufficient evidence that All FEIR required TR mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a “Super HOA” that is overtasked, likely underfunded in 18 of the 20 initial years and has weak enforcement powers. Critical Wildfire mitigations responsibilities include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road maintenance, storm water maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated offsite conservation easements.

TR’s land does not perk for traditional septic and the TRHOA is responsible for the highly technical oversight and operation of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State has preference for such systems to be over



seen by a Community Services District however this was dropped by the County and Developer. Compounding the concern is the miscalculation of the amount of BVWD water usage (a 272 AFY shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquid and solids that flow to the system. **5. Traffic studies have not accounted for the narrow rural road to handle the additional amount of cars these homes will bring.** Traffic: TR's 166 home plus at least 15 Additional Dwelling Units will add another 1,774 daily trips and at least 362 cars on already winding, narrow, congested County roads and intersections – some that already have higher than state average accident rates. Proposed traffic mitigations are either delayed, ineffective, or non-existent for problem roads and intersections, such as entering and exiting the development on Boyle Road.

**5. This development will bring increased wear and tear on a narrow rural road.** TR's 166 home plus at least 15 Additional Dwelling Units will add another 1,774 daily trips and at least 362 cars on already winding, narrow, congested County roads and intersections – some that already have higher than state average accident rates. Proposed traffic mitigations are either delayed, ineffective, or non-existent for problem roads and intersections, such as entering and exiting the development on Boyle Road.

**6. Increased Needs for Sherrif and Fire are not addressed.** TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. The Palo Cedro/Bella Vista area already experiences delayed sheriff response times, and no additional officers or substation are included in this proposal. Section 513.2 of the EIR states "Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services". However, the EIR states "no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant." THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.

**Thank you for considering this request to vote NO on the FEIR and the Rezoning Amendment. I urge you to do the right thing for our rural community.**

Sincerely,  
Joan Tornai  
10576 April Lane  
Palo Cedro

Shasta County Planning Commission  
1855 Placer Street, Suite 103  
Redding CA 96001

January 10, 2022

Subject: 1/19/22 Tierra Robles FEIR Public Hearing Zone Amendment Z10-002 Tract Map 1996 SCH NO. 2012102051

Dear Commissioners,

We are requesting that you vote NO on the certification of the Tierra Robles Final Environmental Impact Report (FEIR) and NO on the required Rezoning Amendment for a Planned Development. Tierra Robles (TR) is the wrong development for rural Palo Cedro. Rezoning would be an unfortunate precedent for leapfrog development that will bring urban sprawl to our cherished community.

**Our personal comments and the prepared information below reflect “Here’s why to vote NO”:**

It is inconceivable that such a subdivision be built in a designated Very High Fire Hazard Severity Zone. The future death and destruction is inevitable, predictable and unforgivable.

Bella Vista Water District has clearly told the Commission and all of us that they cannot handle additional demands on water availability. Incredibly, this fact is ignored by the Commission. We are already under extreme water constraints and cannot handle more cutbacks!!

The FEIR’s allusion to another route towards evacuation through the proposed subdivision would be laughable were it not so frightening and cruel. Please think this through. If Commission members had ever experienced fire evacuation, they would not think this viable.

**Thank you for considering this request to vote NO on the FEIR and the Rezoning Amendment. We urge you to do the right thing for our rural community!!**

Eleanor and Joel Townsend  
21603 Oak Meadow  
Palo Cedro, Ca. 96073



The FEIR has significant CEQA and General Plan deficiencies and inadequacies in the key areas of Wildfire and Wildfire Evacuation, Water Availability, Zoning, and the TRHOA:.

- 1) Wildfire And Wildfire Evacuation: **TR is in a Very High Fire Hazard Severity Zone.** The land surrounding and including TR has a persistent history of wildfire, namely the Chatham Ranch Fire, 1999 Jones Valley Fire, 2004 Bear Fire, 2019 Mountain Fire, 2021 Northgate Fire, and the 2021 Fawn Fire. The FEIR and its flawed Traffic Evacuation Study demonstrate the conclusion that TR *IS* a danger, with *significant* impact to the surrounding community. TR will add 2-3 miles of cars/RVs/boats/trailers evacuating on already over-capacity, two lane dangerous wildfire evacuation routes. The FEIR estimates evacuation to “safe areas” could take 1.5 to 3.5 hours with bumper-to-bumper traffic on ALL the surrounding roadways. The FEIR minimizes the impact of TR by saying it only will add 15 minutes to the longest evacuation time of 3.5 hours. 15 minutes could get you killed in a fast-moving wildfire. TR DOES NOT MEET THE CEQA OR GENERAL PLAN REQUIREMENTS ON WILDFIRE FOR EXISTING RESIDENTS OF PALO CEDRO!
- 2) Water Availability: a) The FEIR and developer continues to miscalculate the TR water usage which results in a 272 Acre Feet/Year shortfall. b) The FEIR and developer does not identify a Court required “likely” source of supplemental water to be transferred to the Bella Vista Water District (BVWD) in single and multiple drought years so that existing BVWD customer are not impacted by CVP water allocation cutbacks. c) No water agreement has been negotiated or approved between the BVWD and the Clear Creek Community Services District which is also subject to CVP cutbacks and lacking in adequate well supplies. c) BVWD has not issued a required Will Serve Letter to the Developer. d) The General Plan W-c states “All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. TR DOES NOT MEET CEQA OR GENERAL PLAN REQUIREMENTS ON WATER!
- 3) Rezoning: TR is not consistent with the County’s General Plan and current zoning when compared to parcel sizes in the surrounding community. TR parcel sizes range from 1.19 acres to 6.81 acres for an average of 2.8 acres. 109 homes or 65% are one to less than 3-acre parcels vs. 23% in the surrounding community. The remaining 57 homes or 35% are greater than 3 acres vs. 77% in the surrounding community. Development must be consistent with the surrounding community in a way that fits with the existing infrastructure for roads, water, utilities and safe wildfire evacuation routes. TR CHANGES THE CHARACTER OF RURAL PALO CEDRO AND INVITES FUTURE URBAN SPRAWL!
- 4) TRHOA: The FEIR does not provide sufficient evidence that All FEIR required TR mitigations will be successfully and reliably completed for the life of the development. The TRHOA is a “Super HOA” that is overtasked, likely underfunded in 18 of the 20 initial years and has weak enforcement powers. Critical Wildfire mitigations responsibilities include Wildland Fuel/Vegetation Management Plan, Oak Woodland Management Plan, Open Space and Resource Management Area management and oversight. Other tasks include road maintenance, storm water maintenance, Development Design Guidelines and providing funding in perpetuity for mitigated offsite conservation easements.

TR’s land does not perk for traditional septic and the TRHOA is responsible for the highly technical oversight and operation of an Onsite Waste Treatment Facility and Effluent Dispersal System. The State has preference for such systems to be over seen by a Community Services District however this was dropped by the County and Developer. Compounding the concern is the miscalculation of the amount of

BVWD water usage (a 272 AFY shortfall). If true, the Onsite Waste Treatment System is incorrectly sized for the amount of liquid and solids that flow to the system.

- 5) Traffic: TR's 166 home plus at least 15 Additional Dwelling Units will add another 1,774 daily trips and at least 362 cars on already winding, narrow, congested County roads and intersections – some that already have higher than state average accident rates. Proposed traffic mitigations are either delayed, ineffective, or non-existent for problem roads and intersections, such as entering and exiting the development on Boyle Road.
  
- 6) Sheriff And Fire Protection: TR will add additional demand to underfunded and understaffed law enforcement and fire protection services. The Palo Cedro/Bella Vista area already experiences delayed sheriff response times, and no additional officers or substation are included in this proposal. Section 513.2 of the EIR states "Implementation of the proposed project, combined with cumulative development within unincorporated Shasta County, would increase the demand for public services". However, the EIR states "no mitigation measures are required. Cumulative impacts related to public services and fiscal impacts would be less than significant." THIS IS ANYTHING BUT INSIGNIFICANT AND DEMONSTRATES THAT PUBLIC SAFETY WILL BE NEGATIVELY IMPACTED.

**From:** [REDACTED]  
**To:** [Paul Hellman](#)  
**Subject:** Tierra Robles Final EIR Public Hearing  
**Date:** Friday, January 14, 2022 4:24:14 PM

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EXTERNAL SENDER: Do not follow links or open attachments unless you recognize the sender and know the content is safe.

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To: Paul Hellman, Director of Resource Management  
Shasta County Department of Resource Management

From: Lawrence and Janet Wall  
23412 Millville Way  
Millville CA. 96062-9746  
[REDACTED]

Re: Comments - Tierra Robles Final EIR Public Hearing

THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) DOES NOT ADEQUATELY DISCLOSE, EVALUATE AND MITIGATE FOR POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACT IN THE AREA OF WATER SUPPLIES.

Verifiable facts should be consulted, not made-up figures. The undeniable fact is that Bella Vista Water District has not been able to adequately supply its users in the immediate past years. Now the Bethel Church Collyer Project will be a new user. Bethel admitted in its EIR that there will not be enough water from Bella Vista Water District in drought years to supply the Bethel campus. Since existing Bella Vista Water District users are already being rationed, a direct conclusion would be that there will not be enough water to supply Tierra Robles either. Enter the dream of “supplemental” water. So far we have Bethel and Tierra Robles competing for this “supplemental” water which would more accurately be characterized as Bethel campus’ and Tierra Robles’ basic water supply. Are there other developments which have been approved which will also be in the market for this “supplemental” water? Since there has been no showing by the Tierra Robles developer that “supplemental” water is guaranteed or even likely to be provided, the time to shut off the spigot to Tierra Robles is now. The project should be denied.

THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) DOES NOT ADEQUATELY DISCLOSE, EVALUATE AND MITIGATE FOR POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACT IN THE AREA OF BIOLOGICAL RESOURCES, INCLUDING OAK WOODLANDS.

638.3 acres of blue oak woodland exist on the project site. The Resource Management Areas (RMA’s) proposed by Tierra Robles are too small and fragmented to be considered mitigation for loss of the oaks to be removed from the site. Habitat that occurs in less fragmented blocks would be preferable as mitigation to habitat in RMA’s that is fragmented or isolated by urban lands. The recommendations of the Department of Fish and Wildlife should be followed, including the replacement at a ratio of 3:1 for trees removed. However, the best course to avoid impacts to the oak woodlands and wildlife is to deny approval of the Tierra Robles project in toto.

Thank you.

Lawrence and Janet Wall



REMY | MOOSE | MANLEY  
LLP

Sabrina V. Teller  
steller@rmmenvirolaw.com

January 13, 2022

Via email: [phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)

**Planning Commission of Shasta County**

Commissioner James Chapin, District 1  
Commissioner Tim MacLean, District 2  
Commissioner Steven Kerns, District 3  
Commissioner Donn Walgamuth, District 4  
Commissioner Patrick Wallner, District 5

**Paul Hellman, Director**

Department of Resource Management  
Planning Division  
1855 Placer Street, Suite 103  
Redding, California 96001

Re: PATROL's comments on the Final Environmental Impact Report for the proposed Tierra Robles Planned Development Project (Zone Amendment 10-002, Tract Map 1996)

Dear Commissioners and Director Hellman:

On behalf of Protect Against Tierra Robles Overdeveloped Lands (PATROL), we have reviewed the Final EIR, including the responses to our comments on the partial recirculated draft and draft EIR. Unfortunately, the Final EIR does not resolve the serious deficiencies in the County's analysis that we and others brought to the County's attention. We urge you *not* to recommend to the Board of Supervisors that the EIR be certified and the project approved.

The EIR still does not adequately disclose, evaluate, and mitigate for several potentially significant environmental impacts. We reiterate and incorporate herein by reference each of our previous comments, including those we submitted on behalf of PATROL. Of greatest concern to PATROL, the EIR's analysis of wildfire hazards, emergency evacuation and water supply remain inadequate under CEQA. On these issues and others, the EIR is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment are precluded." (CEQA Guidelines, § 15088.5, subd. (a)(4); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447-449.) The County

Board of Supervisors therefore cannot certify or approve the project entitlements based on the EIR.

**I. The EIR fails to acknowledge and consider the increased risk of wildfire ignition from the additional people who will reside in the Project area.**

CEQA requires “an adequate description of adverse environmental effects,” which is “necessary to inform the critical discussion of mitigation measures and alternatives at the core of the EIR.” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 514.) The EIR lacks necessary analysis and entirely omits the magnitude of impacts relating to wildfire.

Of most dire concern, the EIR does not properly acknowledge the increased risk of wildfire ignition from the additional people who will reside in the area as a result of the project. The project is located within a Very High Fire Hazard Severity Zone. (Partial Recirculated Draft EIR [PRDEIR], pp. 5.19-1-2; Final EIR, p. 15-17.) The applicant proposes to subdivide properties to add *166 residential lots*, to be developed with custom homes where none currently exist. (Draft EIR, pp. 3-3, 3-11, 3-16.) Each home would include an average of 3.5 bedrooms and approximately 15 of the lots would also have secondary units. (Draft EIR, p. 3-16.) As a result of these changes and assuming an average of 2.5 people per household and 2 additional residents per secondary unit, the EIR anticipates that the project could add *445 new residents* to the area. (Draft EIR, p. 3-32.)

It is undeniable that an additional 445 people in the project vicinity will significantly increase the likelihood that someone will ignite a wildfire. In fact, the EIR acknowledges that, in Shasta County specifically, humans cause *ninety percent* of wildland fires. (PRDEIR, p. 5.19-3.) This many new people, along with their homes, cars, motorcycles, lawnmowers, etc., will clearly increase the risk of ignition in the project area.<sup>1</sup>

The wildfire analysis in the EIR acknowledges that factors such as topography and weather play a significant role in how wildfires behave regardless of the ignition cause. But it fails to recognize additional fire behaviors such as fire spotting (embers traveling in the air from wind) and ember cast that can start new fires miles away from the main fire boundaries. As noted below, Northern California is experiencing larger and faster-moving

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<sup>1</sup> The 2004 Bear Fire in this area was ignited by someone mowing his lawn.  
<https://www.redding.com/story/news/local/2019/08/23/mountain-fire-jones-valley-wildfires-history-maps/2097253001/>

fires in recent years, in which fire-induced winds combine with ambient winds driving the fire, and it is common to have winds 50 to 70 mph on the fire front during a fire storm. These winds drive embers into every crack and crevice on a structure. The Carr and Camp Fires exhibited this behavior. The 1999 Jones Valley Fire burned parts of the subject property and surrounding homes in Palo Cedro and Bella Vista and was driven by shifting twenty-nine mile per hour winds that spread the fire in a pattern three miles wide and twenty-six miles long. (See Attachment 1: CalFire map of Jones Fire.) That fire destroyed 149 homes.

Adding many new structures and flammable or ignitable materials (landscaping, decks, propane tanks) in a development in a very high fire hazard area invites more destruction and damage and exacerbates the risk that fire will spread quickly from the Tierra Robles project area to the existing communities nearby.

The courts, along with the California Attorney General's office, are recognizing the heightened ignition risk of bringing new development to very high fire hazard areas as a potential impact that must be analyzed in an EIR.<sup>2</sup> Yet, the EIR does not acknowledge or analyze this significant impact (or the relevant history of multiple fires in this specific area of the County)<sup>3</sup> from adding more than 166 new residences (plus 15 secondary units) and at least 445 additional people to the project area.

**II. Adding 1,774 daily vehicle trips to the project area will exacerbate already-existing, potentially life-threatening delays in evacuation times.**

CEQA requires that an EIR must “analyze any significant environmental effects [a] project might ... risk exacerbating by bringing development and people into the area affected.” (CEQA Guidelines, § 15126.2, subd. (a).) This includes evaluation of “any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans, addressing such hazards areas.” (*Ibid.*; see also *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (*CBIA v. BAAQMD*)). “[W]hen a proposed project risks exacerbating those environmental hazards or conditions that

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<sup>2</sup> See Attachment 2: San Diego County Superior Court Minute Order, 10/7/2021, in *Endangered Habitats League, et al. v. County of San Diego* (Case No. 37-2019-00038820-CU-TT-CTL), p. 8.)

<sup>3</sup> See Attachment 3: CalFire map of 2004 Bear Fire in the Jones Valley area.



already exist, an agency must analyze the potential impact of such hazards on future residents or users.” (*CBIA* at pp. 377–378.) In other words, an EIR must evaluate “how future residents or users could be affected by exacerbated conditions.” (*Ibid.*)

The EIR here does not include this mandatory analysis. For example, the EIR concludes that under existing conditions, evacuation of the project area would take approximately three to three-and-a-half hours, and project traffic would add another 15 minutes to the evacuation time. (Final Partial Recirculated EIR, p. 15-16; PRDEIR, pp. 5.19-21–22.) When every minute matters for safe evacuations, as the recent catastrophic wildfires in the region have made the County’s residents repeatedly aware, future (and existing) residents would be significantly, adversely affected by an additional 15 minutes of delay in evacuating. The additional residents and resulting increase in traffic on evacuation routes will exacerbate an already unacceptable evacuation time for this area. The EIR, including the responses to comments, dismisses this additional delay as a potential impact entirely, in violation of CEQA and *CBIA v. BAAQMD*. No threshold for determining how much additional delay is significant is provided or explained. The PRDEIR simply concludes that an additional 15 minutes is not significant. The EIR thereby fails to provide substantial evidence to support a conclusion that the impact is in fact less than significant.

Additionally, the EIR does not disclose or explain whether and how fire speed was taken into account in the evacuation study. Satellite data has shown that wildfires in Northern California have historically traveled at speeds of up to 40 miles per hour,<sup>4</sup> whereas the EIR discloses that during evacuation from the Tierra Robles area, traffic may crawl along at just three to four miles per hour. The predicted traffic jams during emergency wildfire evacuation scenarios described in the EIR pose serious dangers to those seeking to escape. As the evacuation study notes, some of the 84 deaths during the Camp Fire were of people trapped in their cars, while other evacuees could not move fast enough on foot to get away from the fast-moving flames and smoke.

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<sup>4</sup> “Glass Fire Burned 1 Acre every 5 seconds in California. How Fast Can Wildfire Grow?  
<https://www.sacbee.com/news/california/fires/article246092930.html#storylink=cpy>

Wildfire experts in California are reporting that extreme dry conditions in the West are fueling some of the fastest-moving wildfires ever recorded, with some so powerful they spawn their own weather systems. For example, the Glass Fire in 2020 burned for 23 days and devastated over 67,484 acres. Satellite images showed that the fire spread at the unprecedented rate of 1 acre every 5 seconds and, fueled by 70 mph winds, traveled as fast as 40 miles per hour.

The evacuation study, by its omissions, demonstrates the inadequacy of the existing roads to handle the additional traffic from the Tierra Robles project. The study fails to highlight the fact that the proposed project will pour traffic onto Boyle Road from a single lane carrying traffic from 154 homes on a daily basis. In a fire scenario with fire approaching from the north—which is the most common scenario in the fire history of this area—Tierra Robles traffic will be forced southward via its only useable exit on Boyle Road. Yet the study does not mention the congestion problem at the Boyle Road exit from Tierra Robles, which was identified as problematic during the July 23, 2019, Planning Commission hearing. If the 181 units of the proposed development each have two automobiles (not including RVs, boats, trailers etc.) as suggested in the study, and if each automobile occupies 25 feet of liner space on a roadway as suggested in the study (Evacuation Study, p.10 ), then automobiles exiting Tierra Robles by themselves create a string of traffic more than 1.7 miles long. When that string of traffic tries to merge onto an already congested Boyle Road from a single lane of traffic, significant and dangerous backups are guaranteed to develop. The EIR does not propose mitigation measures to deal with this problem at the intersection of Boyle Road and Tierra Robles Parkway.

The evacuation study is further flawed because of its unsupported assumption that Shasta College would be completely empty as a “safe refuge” at the time of a wildfire and therefore contributing no additional cars to the evacuation traffic. The study does not account for the more likely scenario that the College is at least 50 percent occupied when a wildfire ignites.<sup>5</sup>

As with the increased ignition risk, the courts and the California Attorney General are directing lead agencies that EIRs for large new development projects in very high fire risk areas must analyze projects’ effects on community evacuation routes.<sup>6</sup> The EIR’s

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<sup>5</sup> Currently on the Shasta County website (last updated Oct. 2021) (<https://www.shastacollege.edu/covid-19/campus-faqs/>) it reads: “The district’s current plan is to have a minimum of 50% of the classes for Spring 2022 be in-person and the rest of the classes will be offered in either hybrid or online format.” The website further states that it serves 8,342 students (42% of students are full-time) and in 2010 had a total enrollment of more than 10,000 students. Assuming zero traffic will come from Shasta College during an evacuation paints an unrealistic and dangerously distorted scenario for the evacuation study.

<sup>6</sup> See Attachment 4: Lake County Superior Court Ruling and Order on Petitions for Writ of Mandate, 1/4/2022, *Center for Biological Diversity, et al v. County of Lake* (Case No. CV421152), pp. 5-8.

discussion of the project's impact on community evacuation in a wildfire is inadequate for failing to address and include these points.

**III. The EIR compresses the analysis of potential impacts and mitigation measures, in violation of *Lotus v. Department of Transportation* .**

The EIR fails to address the significant effects of the project as to wildfire and then separately discuss mitigation measures to address those impacts. For example, the discussion of Impacts 5.19-4 and 5.19-5 assumes the proposed mitigation measures will be implemented and considers potential impacts *with* implementation of those measures. (See PRDEIR, pp. 5.19-30-33.) But “compressing the analysis of impacts and mitigation measures into a single issue ... disregards the requirements of CEQA.” (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656.) The EIR, again, is deficient in this regard.

**IV. The County must consider additional mitigation to address significant wildfire ignition and community evacuation impacts.**

If the County does not require the EIR to be revised and recirculated (as it should be) to address the deficiencies we have identified, at a minimum, it should consider adopting the following additional mitigation measures to address the impacts relating to the heightened risk of wildfire ignition and delays to community evacuation routes.

Enhanced Wildfire Prevention and Protection Mitigation Measures:

1) In compliance with Shasta County Fire regulations the Developer and TRCSD (or HOA) will ensure that all building envelopes will be adjusted to guarantee a minimum of 100 feet of defensible space on all sides of every building within the Project.

2) The Developer will provide perimeter roadways around the subdivision to provide access to Fire personnel and equipment, as well as ensure fire breaks and defensible space between all building structures and adjacent wildlands.

3) The Developer will provide at least five easements to interconnect with adjacent future development to ensure additional access for wildfire evacuation to Project residents and surrounding residents.

4) TRCSD/HOA will develop a Fire Protection Plan (FPP) for reducing fire risk on and around the Project Site. The FPP will become a required element of the TRCSD/HOA by laws, operating procedures and CC&Rs for all potential buyers and residents. The FPP will be in addition to the Tierra Robles Wildland Fuel/Vegetation Management Plan.

5) The TRCSD/HOA will be required to enforce the FPP with all buyers and residents. The TRCSD/HOA Board will conduct a yearly review of the FPP and will make revisions as necessary to ensure continuing enhanced wildfire mitigation and enforcement. The TRCSD/HOA has the responsibility to enforce the FPP with all buyers and residents.

6) TRCSD/HOA shall ensure, pursuant to the FPP, that it will hire a qualified third-party compliance inspector approved by the Shasta County Fire Department to conduct a fuel management zone inspection and submit a Fuel Management Report to the TRCSD/HOA and Shasta County Fire before June 1 of each year certifying that vegetation management activities throughout the Project site have been timely and properly performed. The TRCSD/HOA Board will review the Fuel Management Report and will vote whether to verify ongoing compliance of the defensible space, vegetation management, and fuel modification requirements and with any other continuing obligations imposed under the FPP.

7) The TRCSD/HOA Board will ensure that all buyers and residents follow the FPP and take the necessary steps to enforce compliance.

8) The Developer/TRCSD/HOA will post a bond in an amount sufficient to remedy any deficiencies in all mitigation, maintenance, inspection, and reporting requirements related to the FPP and the Tierra Robles Wildland Fuel/Vegetation Management Plan.

9) Every 2 years after the first Dwelling Units are occupied, TRCSD/HOA Board will meet with the purpose of reviewing evacuation policies and TRCSD/HOA will demonstrate that they are clearly understood and communicated with residents. TRCSD/HOA will also work with the Shasta County Fire Safe Council to promote the creation of a Palo Cedro Fire Safe Council within the Project and the surrounding community.

10) TRCSD/HOA shall establish a Good Neighbor Fire Safe Fund, which will provide grants to needs-based applicants to be awarded by the TRCSD/HOA to aid the Palo Cedro community within 10 miles of the project to reduce offsite fire risks, increase fire prevention, protection, and response measures, and avoid adverse impacts of fire, for the Project's residents and neighboring communities.

11) The Good Neighbor Fire Safe Fund may issue grants for the following purposes, but not limited to:

- a) Developing and adopting a comprehensive retrofit strategy for at risk structures or other buildings.
- b) Funding fire-hardening retrofits of residential units and other buildings.
- c) Performing infrastructure planning, including for access roads, water supplies providing fire protection, or other public facilities necessary to support wildfire risk reduction standards.
- d) Partnering with other local entities to implement wildfire risk reduction.
- e) Updating local planning processes to otherwise support wildfire risk reduction to residents during times of power shutdowns or other emergencies; and
- f) Other fire-related risk-reduction activities that may be approved by the TRCSD/HOA Board.

**V. The EIR fails to identify and analyze all inconsistencies with the General Plan elements and policies relating to fire safety and fire hazards.**

The County's General Plan includes a Fire Safety and Sheriff Protection Element that contains policies regarding development in high-risk fire hazard areas. One of these, Section 5.4, Objective FS-1 directs the County to:

*Objective FS-1. Protect development from wildland and non-wildland fires by requiring new development projects to incorporate effective site and building design measures commensurate with level of potential risk presented by such a hazard and by discouraging and/or preventing development from locating in high-risk fire hazard areas. (italics added.)*

The PRDEIR touts the modern fire-resistant features of the proposed project that are required by the current Building Code but fails to ever address the project's inconsistency with the rest of the objective, **which expressly discourages this kind of development in a high-risk fire hazard area**. The EIR fails to address the project's inconsistency with this important objective, which is clearly aimed at avoiding the significant environmental and public safety risks of bringing new residents to highly hazardous areas and at avoiding the exacerbation of risks that existing County residents face if the County's decisions result in bringing more people and potential ignition sources to a high-risk fire hazard area.

It should be noted that updated Building Codes in the past have not been a panacea to ensure survivability in today's wind-driven, ember-laden wildfires. The following fires with updated wildfire-resistant construction standards suffered destruction

as follows: 2018 Camp Fire, about half of the homes built after 2008 did not survive; the 2017 Tubbs Fire destroyed 86 percent of the homes built after 2008; the 2017 Thomas Fire destroyed 90 percent.<sup>7</sup>

**VI. The EIR identifies only speculative future water supplies and does not consider alternatives to use of anticipated water, in violation of *Vineyard*.**

The final EIR does not resolve the glaring gaps in the water supply analysis in violation of the California Supreme Court’s opinion in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (*Vineyard*), as raised in comments from RMM, the Bella Vista Water District (BVWD), and others. To support the analysis, the EIR relies heavily on Mitigation Measure 5.17-4b, which requires the project applicant to submit proof of water service prior to commencement of project construction. First, this measure impermissibly defers mitigation, both because it is infeasible and because it punts mitigation to some future time after project approval. (See, e.g., *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Second, the measure violates the California Supreme Court’s holding in *Vineyard*.

As explained in RMM’s comment letter, the Supreme Court identified four key principles for an adequate water supply analysis under CEQA:

1. Decisionmakers must “be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the project will need.”
2. “[A]n adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years.”
3. “[F]uture water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations (“paper water”) are insufficient bases for decision making under CEQA.”
4. Where “it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.”

(*Vineyard*, *supra*, at pp. 431–432.) The water supply analysis for the project violates the third and fourth principles, which in turn violates the first principle, because the project has no likely path toward procuring an adequate water supply. The theoretical future water supplier, BVWD, has submitted numerous comments on the project. In part,

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<sup>7</sup> See <http://www.growthesandiegoway.org/How-San-Diego-is-waiving-fire-code/>

Letter to Shasta County Planning Commission & Dept. of Resource Management  
January 13, 2022  
Re: Comments of PATROL on Final EIR for Tierra Robles project

BVWD stated that it receives “nearly all of its water supply from the Central Valley Project (CVP),” and it “has experienced and anticipates severely reduced CVP allocations that will not meet current average year demands[.]” (Final Partial Recirculated EIR, p. 15-27.) Particularly in “below normal” years, BVWD explained, the Water District is unlikely to receive full water supply allocations. (*Ibid.*) This “will exacerbate single and consecutive year shortages.” (*Ibid.*)

Responding to these critical concerns, the EIR states that “[t]he County recognizes that future supplies are subject to restrictions for environmental factors including actual flows, drought and the [CVP] municipal and industrial [] Shortage Policy.... The commenter also is referred to Mitigation Measure (MM) 5.17-4b....” (*Id.* at p. 15-32.) That measure requires the applicant to “secure[] an Agreement with BVWD to provide BVWD with adequate water supplies on an annual basis during identified shortage conditions,” and to “demonstrate that any water supply provided by BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements[.]” (*Id.* at p. 15-13.) The EIR acknowledges that “certain environmental constraints may make it more difficult to obtain water to supplement BVWD.” (*Id.* at p. 15-33.) The EIR also provides that in the event of a shortage of water supplies from BVWD, the project could obtain up to 100 AF of supplemental water from the Clear Creek Community Services District (CCCSD) “through a groundwater substitution transfer without significant environmental effects.” (Final Partial Recirculated EIR, p. 15-13.)

The discussion in the EIR and Mitigation Measure 5.17-4b are not sufficient to meet the requirements of *Vineyard*. *Vineyard* requires a “confident prediction” of adequate water supply. (*Vineyard, supra*, at p. 432.) “When the verification [of water supply] rests on supplies not yet available to the water provider, it is to be based on firm indications the water will be available in the future....” (*Id.* at p. 433.) Here, the water provider anticipates that it will not be able to meet the demands of its existing customers, let alone those of the project, and the estimates in the EIR rely on a significantly underestimated and erroneous Project water demand. Under CA Water Code section 10608.20 BVWD is given the determination of which methodology to use for estimating water usage based on its Urban Water Management Plan. BVWD has chosen to use the methodology that shows the Project will use at least 352 AFY instead of the County’s 80 AFY, resulting in a shortfall of 272 AFY. This is not merely a “disagreement amongst experts” regarding the appropriate methodology for calculating water demand. *BVWD is the primary water supplier for the Project and the surrounding area.*

The FEIR’s Master Response-1: Water Supply Analysis states that:

Evidence of the feasibility of the water transfer between Clear Creek Community Services District (CCCSD) and BVWD is discussed on pages 5.17-19 through

5.17-30 of the RDEIR. The applicant initiated discussions with both agencies regarding the feasibility of CCCSD providing supplemental water to BVWD. Both agencies provided letters documenting the feasibility of such a transfer.

But *feasibility has not been determined*. The only thing that has occurred is an exchange of letters. No feasibility study has been initiated as required in the stated letter from the BVWD Board. There is no agreement in place between Clear Creek CSD and the BVWD for a water transfer. The BVWD and Clear Creek CCSD and their respective Boards still have to perform their due diligence before any kind of agreement. No Will Serve Letter has been agreed to by the BVWD Board, as there is no supplemental water agreement in place.

This failure to identify and provide an adequate water supply for the project conflicts with General Plan Section 6.6 – Water Resources, Policy W-c, which provides:

All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. Sufficient evidence of an adequate water supply of a quantity and a quality for planned uses has been identified.

Clear Creek CSD is a potential, not likely, source of supplemental water. There is no agreement in place with Clear Creek CSD, and the water that Clear Creek supposedly will supply is not sufficient to meet demand from the project. A likely water source has not been identified to satisfy the condition of the Shasta County General Plan.

Future water supply for the project is therefore speculative and unrealistic. The EIR must include a full discussion of *potentially feasible* water supply alternatives and their environmental impacts, not only to satisfy CEQA compliance but also the County's own General Plan policy. Without this information, the decisionmakers cannot evaluate the pros and cons of supplying water to the project, because it is impossible to evaluate what does not exist.

**VII. The EIR does not provide the necessary assurances and evidence to support the conclusion that the TRCSD or HOA will be able to afford or practically manage all of its mitigation obligations.**

The EIR proposes to place a substantial amount of the responsibilities for mitigation and enforcement of obligations such as annual fuel-reduction and other maintenance on the shoulders of the as-yet-undecided Tierra Robles Community Services District or neighborhood HOA. PATROL and its members have previously communicated their concerns about the lack of details and commitments regarding the CSD or HOA's funding, operations, oversight and enforcement roles. The FEIR Master



Letter to Shasta County Planning Commission & Dept. of Resource Management  
January 13, 2022  
Re: Comments of PATROL on Final EIR for Tierra Robles project

Responses dismiss these concerns as unrelated to environmental topics considered under CEQA or they point to case law holding that HOAs cannot evade responsibilities claiming lack of funding, but these concerns are, in fact, inextricably intertwined with the County's CEQA obligations and the substantive mandate to reduce or avoid environmental impacts where feasible. Here, the EIR assumes most impacts are less than significant or can be mitigated by the operations, monitoring and enforcement of the future CSD or HOA. As with all other determinations under CEQA conclusions regarding impact significance and the effectiveness of mitigation must be supported by substantial evidence and adequate explanation. But no details are given in the EIR regarding the CSD/HOA's funding adequacy, management and reporting structure, and experience required to fulfill its mitigation responsibilities adequately. It's easy to assert that the law forbids the HOA from disclaiming responsibilities due to lack of funding, but the EIR fails to explain *how* the County will ensure the HOA is adequately funded to start with and what will happen if it is not. Do the HOA's responsibilities become the County taxpayers' obligations if the HOA is insolvent or has insufficient funding to implement its several significant mitigation and maintenance responsibilities? The County's dismissive responses to the several valid concerns on this topic do not satisfy the required evidentiary standard and duties under CEQA.

#### **VIII. Conclusion**

For the reasons set forth above, the County cannot certify the EIR or approve the project. The County must revise the analysis in the EIR in order to provide the public with an opportunity to comment on a complete, accurate, and legally compliant environmental analysis of the project and its impacts.

Very truly yours,



Sabrina V. Teller

Attachments

cc: Nicole Rinke, Deputy Attorney General, California Dept. of Justice

**Attachment 1**

## ← Jones Fire Perimeter

In October 1999, the Jones Fire burned over 26,800 acres in Jones Valley.

ACRES

26818

FIRE\_NAME

JONES

YEAR

1999

STARTMONTH

10

STARTDAY

16

ate your own.



# Attachment 2

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 10/07/2021

TIME: 02:29:00 PM

DEPT: C-68

JUDICIAL OFFICER PRESIDING: Richard S. Whitney

CLERK: Richard Cersosimo

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2019-00038820-CU-TT-CTL** CASE INIT.DATE: 07/25/2019

CASE TITLE: **Petition of Sierra Club [E-FILE]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Toxic Tort/Environmental

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**APPEARANCES**

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**STATEMENT OF DECISION:**

The Court, having taken the above-entitled matter under submission on 9/21/2021, and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

"A superior court sitting as a court of review in a CEQA proceeding is not required to issue a "statement of decision" as that term is used in Code of Civil Procedure sections 632 and 634. (See 2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2d ed. 2011) § 23.116, p. 1262.) Conversely, a superior court that chooses to issue a written document explaining its decision to grant or deny a writ of mandate in a CEQA proceeding is not prohibited from labeling the document "statement of decision." Regardless of the label used, the rights, obligations and procedures set forth in Code of Civil Procedure sections 632 and 634 and California Rules of Court, rule 3.1590 do not apply to any such document issued by the court in a CEQA writ proceeding." (Consolidated Irrigation Dist. v. City of Selma (2012) 204 Cal.App.4th 187, 196 fn. 5, as modified on denial of reh'g (Mar. 9, 2012).)

**(1) PETITIONERS' PETITION FOR WRIT OF MANDATE and PEOPLE'S PETITION FOR WRIT OF MANDATE IN INTERVENTION is GRANTED.**

Petitioners ENDANGERED HABITATS LEAGUE, CALIFORNIA NATIVE PLANT SOCIETY, CENTER FOR BIOLOGICAL DIVERSITY, PRESERVE WILD SANTEE, CALIFORNIA CHAPARRAL INSTITUTE, and SIERRA CLUB's (collectively "Petitioners") Requests for Judicial Notice are granted (Exhibits A, B and C). Intervenor People of the State of California ex rel. Rob Bonta, Attorney General's ("AG") Requests for Judicial Notice are granted. Real Parties in Interest, Jackson Pendo Development Company, et al.'s ("GDCI") Requests for Judicial Notice are granted. The "JOINT OBJECTION BY THE PEOPLE AND PETITIONERS TO REAL PARTIES IN INTEREST'S NOTICE OF "OTHER RELEVANT EVIDENCE" PURSUANT TO GOVERNMENT CODE SECTION 12612 AND SUPPORTING

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DATE: 10/07/2021

MINUTE ORDER

DEPT: C-68

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Calendar No.

DECLARATION OF ELIZABETH JACKSON" is granted. The AG did not intervene via Government Code section 12612, but 12606. Further, the evidence is extra-record evidence that post-dates Respondents and Defendants COUNTY OF SAN DIEGO and BOARD OF SUPERVISORS OF COUNTY OF SAN DIEGO's ("County") decision to approve the Project, defined below, which renders it irrelevant for purposes of this California Environmental Quality Act ("CEQA") action. (See *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559.)

## **Background**

GDCI's Project is located within the Proctor Valley, approximately one-quarter mile east of Chula Vista and immediately south of the unincorporated community of Jamul. (Administrative Record ["AR"] 1.) "The project is a planned community consisting of 1,119 dwelling units; 10,000 square feet of neighborhood commercial; 2.3 acre joint use Fire Station/Sheriff storefront; 9.7 acre elementary school site; 24 acres of public/private parks; 776 acres of open space and a preserve on 1,284 acres" (the "Project"). (AR 1.) The County's approval of the Project includes a General Plan Amendment ("GPA") of the County's General Plan. (AR 1.) The County approved the Final Environmental Impact Report ("EIR") as to the Project. (AR 1.) Petitioners and the AG challenge the EIR under CEQA as being unsupported by substantial evidence and the approvals as being an abuse of discretion based on a failure to proceed in the manner required by law. Petitioners and the AG also allege the Project is inconsistent with the General Plan.

## **Standard of Review Under CEQA and Relevant Law**

The issue before this Court is whether the County abused its discretion. "Abuse of discretion is shown if (1) the agency has not proceeded in a manner required by law, or (2) the determination is not supported by substantial evidence." (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 945 [Citation omitted].)

Under CEQA, courts review quasi-legislative agency decisions for an abuse of discretion. (§ 21168.5.) At both the trial and appellate level, the court examines the administrative record anew. (*Vineyard, supra*, 40 Cal.4th at p. 427, 53 Cal.Rptr.3d 821, 150 P.3d 709.)

An "agency may abuse its discretion under CEQA either by failing to proceed in the manner CEQA provides or by reaching factual conclusions unsupported by substantial evidence." (*Vineyard, supra*, 40 Cal.4th at p. 435, 53 Cal.Rptr.3d 821, 150 P.3d 709, citing § 21168.5.) "Judicial review of these two types of error differs significantly" however. (*Vineyard*, at p. 435, 53 Cal.Rptr.3d 821, 150 P.3d 709.) For that reason, "a reviewing court must adjust its scrutiny to the nature of the alleged defect, depending on whether the claim is predominantly one of improper procedure or a dispute over the facts." (*Ibid.*)

### **1. Procedural Claims**

Courts must "scrupulously enforce all legislatively mandated CEQA requirements." (*Goleta II, supra*, 52 Cal.3d at p. 564, 276 Cal.Rptr. 410, 801 P.2d 1161.) To do so, "we determine de novo whether the agency has employed the correct procedures" in taking the challenged action. (*Vineyard, supra*, 40 Cal.4th at p. 435, 53 Cal.Rptr.3d 821, 150 P.3d 709.)

## 2. Substantive Claims

Compared with review for procedural error, "we accord greater deference to the agency's substantive factual conclusions." (*Vineyard, supra*, 40 Cal.4th at p. 435, 53 Cal.Rptr.3d 821, 150 P.3d 709.) We apply "the highly deferential substantial evidence standard of review in Public Resources Code section 21168.5" to such determinations. (*Western States, supra*, 9 Cal.4th at p. 572, 38 Cal.Rptr.2d 139, 888 P.2d 1268.) "The agency is the finder of fact and we must indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision." (*Save Our Peninsula, supra*, 87 Cal.App.4th at p. 117, 104 Cal.Rptr.2d 326.) That deferential review standard flows from the fact that "the agency has the discretion to resolve factual issues and to make policy decisions." (*Id.* at p. 120, 104 Cal.Rptr.2d 326.)

The CEQA Guidelines define substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (Guidelines, § 15384, subd. (a).)

(*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 984-85.)

"[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence." (*Sierra Club v. County of Fresno ("Friant Ranch")* (2018) 6 Cal.5th 502, 514.) "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'" (*Id.* at 516 [Citation omitted].)

"[T]he petitioner bears the burden of demonstrating that the record does not contain sufficient evidence justifying a contested project approval." (*Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192, 206.) "To do so, an appellant must set forth in its brief all the material evidence on the point, not merely its own evidence. [Citation.] A failure to do so is deemed a concession that the evidence supports the findings." (*Id.* [Citation omitted].)

GDCI asserts Petitioners failed to raise a number of issues, such that the exhaustion of administrative remedies doctrine precludes the claims.

"Exhaustion of administrative remedies is a jurisdictional prerequisite to maintenance of a CEQA action. ... The petitioner is required to have 'objected to the approval of the project orally or in writing during the public comment period provided by this division or prior to the close of the public hearing on the project before the issuance of the notice of determination.' ([Pub. Resources Code,] § 21177, subd. (b).) The petitioner may allege as a ground of noncompliance any objection that was presented by any person or entity during the administrative proceedings." (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1199, 22 Cal.Rptr.3d 203.)

" 'The petitioner bears the burden of demonstrating that the issues raised in the judicial proceeding were

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first raised at the administrative level.

...  
"It is, however, "not necessary to identify the precise statute at issue, so long as the agency is apprised of the relevant facts and issues." (*McPherson v. City of Manhattan Beach* (2000) 78 Cal.App.4th 1252, 1264, 93 Cal.Rptr.2d 725.)

(*Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 889–890.)

### **Mitigation Measures as to Green House Gases ("GHG")**

The EIR recognizes the Project will emit at least 484,770 metric tons of climate pollution over 30 years. (AR 31823.) The EIR acknowledges this is a significant impact that should be mitigated. The EIR contends the impacts will be mitigated to less than significant by implementing, *inter alia*, M-GHG-1 through M-GHG-4. (AR 31819.) Both the AG and Petitioners challenge M-GHG-1 and M-GHG-2 as being inadequate. Both M-GHG-1 and M-GHG-2 attempt to address GHGs that will be created from construction and operation of the Project over 30-years. (AR 318-324.)

First, the EIR relies on an estimated 30-year life for the Project to estimate the amount of GHG that must be mitigated. (AR 42057.) The 30-year life span is taken from the South Coast Air Quality Management District's set of GHG thresholds of significance for industrial projects. (AR 121687-88.) However, the District stated that as to "Residential/Commercial Sector Projects" "Not Recommended at this Time" to use the 30-year life span for offsets, as is used by the EIR in this case. (AR 121688.) GDCI asserts the District was not asked to make a recommendation as to Residential/Commercial Sector Projects. This does not support that the evidence the EIR relies upon to use a 30-year life span is substantial. GDCI does not point to any evidence in the record that the EIR relied on specific standards for Residential/Commercial Sector Projects, which is at issue in this action. A 30-year life span for a residential project goes against common sense. As GDCI asserts, the homes will be more advanced, such that they could last longer than other homes which last longer than 30 years. However, comments in the EIR state "30-year project life also is widely used in CEQA documents by expert consultants and lead agencies," "Executive Order (EO) S-3-05 established 2050 as the target year for an 80 percent reduction in statewide GHG emissions below 1990 levels," and that the incremental implementation of the development will result in a later start time for the Project and the "modeling analysis likely overestimates the Proposed Project's GHG emissions because the modeling does not take into account reasonably foreseeable regulatory, programs and other governmental strategies and technological factors that likely would result in further reductions in GHG emissions levels throughout California that are needed to achieve the 2030 and 2050 targets." (AR 33525-26.)

Even if the 30-year life span were accepted as being supported by substantial evidence, the mitigation measures M-GHG-1 and M-GHG-2 are insufficient under *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. "An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy." (California Code of Regulations ("CEQA Guidelines") section § 15126.4(a)(1).) "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." (CEQA Guidelines



section § 15126.4(a)(2).) "Under section 38562, subdivision (d)(1) and (2), cap-and-trade offset credits may be issued only if the emission reduction achieved is "real, permanent, quantifiable, verifiable, enforceable, and additional to any GHG emission reduction otherwise required by law or regulation, and any other GHG emission reduction that otherwise would occur." (*Golden Door, supra*, 50 Cal.App.5th at 506.)

" 'Real' means ... that GHG reductions ... result from a demonstrable action or set of actions, and are quantified using appropriate, accurate, and conservative methodologies that account for all GHG emissions sources, GHG sinks, and GHG reservoirs within the offset project boundary and account for uncertainty and the potential for activity-shifting leakage and market-shifting leakage." (Cal. Code Regs., tit. 17, § 95802.) " 'Permanent' means ... that GHG reductions ... are not reversible, or when GHG reductions ... may be reversible, that mechanisms are in place to replace any reversed GHG emission reductions ... to ensure that all credited reductions endure for at least 100 years." (*Ibid.*) " 'Quantifiable' means ... the ability to accurately measure and calculate GHG reductions ... relative to a project baseline in a reliable and replicable manner for all GHG emission sources ...." (*Ibid.*) " 'Verifiable' means that an Offset Project Data Report assertion is well documented and transparent such that it lends itself to an objective review by an accredited verification body." (*Ibid.*) " 'Additional' means ... greenhouse gas emission reductions or removals that exceed any greenhouse gas reduction or removals otherwise required by law, regulation or legally binding mandate, and that exceed any greenhouse gas reductions or removals that would otherwise occur in a conservative business-as-usual scenario." (Cal. Code Regs., tit. 17, § 95802.)

(*Id.* at 506-507.)

Similar to the County's Climate Action Plan (CAP) found to be inadequate under CEQA in *Golden Door*, M-GHG-1 and M-GHG-2 are for the purchase and retirement of carbon offsets that may be issued by "(i) the Climate Action Reserve, the American Carbon Registry, and Verra (previously, Verified Carbon Standard); or (ii) any registry approved by the California Air Resources Board (CARB) to act as a registry under the state's cap-and-trade program." In *Golden Door* the similarly labelled M-GHG-1 provided "the Director may approve offsets issued by any 'reputable registry or entity that issues carbon offsets consistent with ... section 38562[, subdivision] (d)(1).'" (*Golden Door, supra*, 50 Cal.App.5th at 514.) In both *Golden Door* and here, "M-GHG-1 says nothing about the protocols that the identified registries must implement." (*Id.* at 511.) "Unlike M-GHG-1, under cap-and-trade, it is not enough that the registry be CARB-approved. Equally important, the protocol itself must be CARB-approved." (*Id.*) "The CARB Protocols are the heart of cap-and-trade offsets-but the word "protocol" is not even mentioned in M-GHG-1.... M-GHG-1 is not equivalent to cap-and-trade offset programs because M-GHG-1 does not require the protocol itself to be consistent with CARB requirements under title 17, section 95972, subdivision (a)(1)-(9) of the California Code of Regulations." (*Id.* at 512.) The same is true in this case – the word "protocol" is not even mentioned in M-GHG-1 nor does the EIR require the protocol of the registry be consistent with CARB requirements. (AR 318-320.) The EIR parrots the words of California Health & Safety Code section 38562, subdivision (d)(l), stating "the purchased carbon offsets used to reduce GHG emissions from construction and vegetation removal shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions." (AR 319.) More than mere lip service is required – there must be "objective criteria for making such findings." (*Id.* at 521–522.)

GDCI points to the fact the EIR cites to the program manuals for registries in the appendices. However, one of the registries, American Carbon Registry, provides "projects must commit to maintain, monitor,

and verify Project Activity for a Minimum Project Term of 40 years...because no length of time, short of perpetual, is truly permanent..." but Permanent, as to GHG reductions, is defined as reductions that "endure for at least 100 years." (AR 75786; Cal. Code Regs., tit. 17, § 95802; see also *Golden Door, supra*, 50 Cal.App.5th at 522 [for example, CARB's forestry protocol requires sequestering carbon "for at least 100 years"].) As discussed above, GDCI's citation to extra-record evidence of actual purchases of offsets is not relevant. (See *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559.) Even if it were considered, the evidence indicates GDCI purchased offsets from American Carbon Registry, which would not meet the permanence requirement under *Golden Door*.

Further, in both the EIR and the County CAP considered in *Golden Door*, M-GHG-1 is silent as to the additionality requirement in Health & Safety Code section 38562, subdivision (d)(2), which provides "the reduction is in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur." (Health & Saf. Code, § 38562(d)(2); *Golden Door, supra*, 50 Cal.App.5th at 514.) M-GHG-1 and M-GHG-2 ignore the requirement that the reductions would not have otherwise occurred – that it would not result from a business-as-usual scenario. (*Golden Door, supra*, 50 Cal.App.5th at 521.) The EIR's requirement that the offsets achieve reductions that are "not otherwise required," consistent with Guidelines section 15126.4(c)(3) does not equate to requiring compliance with the additionality requirement in Health & Safety Code section 38562, subdivision (d)(2). Also, responses to comments in the EIR as to the acknowledgement of the additionality definition does not equate to a requirement within M-GHG-1 and M-GHG-2 that the offsets purchased meet the additionality requirement in Health & Safety Code section 38562, subdivision (d)(2). Finally, reliance on registry protocols is of no avail. As an example, one of the registries relies on the "project proponent" to sign an "Attestation of Legal Additionality form that confirms the mitigation project activity was not required by any law, statute, rule, regulation or other legally binding mandate by any national, regional, state, local or other governmental or regulatory agency having jurisdiction over the project." (AR 75925.) This is essentially the fox guarding the hen house, plus it does not address whether or not the reduction resulted from a business-as-usual scenario.

Petitioners also criticize the EIR's reliance upon forecasted reductions in relation to the purchase of carbon offsets. GDCI cites to the Newhall Ranch project, discussed with approval in *Golden Door*, which utilized estimated reductions and carbon offsets for past reductions. GDCI does not explain how this Project has safeguards to ensure the reduction would occur equivalent to those in the Newhall Ranch EIR. GDCI also relies upon the Climate Forward program, but the Climate Forward Program Manual recognizes it "does not guarantee the use of FMUs [Forecasted Mitigation Units] or CRTs will be accepted as a means to meet CEQA GHG mitigation obligations where required by an approving agency(ies)." (AR 75898.) The Court agrees the Climate Forward Program's reliance on a one-time verification of the mitigation project is troublesome. (AR 75916.) The lack of ongoing verification illustrates the protocols do not ensure that the forecasted reductions are real, additional, permanent, confirmable, and enforceable. "[O]nce the project reaches the point where activity will have a significant adverse effect on the environment, the mitigation measures must be in place." (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 860 [Citation omitted].) While GDCI must provide proof of purchase of carbon offsets prior to permit issuance, a proper mitigation measure must be in place at that time. (AR 31819, 31822.) Without rigorous protocols to ensure the forecasted reductions are real, additional, permanent, confirmable, and enforceable, it cannot be concluded the mitigation measures were permissibly implemented at proper times.

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Finally, the EIR suffers from enforcement issues as to M-GHG-1 and M-GHG-2. In *Golden Door*, the court stated:

The only M-GHG-1 limit on mitigating with international offsets is the Director's unilateral decision that offsets are not feasibly available within (1) the unincorporated county; (2) the County; (3) California; and (4) the United States. The fundamental problem, unaddressed by M-GHG-1, is that the County has no enforcement authority in another state, much less in a foreign country. M-GHG-1 does not require a finding that an out-of-state offset site has laws at least as strict as California's with respect to ensuring the validity of offsets.

At oral argument, the County asserted that the "registries" would be the County's enforcement mechanism to ensure the validity of offsets originating in foreign countries. This argument fails, however, because it is premised on the assumption that the registry's protocol is Assem. Bill No. 32 compliant-and as explained *ante*, M-GHG-1 does not require use of an Assem. Bill No. 32 compliant protocol.

(*Golden Door, supra*, 50 Cal.App.5th at 512–513.) Similarly, here, the EIR relies upon the registries for enforcement, which is problematic because of their protocols. M-GHG-1 provides "the Director of the PDS shall require the Project applicant or its designee to provide an attestation or similar documentation from the selected registry(ies) that a sufficient quantity of carbon offsets meeting the standards set forth in this measure have been purchased and retired, thereby demonstrating that the necessary emission reductions are realized." (AR 319.) This enforcement mechanism pales in comparison to CARB, which discourages noncompliance "by deterring and punishing fraudulent activities." (AR 75598.) CARB has the enforcement authority to hold a party liable and to take appropriate action, including imposing penalties, if any of the regulations for CARB offset credits are violated. (17 C.C.R. §§ 95802(a), 96013, 96014.) GDCI does not cite to any evidence in the record that the registries have the same enforcement authority under their protocols.

One of the registries states it "will rely first and foremost on legal requirements within the jurisdiction(s) where the project is implemented." (AR 75909.) As *Golden Door* recognized, such reliance can be a problem in another state or foreign country where the County does not have any enforcement authority. There is nothing in M-GHG-1 or M-GHG-2 that requires the Director of the PDS to follow specific protocols when "offsets are unavailable and/or fail to meet the feasibility factors defined in CEQA Guidelines Section 15364 in a higher priority geographic category before allowing the Project applicant or its designee to use offsets from the next lower priority category" to ensure the offsets are ultimately enforced properly. Rather, the Director of the PDS merely needs to issue a written determination that considers information such as "availability of in-State emission reduction opportunities," "geographic attributes of carbon offsets," "temporal attributes of carbon offsets," "pricing attributes of carbon offsets," and "[a]ny other information deemed relevant to the evaluation...." (AR 320, 323-24.) This could allow for the Director to permit purchase of offsets almost entirely from international offsets. As a registry recognizes, "[d]epending on the location of the mitigation project, there may be insufficient compliance and/or enforcement of national, regional, state, local, or other regulations." (AR 75906.) As in *Golden Door*, "M-GHG-1 does not require a finding that an out-of-state offset site has laws at least as strict as California's with respect to ensuring the validity of offsets." (*Golden Door, supra*, 50 Cal.App.5th at 513.)

The EIR is inadequate as to M-GHG-1 and M-GHG-2.

**Wildfire Ignition Risk**

The AG and Petitioners assert the EIR fails to properly acknowledge the increased risk of wildfire ignition from the additional people who will be in the area as a result of the Project. The EIR states "the Project Area, in its current condition, is considered to be vulnerable to wildfire ignition and spread during extreme fire weather." (AR 32172.) The EIR goes on to states that the "introduction of up to 1,119 new homes would not increase the potential likelihood of arson, off-road vehicle-related fires, or shooting-related fires." (AR 32173.) The body of the EIR does not acknowledge an increase in risk of wildfire ignition as a result of more humans being in the area from the Project. However, a County expert acknowledges "southern California's increasing population will make it more likely that ignitions will occur, which could potentially cause large areas of chaparral to type-convert into grasslands." (AR 104506.) Further, it is known humans are the primary cause of wildfires, especially in Southern California. (AR 89718-23.) The EIR does not address this issue, but notes "[p]ost-construction ignition sources would include vehicles, although roadside FMZs would be provided, reducing the potential for a vehicle-related fire escaping into the Otay Ranch RMP/MSCP Preserve fuels." (AR 32173.) This does not acknowledge or analyze the impact of adding more than 1,100 new homes to the area as to humans being an ignition cause of wildfires. This is combined with the fact the EIR does not clearly, in the body of the EIR, acknowledge the area's designation as a Very High Fire Hazard Severity Zone. (AR 32172-77.) The EIR does not includes enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issue of wildfire ignition raised by the Project.

The above issue is accompanied by an improper compressing of the analysis. Instead of independently acknowledging all the significant impacts of the Project as to wildfire risks and subsequently discussing mitigating measures to address such impacts, the mitigation measures are characterized in the EIR as being part of the project. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656.) "By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA." (*Id.*) Here, the EIR considers the impacts of wildfire to be less than significant because the Project's "landscaped and irrigated areas and FMZs, as well as the paved roadways and ignition-resistant structures, would result in reduced fire intensity and spread rates around the Project Area, creating defensible space for firefighters." (AR 32173.) "Additionally, provisions for a fire station in the area would reduce the response time to wildfire ignitions and increase the likelihood of successful initial attacks that limit the spread of wildfires." (AR 32173.) The EIR also states "[u]nauthorized activities such as off-road vehicles and shooting may still occur, but there will be more 'monitors' (i.e., future residents) in the area to discourage and report such activities, resulting in an anticipated decreased occurrence." (AR 32173.) "CEQA EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount." (*Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 264 [Citation omitted].) The adoption of the Fire Protection Plan (FFP) and compliance with applicable fire codes do not obviate the need for the EIR to analyze significant impacts that would exist prior to the implementation of any mitigation measures. The EIR fails to comply with *Lotus*.

**Multiple Species Conservation Program**

The Multiple Species Conservation Program ("MSCP") "is a multi-jurisdictional habitat conservation

planning program that involves USFWS, CDFW, the County of San Diego, the City of San Diego, the City of Chula Vista, and other local jurisdictions and special districts...." (AR 31246.) "A total of 85 plant and animal species are 'covered' by the MSCP Plan." (AR 31246.) "Quino checkerspot butterfly (*Euphydryas editha quino*) is not a covered species under the MSCP." (AR 31191.) "A species that is not an MSCP covered species is not allowed take through the MSCP." (AR 31191.) Normally, "take authorization" can be allowed when incidental to land development and other lawful land uses which are authorized by the County. (AR 31191.) GDCI points to evidence in the record that a previous owner of property that is part of the Project area proposed preserving PV1-3 and other areas of Otay Ranch in exchange for allowing development of other open spaces within Otay Ranch; however, the parties disagree as to whether an agreement was reached. The MSCP and County Subarea Plan designates PV1-3 as "No Take Authorized" areas (AR 115049), or "Otay Ranch Areas Where No 'Take Permits' Will Be Issued," while allowing take in other areas that were previously designated as open space. (AR 82930, 94838-43, 115049, 115051.) The County General Plan calls for implementation of the "MSCP Plans for North and East County in order to further preserve wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits and to restrict the use of water for cleaning outdoor surfaces and vehicles." (AR 129683.) The County's EIR cannot ignore mitigation measures in a General Plan, as such failure violates CEQA. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1167.)

"The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. Such regional plans include, but are not limited to, ...habitat conservation plans...." (CEQA Guidelines § 15125(d).) Petitioners raised the issue as to the Project's consistency with the MSCP, citing *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918. (AR 94708.) GDCI points to the Implementing Agreement between the Wildlife Agencies ("IA") where it states "as outlined in the letter attached to the South County Segment from the Baldwin Company Dated November 10, 1995, will be included if the agreements are reached." (AR 115255.) GDCI does not deny that the IA still includes a map showing PV1-3 as "Otay Ranch Areas Where No 'Take Permits' Will Be Issued." (AR 115285.) This appears to be why the California Department of Fish and Wildlife (CDFW) concluded "[t]he Implementing Agreement and Subarea Plan are consistent on this point. The Implementing Agreement includes a map as Exhibit F defining the area encompassed by the Subarea Plan." (AR 33276.)

Petitioners do not assert PV1-3 is undevelopable, but that the Project is inconsistent with the MSCP and the EIR does not address this issue. The Court agrees. The Project conflicts with the face of the MSCP. While GDCI or the County is free to seek an amendment of the MSCP, the face of the MSCP reflects PV1-3 is subject to no take. The United States Fish and Wildlife Service (USFWS) did not disagree, but explicitly stated "because no take has been authorized in PV 1, 2, 3 we are evaluating approaches for authorizing take in those parcels including the options considered in the County's draft Condition of Approval for the Village 14 project." (AR 33270.)

CEQA does not "permit lead agencies to perform truncated and siloed environmental review, leaving it to other responsible agencies to address related concerns seriatim." (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 941.) Petitioners assert the EIR fails to meaningfully address the issue. GDCI relies on the purported consistency with the MSCP and on the Biological Mitigation Ordinance (BMO) to support that the County did not violate CEQA. As discussed above, the Project is inconsistent with the MSCP as it currently designates PV1-3 as no take. Even though the Project may be

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consistent with the BMO, the EIR does not recognize nor analyze the consistency between the MSCP and the Project. Rather, the County concluded "the Proposed Project, including development of PV1-3, is consistent with the MSCP, Subarea Plan and Implementing [sic] Agreement" after reviewing findings as to the BMO. (AR 75554.) GDCI does not contest that the EIR failed to consider any Project alternative that would comply with the MSCP and preserve PV1-3.

In *Banning Ranch*, an EIR for a project in the coastal zone subject to the California Coastal Act was found inadequate. (*Banning Ranch, supra*, 2 Cal.5th at 941.) The EIR considered comments that the project would disturb environmentally sensitive habitat areas (ESHAs), that could not be developed under the Coastal Act, but it did not study the impact, instead deferring that task to the Coastal Commission. (*Id.* at 930-932.) Here, PV1-3 are currently in an analogous state – they cannot be developed given their designation as no take. As in *Banning Ranch*, the EIR improperly avoids the issue because the analysis assumes the Project is not inconsistent with the MSCP. (AR 40428-541, 32897-900.) Consequently, the EIR fails as an informational document. (*Id.* at 942.)

### **The Quino Checkerspot Butterfly ("Quino")**

The EIR must provide an accurate and complete description of the "baseline" existing environmental conditions against which a project's impacts are evaluated. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447-48; CEQA Guidelines § 15125.) The USFWS lists the Quino as endangered. (62 FR 2313-01.) Petitioners assert that the EIR's conclusion that Quino do not occupy area within the Project is erroneous. The Project is partially located on "Quino Occurrence Complexes" designated as "Unit 8" by the USFWS. (AR 97955, 98619, 98483-85; 74 FR 28776-01.) "The physical and biological features found in Unit 8 may require special management considerations or protection to minimize impacts from loss and fragmentation of habitat and landscape connectivity due to development...." (74 FR 28776-01.) USFWS defines Quino occupancy based on "population-scale occupancy" as "all areas used by adults during the persistence time of a population (years to decades)." (AR 97955.) Thus, "focused distribution studies over multiple years are required [in order] to quantify Quino checkerspot butterfly population distributions." (AR 97955.)

The EIR states Quino were not "detected during protocol surveys and, therefore, the Project Area is not currently considered occupied" by Quino. (AR 31258.) This conclusion was based on survey results in 2015 and 2016, when it was found the "species has been observed within and adjacent to the Project Area." (AR 82940.) "[T]he 2017 spring season, presumably fueled by above-normal rainfall following multiple years of drought, created the most favorable conditions for Quino since 2012. As a result, very high numbers of Quino were observed, particularly in nearby areas. Unfortunately, in 2017, protocol surveys were not performed on Village 14, qualified USFWS biologists were not allowed to survey the property during the peak of the flight season, and an excellent opportunity to obtain better information on the status of Quino on the property was lost." (AR 82940.) Notwithstanding, "in 2017 Service staff documented multiple Quino individuals adjacent to and interspersed within the Project Area," but the EIR "dismisses these sightings as incidental." (AR 82942.) Additionally, "qualified personnel from CDFW observed [Quino] on and around the site in 2018." (AR 76070-71.) Further, the County acknowledged observation during "low rainfall years...may not be considered adequate evidence to conclude a particular site is unoccupied, even if guidelines are followed." (AR 85305.) Nevertheless, the County encouraged "surveys be conducted regardless of rainfall levels because negative adult data can be

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useful long-term to support conclusions of population absence." (AR 85305.) Finally, in spring of 2019, a non-drought year, qualified personnel documented Quino "widely throughout the Proctor Valley area, including locations immediately adjacent to the project site." (AR 76072.)

GDCI acknowledges 2016 was a below-average year for rainfall, but defends the EIR's conclusion because the "CDFW's 'limited' survey effort did not conform to any established protocols for surveys of this species." (AR 32944.) "Occurrence complexes are mapped in the Recovery Plan using a 0.6 mile (1 kilometer) movement radius from each butterfly observation, and may be based on the observation of a single individual (Figures 1 and 2)." (AR 98326.) The above 1 kilometer radius measurement is part of the "only accepted procedure for delineating [Quino] 'occupied habitat.'" (76074.) The observations were mapped based on GPS coordinates with accuracy within about 3 meters. (AR 94849-50.) Given there are more years of observation of Quino in the area than years of no observation and one of the years of no observation, 2016, was a below-average year for rainfall, the data supporting that Quino occupy at least some areas within the Project is more supported than the conclusion the Project area is not occupied by Quino. Moreover, multiple Quino experts and the CDFW determined that the area is occupied. (AR 82942, 83480-84, 97952-54.) In the context of the available data, the EIR's conclusion is erroneous. Without an accurate conclusion as to occupancy by Quino, the EIR fails "to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts." (CEQA Guidelines section § 15125(a).) This failure also affected the EIR's consideration of mitigation measures. (See GDCI's reliance on AR 29165.)

### **Cumulative Impacts**

It is undisputed the EIR must disclose cumulative impacts. "'Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines section § 15355.) "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines section § 15355(b).) "[I]t is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them. (CEQA, § 21061.)" (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79.) "The CEQA Guidelines specify that location may be important when the location of other projects determines whether they contribute to an impact. For example, projects located outside a watershed would ordinarily not contribute to cumulative water quality impacts within the watershed." (Kostka, *supra*, § 13:42, p. 651; Guidelines, § 15130, subd. (b)(2).) (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 907.) However, "the geographic context or scope to be analyzed 'cannot be so narrowly defined that it necessarily eliminates a portion of the affected environmental setting.'" (*Id.* at 907.) Petitioners assert the EIR fails to consider the following pending projects in its analysis: Lilac Hills Ranch, Newland Sierra, Harmony Grove, Warner Ranch, Otay 250, and Valiano.

GDCI defends the EIR's exclusion of the six above projects based on geographic location, the assertion some of the projects have not sufficiently crystalized, and the projects were not closely related to this

Project. Analysis of an entire air basin may be necessary and "[t]he primary determination is whether it was reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 722-23.) The six potential projects include the need for General Plan amendments to account for changes in densities. (AR 85509-11.) GDCI does not specifically explain how the potential projects would not impact air quality and GHG considerations, even considering their geographical distance from the Project. Given the enormous potential increase in homes, nearly 10,000, from the potential projects, the Court cannot conclude all of the six projects were properly excluded from the cumulative impact analysis, especially as to wildfire risk, air quality and GHG, unless the projects were not sufficiently crystallized such that it would have been unreasonable and impractical to evaluate their cumulative impacts. (*City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 397.)

GDCI cites to evidence some of the projects face challenges, such as referendums and rescinding of some approvals. (See GDCI's RJN Exhibits 3-10.) However, GDCI does not point to evidence that the challenges prevented the projects from ultimately going forward at in time in the future and such was known at the time the EIR was being prepared. Further, not all of the projects have faced issues. GDCI merely points to the fact public review did not commence until March, April, and June of 2017 as to some of them. GDCI does not cite evidence that indicates the projects were "merely contemplated or a gleam in a planner's eye." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 398.) Given the deferential treatment EIRs often receive, the Court cannot conclude projects that have commenced public review of draft EIRs are too speculative. The Court cannot conclude all of the six projects are not closely related to the Project – they are residential developments which could have similar impacts on wildfire risk, air quality and GHG. (See AR 85509-11.) The failure to consider the cumulative impacts from at least some of the potential projects was potentially significant. (AR 85522-38, 84687-92, 98681, 90648, 84615-17.) This failure violated CEQA.

### **Standard of Review as to Inconsistencies with the General Plan**

"A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear." (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782.) "[J]udicial review of consistency findings is highly deferential to the local agency." (*Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 18.) "Reviewing courts must defer to a procedurally proper consistency finding unless no reasonable person could have reached the same conclusion." (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 732 [Citation omitted]; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 637.) "[T]he essential question is 'whether the project is compatible with, and does not frustrate, the general plan's goals and policies.'" (*Naraghi Lakes, supra*, 1 Cal.App.5th at 18 [Citation omitted].)

### **Affordable Housing Component Requirement Within the General Plan**

The General Plan states at H-1.9: "Affordable Housing through General Plan Amendments. Require developers to provide an affordable housing component when requesting a General Plan amendment



for a large-scale residential project when this is legally permissible." (AR 130098.) GDCI does not seriously dispute that the Project does not include an affordable housing component, but asserts it includes "attainable housing components." However, there is a statutory definition for affordable housing cost, which GDCI does not and cannot contend the Project meets. (Health & Saf. Code, § 50052.5.) Rather, GDCI points to the fact the County has not yet adopted an affordable housing ordinance, focusing on the "when this is legally permissible" portion of H-1.9.

GDCI's argument that the law disfavors ad hoc imposition of affordable housing conditions, citing *San Remo Hotel L.P. v. City And County of San Francisco* (2002) 27 Cal.4th 643, is of no avail because inclusionary housing ordinances do not violate the constitution where "the ordinance does not require a developer to give up a property interest for which the government would have been required to pay just compensation under the takings clause outside of the permit process." (*California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, 461.) GDCI cannot point to any requirement GDCI was required to give up a property interest without just taking under an ordinance, as no ordinance exists. GDCI's reliance on the lack of an adopted affordable housing ordinance is also unavailing. The County may not rely upon its failure to follow through in implementing an ordinance to ensure projects conform with the General Plan to justify its failure to conform with the General Plan. As GDCI points out, the County has delayed adopting an ordinance since at least 2012. (GDCI's RJN Exhibits 14-15; AR 135444.).

GDCI does not point to any authority stating an ordinance must be adopted before an agency is required to conform to the General Plan. "[A]n agency's interpretation of a regulation or statute does not control if an alternative reading is compelled by the plain language of the provision." (*Southern California Edison Co. v. Public Utilities Com'n* (2000) 85 Cal.App.4th 1086, 1088.) H-1.9 unambiguously requires an affordable housing component. Contrary to GDCI's suggestion, the General Plan does not bend to the requirements of ordinances, it is the other way around – ordinances must not be inconsistent with the General Plan. (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 541.) While the Court is sympathetic that the process to develop affordable housing criteria may not be easy, the evidence and law does not indicate the County is precluded from imposing affordable housing criteria nor that the County is permitted to ignore clear policies and goals in the General Plan based on the difficulty in implementing them. Finally, GDCI's suggestion that H-1.9 only applies to amendments that increase density is without support – nothing in H-1.9 nor other policies or goals within the General Plan support that H-1.9 only applies to amendments that increase density. The limitation on applicability of H-1.9 is its application to "large-scale residential project[s]," not density changes. The Project is inconsistent with H-1.9 of the General Plan.

The petition is granted as to the above discussed issues. As to the other issues raised by the AG and Petitioners, the Court finds GDCI's arguments sufficiently persuasive. The County is ordered to vacate its approvals of the Project.

**(2) PETITIONERS' UNOPPOSED MOTION TO STRIKE DOCUMENTS IN ADMINISTRATIVE RECORD is GRANTED**

Failure to file an opposition to the motion indicates the other parties' acquiescence that the motion is

meritorious. (California Rules of Court, Rule 8.54(c).) Public Resources Code section 21167.6(e) sets forth the types of records to be included in a record of proceedings. (Pub. Resources Code, § 21167.6(e).) "[T]he Legislature intended courts to generally consider only the administrative record in determining whether a quasi-legislative administrative decision was supported by substantial evidence." (*Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 571.) "[E]xtra-record evidence is generally not admissible in traditional mandamus actions challenging quasi-legislative administrative decisions on the ground that the agency 'has not proceeded in a manner required by law' within the meaning of Pub. Resources Code, § 21168.5." (*Id.* at 561.) The potential exceptions acknowledged in *Western States* do not apply here. (*Id.* at 575, n. 5.) Petitioners explain how the documents included after the fact were considered by GDCI's consultant, but were not presented to the agency decision-makers and did not become part of the record. GDCI does not dispute this. The documents do not fall into a category under Public Resources Code section 21167.6(e). The motion is granted.



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Judge Richard S. Whitney

# Attachment 3

## ← Bear Fire Perimeters

In August of 2004, the Bear Fire burned over 10,900 acres in Jones Valley.

ACRES

10966

FIRE\_NAME

BEAR

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Attachment 4

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FILED  
SUPERIOR COURT  
COUNTY OF LAKE  
JAN 04 2022

Krista D LeVier  
Deputy Clerk  
*Colanita Blount*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LAKE

CENTER FOR BIOLOGICAL DIVERSITY, )  
Petitioner, )  
PEOPLE OF THE STATE OF CALIFORNIA, )  
EX. REL, ATTORNEY GENERAL ROB )  
BONTA, )  
Petitioner-Intervenor, )  
v. )  
COUNTY OF LAKE, BOARD OF )  
SUPERVISORS OF THE COUNTY OF )  
LAKE; and DOES 1 through 20, )  
Respondents. )  
\_\_\_\_\_  
LOTUSLAND INVESTMENT HOLDINGS, )  
INC.; and DOES 21 through 40, )  
Real Parties in Interest. )  
\_\_\_\_\_

Case No. CV421152  
**RULING AND ORDER ON PETITIONS  
FOR WRIT OF MANDATE**

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Ruling

**I. Introduction.**

The Court's obligation in this case is to answer the following questions:

1. Was there substantial evidence to support the County's decision?

2. Did the County fail to proceed in the manner required by law?

(Pub. Res. Code §§ 21168, 21168.5.)

In answering the first question, the Court "must indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision." (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4<sup>th</sup> 99, 117.) "A court may not set aside an agency's approval of an EIR [Environmental Impact Report] on the ground that an opposite conclusion would have been equally or more reasonable." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393.)

In answering the second question, the Court must determine if the County substantially complied with the procedural requirements of the California Environmental Quality Act (CEQA). (Practice Under the California Environmental Quality Act (2d ed. Cal CEB) § 23.35 ) While a court may find noncompliance with CEQA requirements to be a prejudicial abuse of discretion, there is no presumption that such an error is prejudicial. (Pub. Res. Code § 21005(b).) In determining whether a failure to comply with CEQA is prejudicial, a court does not determine whether a different outcome would have resulted. (Pub Res. Code § 21005(a).)

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1       **II. Wildfire Risk.**

2       **A. Compression of Mitigation Measures Into the Project.**

3           When an EIR incorporates mitigation measures into the project description, then  
4 concludes that the project has no significant impact, the failure to separately identify  
5 significant impacts and analyze the mitigation measures violates CEQA. (*Lotus v.*  
6 *Department of Transportation* (2014) 223 Cal.App.4th 645.) This is because by doing so,  
7 an EIR "precludes both identification of potential environmental consequences arising  
8 from the project and also thoughtful analysis of the sufficiency of measures to mitigate  
9 those consequences." (*Id.* at p. 658.)

10           *Lotus v. Department of Transportation, supra*, involved a highway construction  
11 project through an old growth redwood forest. A portion of the construction was planned  
12 to occur within the structural root zone of a number of trees. The EIR described  
13 measures that "have been incorporated into the project to avoid and minimize impacts as  
14 well as to mitigate expected impacts." (*Id.* at p. 650.) Those measures included  
15 restorative planting and replanting, invasive plant removal, and use of an arborist and  
16 specialized equipment. In the EIR, the agency concluded that "[n]o significant  
17 environmental effects are expected as a result of this project with the implementation of  
18 the stated special construction techniques." (*Id.* at p. 651.)

19           In concluding that the EIR violated CEQA by compressing the analysis of impacts  
20 and mitigation measures into a single issue, the Court of Appeal explained:

21           The EIR fails to indicate which or even how many protected redwoods will be  
22 impacted beyond the tolerances specified in the handbook and, by failing to  
23 indicate any significant impacts, fails to make the necessary evaluation and  
24 findings concerning the mitigation measures that are proposed. Absent a  
determination regarding the significance of the impacts to the root systems of the  
old growth redwood trees, it is impossible to determine whether mitigation



1 measures are required or to evaluate whether other more effective measures than  
2 those proposed should be considered. Should Caltrans determine that a specific  
3 tree or group of trees will be significantly impacted by proposed roadwork, that  
4 finding would trigger the need to consider a range of specifically targeted  
mitigation measures, including analysis of whether the project itself could be  
modified to lessen the impact.

5 (*Id.* at p. 656.)

6 In that case, the measures contained within the project were designed to mitigate  
7 the impacts to the health of the trees caused by the construction. The measures at issue  
8 were "plainly mitigation measures and not part of the project itself." (*Id.* at p. 656, fn. 8.)

9 The failure to classify those measures as mitigation measures prevented those reviewing  
10 the EIR from determining the significance of the impact the construction would have on  
11 the health of the trees. (*Id.* at pp. 656-658.)

12 In the instant case, Petitioners<sup>1</sup> argue certain design elements included in the  
13 Wildfire Prevention Plan (WPP), including those relating to relating to vegetation  
14 management and firebreaks, were misclassified as part of the Project rather than  
15 mitigation measures. Although certain actions such as vegetation management and  
16 maintenance of the firebreaks will continue well after the Project is built, those  
17 components of the WPP are properly classified as part of the Project itself. This is  
18 because those measures, unlike the measures in *Lotus v. Department of Transportation*,  
19 *supra*, are not designed to rectify the impacts to the environment caused by the Project.  
20 None of the challenged design elements are meant to repair, rehabilitate or restore the  
21 impacted environment. Instead, they are part of the design of the Project meant to avoid

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23 <sup>1</sup> Petitioners includes Intervenor/Petitioner unless otherwise stated.

1 impacts to the environment in the first place. Accordingly, the Court concludes all of the  
2 components of the WPP, including vegetation management and maintenance of the  
3 firebreaks, are not mitigation measures improperly misclassified as Project components.  
4 Instead, they are part of the Project itself.

5 **B. Adequacy of Analysis of Wildfire Risk.**

6 Petitioners find fault with the EIR's analysis of the wildfire risk and the  
7 methodology used to analyze that risk. Although the analysis could have been more  
8 thorough and better methodologies could have been used, "challenges to the scope of an  
9 EIR's analysis, the methodology used, or the reliability or accuracy of the data underlying  
10 an analysis, must be rejected unless the agency's reasons for proceeding as it did are  
11 clearly inadequate or unsupported." (*Chico Advocates for a Responsible Economy v. City*  
12 *of Chico* (2019) 40 Cal.App.5th 839, 851.) The EIR's analysis of the Project's impacts on  
13 wildfire risk was extensive and specific to both the Project and its location. Without  
14 rehashing the evidence contained in the record, the Court concludes substantial evidence  
15 supports the County's findings regarding the Project's impact on wildfire risks, with one  
16 exception which will be discussed in the following section.

17 **C. Impacts on Emergency Evacuation Routes.**

18 In its briefing, Real Party differentiated project evacuation routes from  
19 community or area-wide evacuation routes. The Court agrees that analysis of the  
20 Project's evacuation routes are a "reverse CEQA" issue and need not be addressed in  
21 the EIR. The Project's impacts to community evacuation routes, however, must be  
22 analyzed in the EIR.

1           In *California Building Industry Assoc. v. Bay Area Air Quality Management Dist.*  
2 (2015) 62 Cal.4<sup>th</sup> 369, at issue was an agency's thresholds of significance for certain air  
3 pollutants which required project proponents to evaluate how existing air pollution would  
4 affect individuals within the proposed project. The Supreme Court concluded, "CEQA  
5 generally does not require an analysis of how existing environmental conditions will  
6 impact a projects future users or residents." (*Id.* at p. 386.) CEQA does, however, require  
7 an analysis of a "project's potentially significant *exacerbating* effects on existing  
8 environmental hazards -- effects that arise because the project brings 'development and  
9 people into the area affected.'" (*Id.* at p. 388; italics in original.) The Supreme Court  
10 explained an "EIR should evaluate any potentially significant impacts of locating  
11 development in other areas susceptible to hazardous conditions (e.g., floodplains,  
12 coastlines, wildfire risk areas)." (*Ibid.*)

13           *Newton Preservation Society v. County of El Dorado* (2021) 65 Cal.App.5<sup>th</sup> 771,  
14 involved a bridge construction project where project opponents, many of whom were  
15 residents, alleged the project would have a significant impact on evacuation. The Court of  
16 Appeal held the evidence presented in that case did not "support a fair argument that the  
17 project may have a significant impact on the environment or may exacerbate existing  
18 environmental hazards." (*Id.* at p. 792.) The court determined the comments offered in  
19 opposition to the project "lacked factual foundation and failed to contradict the  
20 conclusions by agencies with expertise in wildfire evacuations with *specific* facts calling  
21 into question the underlying assumptions of their opinions as it pertained to the project's  
22 potential environmental impacts." (*Id.* at p. 791, italics in original.)

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1 Real Party is correct that analysis of community evacuation is not required unless  
2 the project might exacerbate existing environmental hazards. (Real Party in Interest  
3 Lotusland Investment Holding, Inc.'s Supplemental Brief Re: Evacuation filed November  
4 19, 2021, (Real Party's Supplemental Brief), p. 7:7-9.) Here, unlike the case in *Newton*,  
5 *supra*, there is evidence that the Project might exacerbate existing environmental  
6 hazards. As pointed out by Petitioners Center for Biological Diversity (CBD) and  
7 California Native Plant Society (CNPS), a significant number of wildfire related deaths in  
8 California occur during attempts to evacuate. (Petitioners' Opening Brief filed June 15,  
9 2021, pp. 19:26-20:4.) The hazards of a wildfire are certainly exacerbated if community  
10 residents are unable to evacuate safely due to congested evacuation routes. It is  
11 estimated that the Project will bring 4,070 residents to the area. (AR 6612.) This is a  
12 significant population increase when considering the Project is located in Lake County  
13 Census Tracts 12 and 13 which had an estimated combined population of 10,163 in  
14 2017. (AR 6608.) If a wildfire occurs, the Project's residents will need to evacuate. **These**  
15 **people** will likely compete with residents in the surrounding area for safe evacuation  
16 routes. The additional people competing for the same limited routes can cause  
17 congestion and delay in evacuation, resulting in increased wildfire related deaths. This is  
18 undoubtedly a situation where the Project, by bringing a significant number of people into  
19 the area, may significantly exacerbate existing environmental hazards; specifically,  
20 wildfires and their associated risks. Therefore, this is an issue that is required to be  
21 addressed under CEQA.

22 The County concluded the impacts to existing emergency evacuation plans would  
23 be less than significant. (AR 6746.) The evidence supporting this conclusion are

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RULING AND ORDER ON PETITIONS FOR WRIT OF MANDATE

1 comprised primarily of opinions from traffic engineers and fire and law enforcement  
2 personnel. (Real Party's Supplemental Brief, p. 8:2-8; AR 42594-42595; 53739-53740.)  
3 Those opinions were not based on any identifiable facts.

4       There are two problems with this evidence. First, this evidence primarily addresses  
5 the issue of whether the Project's residents could safely leave the Project in the event of  
6 a wildfire. This evidence does not focus on the issue that is required to be addressed by  
7 CEQA; whether evacuation of the residents in the nearby area would be affected by the  
8 evacuation of the Project's residents during a wildfire.

9       Second, this evidence cannot be considered substantial evidence. Substantial  
10 evidence includes "expert opinion supported by facts." (14 CCR §15384(b).)  
11 Unsubstantiated opinion does not constitute substantial evidence. (14 CCR §15384(a).)  
12 The conclusion reached by the County as it relates to emergency evacuation plans is  
13 based on unsubstantiated expert opinions. This evidence is legally insufficient to qualify  
14 as substantial evidence under CEQA.

15       Because the County's findings regarding community emergency evacuation routes  
16 are not supported by substantial evidence, the EIR does not comply with CEQA.

17       **iii. Carbon Credit Program<sup>2</sup>.**

18       Petitioners argue the carbon credit program is ineffective as a mitigation measure  
19 because it does not include sufficient safeguards to ensure offsets are real, permanent,  
20 verifiable and enforceable. (*Golden Door Properties, LLC v. County of San Diego* (2020)  
21 50 Cal.App.5<sup>th</sup> 467, 506-507.)

22  
23 <sup>2</sup> The carbon credit program was discussed by the parties under the broader topic of climate impacts and GHG  
24 mitigation measures. Also discussed was the transportation demand management plan (TDM). The Court concludes

1 Here, the carbon credit program was added through an errata to the Final EIR  
2 after the public comment period had closed. The County explained:

3 Also we added a mitigation requiring the purchase of greenhouse gas carbon  
4 credits to offset the project's remaining greenhouse gas emissions that are above  
5 and beyond the stated thresholds in the EIR. However, the EIR's conclusion of a  
6 significant, unavoidable greenhouse gas impact would not change, given the  
7 limited supply of carbon offsets and the uncertainty regarding the availability of  
8 offset credits throughout the life of the project.

9 (AR42599.)

10 Given the timing of the addition of this measure to the EIR and the comments  
11 made by the County, unlike the mitigation measure in *Golden Door Properties, LLC, v.*  
12 *County of San Diego, supra*, the carbon credit program here was not a mitigation  
13 measure that the County relied upon in making any findings contained in the EIR. In fact,  
14 the County described the modifications to the mitigation measures contained in the  
15 Errata, which included the addition of the carbon credit program, to be minor and  
16 insignificant. (AR 7193.) To the extent this measure did not comply with CEQA, the Court  
17 determines it does not constitute prejudicial error because inclusion of the measure did  
18 not "deprive[ ] the public and decision makers of substantial relevant information about  
19 the Project's likely adverse impacts." (*Neighbors for Smart Rail v. Exposition Metro Line*  
20 *Constr. Auth.* (2013) 57 Cal.4<sup>th</sup> 439, 463.)

#### 21 **IV. Water Supply.**

22 Petitioners CBD and CNPS take issue with on an off-site groundwater well located  
23 within the Collayami Valley Groundwater Basin. Groundwater from on-site wells and  
24 surface water sources are expected to supply all of the projects water demands.

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25 the TDM substantially complies with CEQA. (cf. *City of Hayward v. Trustees of California State University* (2015)  
26 242 Cal.App.4<sup>th</sup> 833, 854-855.)

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RULING AND ORDER ON PETITIONS FOR WRIT OF MANDATE

1 (AR6554-6556.) The off-site well would provide non-potable water if required. (AR 6689.)  
2 The County determined because of the characteristics of the basin, the potential impacts  
3 of drawing water from the well could not be determined. (AR 6558.) The County  
4 therefore imposed mitigation measure 3.9-3 which requires the applicant to provide to the  
5 County an analysis that defines a safe yield as specified in the measure. It also requires  
6 the applicant to submit annual monitoring reports and provide quarterly data for the first  
7 five years of use. (AR 6575.) It further mandates the development of a groundwater  
8 management plan should the reports show an impact to groundwater levels. (*Id.*) The  
9 County found any potential impact would be mitigated to less than substantial when  
10 considering this measure. The County's findings regarding the well are supported by  
11 substantial evidence. This mitigation measure complies with CEQA.

#### 12 **V. Special Status Plants.**

13 Two appendices attached to the EIR<sup>3</sup> provide an in depth analysis and disclosure  
14 of special status plants. The County's findings relating to the special status plants are  
15 supported by substantial evidence. Which specific plants will be impacted cannot be  
16 determined because the exact location of the buildings on the site has not been  
17 determined. Mitigation measure MM 3.4-3 is designed to accommodate the uncertainty of  
18 the impacts on the plants. It requires pre-construction botanical surveys be conducted by  
19 a qualified biologist. If avoidance of a special-status plant is not feasible, compensatory  
20 planting or transplanting shall occur. Those plants would be subject to monitoring to  
21 ensure success of the plants<sup>4</sup>. (AR 6387-6388.) This mitigation measure complies with

22 \_\_\_\_\_  
23 <sup>3</sup> The appendices are labeled as BRA1 (AR2489-2926) and BRA2 (AR2927-3403).

24 \_\_\_\_\_  
<sup>4</sup> These requirements also apply to initial vegetation clearing along proposed roadways. (AR 6387.)

1 CEQA. (cf. *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Ca .App.4<sup>th</sup>  
2 899, 943.)

3 **VI. Project Alternatives.**

4 "The wisdom of approving [a] project, a delicate task which requires a balancing of  
5 interests, is necessarily left to the sound discretion of the local officials and their  
6 constituents who are responsible for such decisions. The law . . . simply requires that  
7 those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board*  
8 *of Supervisors* (1990) 52 Cal.3d 553, 576.) "[F]easibility' under CEQA encompasses  
9 'desirability' to the extent that desirability is based on a reasonable balancing of the  
10 relevant economic, environmental, social, and technological factors." (*City of Del Mar v.*  
11 *City of San Diego* (1982) 133 Cal.App.3d 401, 417.)

12 Petitioners contend the County's finding of infeasibility of Alternative C was not  
13 supported by substantial evidence. With respect to Alternative C, the County concluded,  
14 "[G]iven that the Reduced Intensity Alternative would result in significantly fewer  
15 economic benefits, the County finds that the Reduced Intensity Alternative does not  
16 warrant approval in lieu of the Proposed Project." Economic benefits are key goals of the  
17 project. The stated project objectives included economic growth, expanding high-end  
18 hospitality and construction employment opportunities, and increasing revenues for the  
19 County. (AR 6769.) Alternative C would restrict the overall luxury market resort and  
20 residential community appeal; reduce revenues and workforce; and reduce marketability  
21 to investors, buyers and consumers in the high-end luxury resort market. (AR 53789-

22  
23  
24



1 53791.) The evidence supports the conclusion that Alternative C would result in fewer  
2 economic benefits to the County.<sup>5</sup>

3 Intervenor suggests the County should have considered alternative locations  
4 closer to a transit stop because GHG emissions would have been reduced in such a  
5 location.<sup>6</sup> The Project consists of high-end residential, resort, and recreational facilities. It  
6 is speculative to conclude consumers of the project will travel from out of the area by  
7 public transit.

8 "It is [the petitioner]'s burden to demonstrate inadequacy of the EIR. [A petitioner]  
9 must therefore show the agency failed to satisfy its burden of identifying and analyzing  
10 one or more potentially feasible alternatives. [A petitioner] may not simply claim the  
11 agency failed to present an adequate range of alternatives and then sit back and force  
12 the agency to prove it wrong." *Mount Shasta Bioregional Ecology Center v. County of*  
13 *Siskiyou* (2012) 210 Cal.App.4th 184, 199.) Here, Intervenor "make[s] no attempt to  
14 show how such an alternative would have met most of the goals of the Project, would  
15 have been potentially feasible under the circumstances, or would have reduced overall  
16 environmental impacts of the Project." (*Ibid.*)

17 The County properly considered and rejected potential alternatives.

#### 18 VII. Recirculation of the EIR.

19 Recirculation of an EIR is not required when the changes merely clarify, amplify  
20

21 <sup>5</sup> Intervenor's position is that Alternative C was found infeasible based on the applicant's expectation of reduced  
22 revenues. (Intervenor People of the State of California's Opening Brief filed June 15, 2021 (People's Opening Brief),  
p. 35:4-6.) This interpretation is not supported by the language of the EIR as a whole. It is the economic benefits to the  
County, not the applicant, that was the driving force behind the County rejecting Alternative C.

23 <sup>6</sup> People's Opening Brief, pp. 32:22-33:1.

1 or make insignificant modifications to an EIR. (*Laurel Heights Improvement Association v.*  
2 *Regents of University of California (Laurel Heights II)* (1993) 6 Cal.4<sup>th</sup> 1112, 1130.) The  
3 County found the Errata contained minor edits and clarifications which did not constitute  
4 significant new information that deprived the public of a meaningful opportunity to  
5 comment upon a substantial impact resulting from the Project or a mitigation measure.  
6 (AR 7193.) This determination is required to be upheld if supported by substantial  
7 evidence. (*Laurel Heights II, supra*, at p. 1135.) Reasonable doubts are to be resolved in  
8 favor of the agency's decision. (*Ibid.*)

9 The EIR's analysis of the Project's impacts on wildfire risk was extensive. The  
10 County's finding that the EIR did not include any information that showed a substantial  
11 increase in the severity of the wildfire related impacts is supported by substantial  
12 evidence.

13 The Errata did add an additional mitigation measure regarding the purchase of  
14 OHG carbon credits. Recirculation is required only if a new mitigation measure is not  
15 adopted. (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221  
16 Cal.App.4<sup>th</sup> 316, 330.) The mitigation measure in the Errata was adopted.

17 Based on the County's findings that the Errata contained only clarifications,  
18 amplifications and insignificant modifications to the EIR, recirculation of the EIR was not  
19 required.

20 **VIII. Other Issues Raised by Petitioners Not Specifically Discussed.**

21 Due to time constraints, the Court has not discussed each and every issue raised  
22 by Petitioners. The Court focused on those issues which it considered to be of primary  
23 importance in helping the parties to understand the reasons for the Court's ruling. As to  
24

1 all other issues raised by Petitioners not specifically discussed herein, the Court has  
2 determined all findings made by the County were supported by substantial evidence and  
3 the County otherwise substantially complied with the requirements of CEQA.

4 **IX. Timeliness of Intervenor's Claims.**

5 A subsequent pleading may relate back to the original pleading for statute of  
6 limitation purposes if it (1) rests on the same general facts as the original; (2) involves the  
7 same injury; and (3) refers to the same instrumentality. (*Norgart v. Upjohn Co.* (1999) 21  
8 Cal.4<sup>th</sup> 383, 408.)

9 The timeliness of Intervenor's petition is moot as to all claims denied by the Court.  
10 As discussed above, the Court has concluded the EIR was deficient because the  
11 County's findings regarding community emergency evacuation routes are not supported  
12 by substantial evidence. This issue was addressed by causes of action in the Petitions  
13 filed by CBD and CNPS. Therefore, the claim related to this issue was timely filed  
14 pursuant to the relation-back doctrine.

15 **X. Conclusion.**

16 Because the County's findings regarding community emergency evacuation routes  
17 are not supported by substantial evidence, the EIR does not comply with CEQA. Had the  
18 findings regarding emergency evacuation routes been supported by substantial evidence,  
19 the Court would have concluded the EIR complied with CEQA and therefore denied each  
20 of the Petitions.

21 **Order**

22 The Court orders as follows:

- 23 1. Respondent's and Real Party in Interest's Joint Motion to Augment the  
24

1 Administrative Record filed August 17, 2021, is granted. Exhibits A and B attached to the  
2 Declaration of Charmaine G. Yu in Support of Respondent's and Real Party in Interest's  
3 Joint Motion to Augment the Administrative Record are hereby added to the  
4 administrative record in this action.<sup>7</sup>

5 2. The People's Request for Judicial Notice in Support of Opening Brief filed June  
6 15, 2021, is granted. The Court takes judicial notice of Exhibits 1 and 2 attached to the  
7 Declaration of Andrew R. Contreiras.

8 3. The Objection to the Declaration of Van Busic Regarding E-Mail  
9 Communication in the Record filed October 15, 2021, is sustained.

10 4. A judgment will issue granting a peremptory writ of mandate ordering  
11 Respondent County of Lake to set aside its (a) certification of the final EIR, (b) findings  
12 relating to impacts to an adopted emergency evacuation plan, and (c) approval of the  
13 Project.

14 5. Intervenor/Petitioner People of the State of California is directed to prepare a  
15 form of judgment and peremptory writ of mandate.

16 6. The issues of costs and attorney fees are reserved.

17 Date: January 7, 2022

  
\_\_\_\_\_  
J. David Markham  
Judge of the Superior Court

18  
19  
20  
21  
22  
23 <sup>7</sup> Prior to the trial in this matter, a number of motions were filed by the parties. The Court ruled on those motions prior  
24 to commencement of the trial. At the request of counsel, orders relating to those motions are contained herein.

Center for Biological Diversity vs. County of Lake et al CV421152

**PROOF OF SERVICE**

I am a Deputy Clerk of the Superior Court of California, County of Lake. I am over the age of 18 and not a party to the action to which this document is attached.

January 4, 2022- On this date, I mailed a true copy of the attached document to the person(s) whose name(s) are set forth below by placing said copy in a sealed envelope addressed to each of said person(s), at the address set forth below, which envelope was then sealed and postage fully prepaid, and deposited in the mail at Lakeport, California to be delivered by United States mail.

Peter Broderick-Center for Biological Diversity  
1212 Broadway, Ste 800  
Oakland, CA 94612

Nicole Johnson & Anita Grant – by courthouse mailbox

Arthur F. Coon – Miller Starr Regalia  
1331 N California Blvd, 5<sup>th</sup> Fl  
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Krista D. LeVier, Court Clerk

Dated: January 4, 2022

By: YB  
Yolanda Blum  
Deputy Court Clerk