



DATE: November 21, 2022

TO: PLANNING COMMISSION

FROM: Mike Sawley, Principal Planner (879-6812, mike.sawley@chicoca.gov)

RE: Valley's Edge Specific Plan – Recommendation to City Council
APNs: 018-390-005 & -007, 017-210-005 & -006, 017-240-023, and 017-260-119

Files: SP 19-01
GPA 22-03
RZ 19-01
CA 22-02
DA 22-01

SUMMARY

The Planning Commission is being asked to forward a recommendation to the City Council to certify the Environmental Impact Report (EIR), adopt certain environmental findings, and approve the Valley's Edge Specific Plan (VESP) and related applications (see **Attachment A**). The VESP would implement the Doe Mill/Honey Run Special Planning Area (SPA-5), which is described in the City's General Plan. Related applications include a rezone, code amendment, general plan amendment, and development agreement.

The VESP site is approximately 1,448-acres located between the eastern terminus of East 20th Street and the intersection of Skyway at Honey Run Road (see **Attachment B**). The VESP calls for a mixed-use community that includes a range of housing types, commercial uses, parks, trails, and recreational open space. A circulation plan and an infrastructure and public facilities plan is included. The VESP includes goals and policies for site development along with Design Guidelines that establish architectural, streetscape, landscaping, and lighting standards. The VESP would likely build out over 20-plus years.

Proposed land uses include Very Low Density Residential (26 acres), Low Density Residential (465 acres), Medium Density Residential (100 acres), Medium-High Density Residential (9 acres), Commercial (56 acres), a 19-acre school site, Primary Open Space (46 acres), Secondary Open Space (687 acres) including a 36-acre community park site, and street right-of-way.

To satisfy the requirements of the California Environmental Quality Act (CEQA), the City prepared an EIR to analyze and disclose the potential environmental impacts associated with approving the project. The EIR identified various potential impacts and included mitigation measures to reduce those impacts to a less than significant level. In two instances, however, the EIR concluded that approving the project could result in significant and unavoidable impacts regarding visual impacts and greenhouse gas emissions for which no feasible and sufficient mitigation is available.

Pursuant to State law, special findings known as a "Statement of Overriding Considerations" (SOC) are required to be made prior to approving a project with one or more significant and unavoidable impacts. An SOC sets forth specific overriding economic, legal, technological, social, or other benefits of the project that outweigh the significant effects on the environment. CEQA compliance is discussed further in the Environmental Review section below.

In order to approve the project, the City Council must adopt several resolutions and ordinances. Council resolutions and ordinances are included as attachments to the recommended Planning Commission Resolution, all provided under **Attachment A** of this report.

Recommendation:

The Community Development Director recommends that the Planning Commission hold a public hearing and adopt Resolution No. 22-10 recommending that the City Council certify the EIR, adopt the Statement of Overriding Considerations, and approve the Valley's Edge Specific Plan and related applications.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 22-10 recommending that the City Council certify the EIR, adopt the Statement of Overriding Considerations, and approve the Valley's Edge Specific Plan and related applications (SP 19-01, RZ 19-01, CA 22-02, GPA 22-03, and DA 22-01).

EXISTING CONDITIONS

The VESP would entail annexation and development of approximately 1,448 acres of land currently located in unincorporated Butte County, within the City's Sphere of Influence. Located approximately 1.25 miles east of State Route 99, the VESP site is located adjacent to the southeast quadrant of the City at the transition of the valley floor and lower foothill region.

The site is defined by large grassland mesas with sloped edges that descend to oak woodlands and intermittent streams. The mesas are the result of ancient lava flows that left the surface in this area rocky, with escarpments that form ridgelines dotted with blue oaks. Stacked rock walls from prior ranching uses are visible along with rocks (lava cap) dotting the flatter areas proposed for future development. Portions of upper Comanche Creek (Edgar Slough) traverse the southeasterly portion of the specific plan area. Three double-sided billboard structures are located on the project site along Skyway Road. Various overhead high voltage transmission lines are also located on the property and are visible from both Skyway and Honey Run Road. An area in the southwest portion of the site contains the remnants of a former ranch.

The Chico 2030 General Plan identifies this area as one of five Special Planning Areas (SPAs), referred to as the "Doe Mill/Honey Run SPA" or SPA-5. The City's General Plan designated the SPAs based on criteria such as proximity to services and land use compatibility. These planned growth areas are to be developed as complete neighborhoods with a mix of housing, services, employment, parks, and open space designed to meet the City's future housing and employment needs. The General Plan also requires that a specific plan, planned development or other comprehensive plan be prepared for each SPA prior to its development.

Surrounding Land Uses

The northern boundary of the project site is characterized by gradual slopes atop an elevated plateau overlooking rural Stilson Canyon, a largely developed area comprised of estate lot single-family homes. The northwest corner of the project site abuts existing City of Chico single-family development. Land to the west is planned as an open space preserve associated with the recently approved Stonegate residential subdivision project. Land upslope of the entire eastern boundary of the project site is undeveloped, zoned AG-160 (160-acre minimum) by the County and has historically been used for winter cattle grazing. The southeast boundary of the project site borders Honey Run Road. Land uses along the south side of Honey Run Road consist primarily of single-family homes on large parcels ranging from 1.6-acres to 15-acres, under the jurisdiction of Butte County. The Steve Harrison Memorial Bike Path (Bike Path) forms the western boundary of the project site.

Existing Roadways

Public roadways nearest to the project site include E. 20th Street and Dawncrest Drive to the northwest, Skyway at the southwestern corner, and Honey Run Road along the southern border. No roadways exist on the eastern border of the project site. There are no public or paved roads within the project site.

PROJECT DESCRIPTION

The project description is best reviewed in concert with the proposed Land Use Plan, which is Figure 4.1 of the VESP and provided as **Attachment C** of this report.

Proposed Land Uses

The VESP proposes up to 2,777 dwelling units, ranging from 0.54 dwelling unit per acre (du/ac) to 18.0 du/ac on approximately 600 acres. The VESP also allows for approximately 447,155 square feet (sf) of commercial development on approximately 56 acres. The remainder of the project site is proposed to be parks, open space, public facilities, and roadway infrastructure. The following table provides a breakdown of each land use, along with the applicable zone.

Land Use Summary Table

Land Use Designations	Zoning	Acres	Density	Dwelling Units
Residential				
VLDR – Very Low Density Residential	RS-VE	26	0.54	14
LDR – Low Density Residential	R1-VE	131	2.1	276
LDR – Low Density Residential	R1-SF-VE	334	4.1	1,372
MDR – Medium Density Residential	R2-VE	100	9.6	953
MHDR – Medium-High Density Residential	R3-VE	9.0	18.0	162
<i>Subtotal/Average:</i>		600	4.6	2,777
Commercial and Office			Square Feet	
V-CORE – Village Core	CN-VE	13	77,000	—
C-COMM – Village Commercial	CC-VE	44	370,000	—
<i>Subtotal</i>		57	447,000	—
Parks, Open Spaces and Public Uses				
Public/Quasi Public	PQ-VE	19	—	—
Primary Open Space	OS1-VE	46	—	—
V-OS2 – Valley Open Space	OS2-VE	267	—	—
R-OS – Regional Open Space	OS2-VE	419	—	—
<i>Subtotal</i>		751	—	—
Roads				
Project Roadways (Right-of-Way)	—	40	—	—
<i>Subtotal</i>		40	—	—
Total		1,448	447,000	2,777

Residential

The residential component of the proposed project would comprise approximately 600 acres. A maximum of 2,777 residences could be built.

The “Multi-Generational Neighborhood” (or Family Housing) residential land use is intended to provide a broad range of densities (very low to medium high density) and housing types. The Family Housing residential component would create capacity for approximately 1,420 dwelling units, including estate lots for custom-built homes, single-family detached, single-family attached and multi-family dwelling units. Included within the Multi-Generational Neighborhood is workforce housing, which is designed to be relatively affordable by supporting master planned production homes. Family Housing is proposed primarily in the northern portion of the project site along Stilson Canyon Ridge, including areas farther south in and around the Village Core.

The age-restricted 55+ “Senior Housing” would include a range of densities and is intended to be responsive to market demand and emerging trends in active adult and senior communities such as smaller attached and detached patio homes and cottage units. The Senior Housing would be developed in the central/southern portion of the project site and would comprise approximately 250-acres with a total of 1,357 Senior Housing units.

The residential land use designations are described as follows:

VLDR (Very Low Density Residential - RS-VE)

The RS-VE includes residential lots with a minimum parcel size of 20,000 sf. This designation is intended for individually owned, custom single-family detached homes that can be sited with consideration of slopes, oak trees, and other natural features. The RS-VE encompasses 26 acres of the VESP area and implements the City's RS zoning district with densities ranging from 0.2 to 2.0 units per acre.

LDR (Low Density Residential – R1-VE)

The R1-VE is applied to areas appropriate for residential lotting on uneven terrain with a minimum parcel size of 15,000 sf. Larger parcel sizes allow for home placement to be more responsive to site constraints, such as oak trees, slopes and terrain, and other natural features. Approximately 131 acres are designated R1-VE. The lot size range serve Chico's demand for individually owned, custom built single-family detached homes. Buildings along Stilson Canyon in the R1-VE are limited to 26 feet in height within the first 45-feet from the northern private lot property line. The R1-VE designation is similar to the City's R1-15 zoning district.

LDR (Low Density Residential – R1-SF-VE)

The R1-SF-VE allows low density housing on mass-graded lots with minimum lot sizes of 3,500 sf (for small lot subdivisions), primarily serving detached single-family homes. The acreage for R1-SF-VE is approximately 334 acres. Building heights would be limited to 35-feet. Like the City's R1 zoning district, the density range for R1-SF-VE ranges from 2.1 to 7.5 units per acre.

MDR (Medium Density Residential – R2-VE)

The R2-VE allows minimum parcel sizes of 3,300 square feet and is intended to accommodate different layouts, such as traditional small single-family lotting, courtyard homes, town homes, cottage homes, and patio homes. Approximately 100 acres are designated R2-VE. Like the City's R2 zoning district, R2-VE accommodates densities ranging from 6 to 14 units per acre for detached homes, and up to 20 units per acre for attached cottage developments.

MHDR (Medium-High Density Residential – R3-VE)

The R3-VE occupies approximately 9 acres adjacent to the Village Core, where higher-density residential uses will benefit from close proximity to commercial uses, the elementary school, and the community park. The R3-VE implements the City's R3 zoning district, accommodating densities ranging from 14.1 to 22 units per acre. Building heights would be limited to 45 feet.

Commercial

Commercial land uses within the VESP area would comprise approximately 57 acres, and would be divided between two districts Village Core (V-Core) and Village Commercial (V-Comm). A total of 447,155 square feet (sf) of commercial space could be developed. For purposes of the EIR analysis, it was assumed that 39,000 sf would be retail uses, 272,155 sf would be general office uses and 136,000 sf would be medical office uses. "Clubhouse" uses would account for the remaining 24,000 sf. Commercial areas would be accessible from both the Class I Path system and Neighborhood Electric Vehicle (NEV) lanes on the new streets.

Village Core (V-Core)

The Village Core designation would occupy approximately 13 acres. Land uses anticipated within the Village Core include professional and medical services, neighborhood retail shops and services, food and beverage, a community clubhouse with swimming pool and other recreational facilities, a community garden, water features, and public gathering places, such as a bandstand and amphitheater. The Village Core designation would also allow social and recreational clubhouse amenities as part of the Village Core Park. Up to 77,000 sf could be developed within the Village Core. Building heights would be limited to 35 feet for the main buildings and 25 feet for any accessory buildings.

Village Commercial (V-Comm)

The Village Commercial designation would be applied to 44 acres. The Village Commercial designation would provide greater latitude on building size and scale, including a horizontal mix of uses. Land uses within this designation include medical and professional offices, multi-family housing (e.g., apartments), day care, hospitality, residential care homes, assisted living facilities, and retail uses. Up to approximately 370,155 sf could be developed in the Village Commercial area. Building heights within 100 feet of the Bike Path or within 25 feet of an abutting residential zone would be limited to 25 feet and buildings located more than 100 feet from the Bike Path would be limited to 45 feet in height.

Parks, Recreation and Open Space

A primary focus of the proposed project is the integration of active and passive recreational elements throughout the project site. Sensitive species habitat and certain cultural resources would be preserved in open space areas. The VESP would designate approximately 751 acres for parks, preserves, and open space as listed in the table below. This section of the staff report is best reviewed in concert with the Park Plan (Figure 3-1) of the VESP.

Regional Open Space

Approximately 419 acres of the project site would be designated Regional Open Space (OS2) and established as a regional park for conservation and passive recreation. Most of the regional park would remain in its existing natural condition. The regional park would contain most of the Comanche Creek watershed onsite and serve as a buffer along Stilson Canyon to the north, Honey Run Road to the south, and the grazing lands to the east. Recreational uses

within the regional park may include mountain biking, hiking, jogging, horseback riding, and other activities. Maintenance activities are expected to include small livestock grazing (e.g., goats and sheep). Access would be provided by several trailhead connections from on-site open space corridors and along internal roadways. The regional park will be dedicated to the City, however, it is anticipated that the City will not accept the offer and that the 419-acres will be owned and managed by the home-owners association (HOA), accessible to residents as well as non-residents registered with the HOA.

Park and Open Space Components

Park Types	Approximate Acreage
Regional Park	419
Linear Parks, Creekside Greenways, and Open Space Corridors	198
Community Park	36
Neighborhood Parks (Homestead Park, Child's Meadows and Pioneer Park)	14.5
Big Meadows Park	12
Village Core Park	4
Senior Parks	2.9
Primary Open Space	46.3
Total	732.7 acres

Linear Parks, Creekside Greenways and Open Space Corridors

Approximately 198 acres of linear parks, creekside greenways and open space corridors are proposed within the project site. These corridors will establish an internal bike and pedestrian trail system, connecting the Bike Path on the western boundary to the regional park on the eastern boundary, as well as residential areas to the Village Core, community park and elementary school. These areas are to be privately owned and maintained by the HOA.

Community Park

A 36-acre community park is proposed in the western portion of the project site near the proposed elementary school. The Community Park would be planned and programmed with the Chico Area Recreation and Park District (CARD) to include a variety of recreational amenities, such as bicycle/pedestrian trails, sports fields, community center, playground(s), dog park, a court play area, picnic areas, concessions, and restrooms.

Neighborhood Parks

Three neighborhood parks (Homestead Park, Child's Meadow Park and Pioneer Park), totaling 14.5 acres, are proposed within the VESP. Neighborhood parks would be embedded within the larger open space framework, and would generally include playgrounds, picnic areas, multi-use hard courts, and other active recreational amenities. The neighborhood parks are required by the development agreement to be improved incrementally as project build occurs.

Special Purpose Parks

Other parks within the VESP include special features or serve a particular demographic, such as mini-parks, tot-lots, adult fitness parks for adults and seniors, as well as Village Core Park and Big Meadows Park, which are all described in more detail in Chapter 3 of the VESP.

Primary Open Space

Approximately 46 acres would be designated Primary Open Space for the purpose of avoiding impacts to environmentally sensitive habitat and species, such as Butte County Meadowfoam.

Circulation

The proposed project would include a coordinated circulation system that provides for efficient vehicular travel, public transit, bikeways, pedestrian pathways, and sufficient space for emergency access and evacuation.

Vehicular Circulation

Primary vehicular access would be provided from Skyway with secondary access provided from E. 20th Street. The main north-south collector street would serve as the spine connecting primary and secondary entrances to the project site. Roundabouts would be constructed at major intersections within and adjacent to the project site. Local streets would be designed to discourage through-traffic and promote slower speeds than collectors. Although the VESP initially envisioned a roundabout on Skyway to serve as a gateway feature for the City of Chico, the traffic study identified possible operational concerns with that type of traffic control under cumulative conditions and a signal will be required instead.

Collector streets would typically have two travel lanes, bicycle/Neighborhood Electric Vehicle (NEV) lanes, separated sidewalks, parkways or Low Impact Development (LID) swales, and landscape medians. Typical local streets in the residential areas would have two travel lanes, on-street parking and a sidewalk on at least one side. Street designs in the VESP distinguish between public right-of-way that will be maintained by the City and private improvements, such as roadside swales, that will be maintained by the HOA.

Neighborhood Electric Vehicle (NEV) Routes

NEVs would be accommodated on any interior roadway with a speed limit of 35 miles per hour or lower. The Specific Plan proposes Class II on-street routes that are designed to accommodate both NEV and bicycle use on collector streets. These routes would be used internally to connect the residential areas to the Village Core.

Bicycle Routes

Bicycle circulation would include both on- and off-street pathways and lanes. Striped on-street bikeways (Class II) would be provided on all major roadways throughout the VESP area. Class I, off-street bike paths and trails, would be provided throughout the project site, primarily in open space areas.

Trail Master Plan

The proposed Trail Master Plan, see VESP Chapter 5, identifies over 20 miles of trails defined in five basic trail types; Class I Paths, Class II Lanes, Paseo Trails, Enhanced Trails, and Nature Trails. Approximately 5.5 miles of paved Class I pathways are proposed. These trails would connect residential and commercial areas to parks and the Village Core. Class I bike and pedestrian trails are intended for year-round use as both transportation and recreational

routes. There are approximately 2 miles of Class II Lanes. Paseo Trails would provide connections between residential neighborhoods and the VESP open space trail network. There are approximately 4 miles of Enhanced Trails, improved with hardened natural surfaces such as gravel or decomposed granite, designed to promote recreation while providing connectivity to the Class I network. Lastly, approximately 12 miles of Nature Trails are proposed. These trails include pre-existing trails and are designed to emphasize recreation and are not a primary means of transportation. Informational kiosks would be placed at key locations to facilitate wayfinding and educate trail users on their surroundings. The trail system would be managed (includes planning, design, construction, maintenance and management) by the HOA.

Public Transit

To facilitate access to transit, bus stops would be included at the Village Core, elementary school site, and community park to be installed concurrently with the main collector street, with final designs to be determined in coordination with BCAG. In addition, a park-and-ride lot is proposed within the parking area for the community park, for commuters and carpoolers.

Utilities and Services

Wastewater

Consistent with the City of Chico's 2013 Sanitary Sewer Master Plan Update (SSMPU), two points of connection to Chico's existing sewer system would be required for the proposed project. Connections would be located on the north side of the project site at Concord Avenue and E. 20th Street, and where the existing sewer main terminates at the intersection of Hegan Lane and Midway. The proposed project's onsite sewer network would comprise 8-inch to 12-inch sewer mains, designed in a manner responsive to site topography. Interim capacity may be used in an existing sewer main located on Morrow Lane, and lift stations and siphon systems may be used as situations demand, subject to approval by the Director of Public Works - Engineering.

Drainage

The proposed project's drainage system would involve a combination of conventional surface and subsurface drainage systems, including underground pipe conveyances, drainage and detention basins, bio-swales, outfalls, existing natural swales, and seasonal creeks. All drainage system improvements would be designed and constructed pursuant to City of Chico standards. All stormwater from developed areas would be treated before being discharged into jurisdictional creeks. On-site detention features would employ Best Management Practices (BMPs) and LID methods to slow water, filter out containments, and encourage infiltration and evapotranspiration. On-site detention may also occur in-channel by way of downsizing culverts to purposefully restrict flows to match desired downstream release rates. LID design concepts may include the implementation of techniques such as limiting the amount of hardscape, amended soil, rain garden (or bioretention cell to treat polluted runoff from a parking lot, for example), disconnected roof drain, tree planting, native vegetation preservation, and natural drainage flow. Solutions such as porous pavement and reduced hardscape aim to maximize infiltration and slow runoff, the application of which would, as with other techniques, be conditioned upon appropriate geological conditions.

Public Schools

The City of Chico Unified School District (CUSD) would provide public school services for the proposed project. An approximately 10-acre site for an elementary school is included within

the 19 acres planned for Public Quasi Public (V-PQ) use. The school site is adjacent to the proposed community park site, providing shared use opportunities with the play fields and parking. Middle and high school students would attend schools outside of the project site.

Police and Fire Protection

Law enforcement services would be provided by the City of Chico Police Department (PD). The City of Chico Fire Department (FD) would provide fire protection and emergency response services for the Specific Plan area. The nearest fire station is Fire Station 4, located at 2405 Notre Dame Boulevard near Highway 99 and Skyway. Primary access for emergency vehicles would be the entries on Skyway and E. 20th Street with additional secondary access provided from the Bike Path. Correspondence from PD, FD, CARD and CSUD are included in **Attachment E**.

Other Specific Plan Components

In addition to the land use designations, allowable uses, circulation system, utilities and services described above, the VESP includes: guiding principles, goals and actions (Chapter 2), development standards (Chapter 4), administration and implementation phasing plan (Chapter 7), design guidelines (Appendix A), street tree list (Appendix B), land use tables (Appendix C), a rock wall inventory with preservation measures (Appendix D), and the Valley's Edge Tree Preservation Program (Appendix E). Below are brief summaries of key VESP components.

Wildfire Standards

The VESP includes natural open space interspersed with development in the wildland-urban interface (WUI) area. Section 4.5 of the VESP, Firewise Guidelines, Standards and Vegetation Management Requirements, addresses fire concerns within the WUI in terms of land planning, fire-fighting capabilities, fire resistant materials and building standards, vegetative fuel reduction and management, and emergency preparedness. Firewise Guidelines are provided for adequate access, building materials, vegetation management and use of fire-resistant design for all lots and homes that abut the WUI perimeter areas, and responsibilities of individual homeowners and the HOA to minimize wildfire risks. Importantly, the VESP includes north-south emergency vehicle connections between planning areas within the site. Open space trails would be designed to function as fire breaks throughout the project site, and subdivision phases during project build out will be treated as a "temporary WUI" with the same requirements to maintain a non-vegetated buffer and emergency access.

Foothill Development Standards

The VESP includes development criteria for the sloped areas of the site to minimize the visual impacts and potential erosion that can result from developing in foothill areas. Section 4.4 of the VESP classifies the various sloped areas of the site and lists design parameters that minimize visual effects from development (screening, height, setbacks, exterior lighting and other features). The Design Guidelines in Appendix A of the VESP address several aspects, including Crime Prevention Through Environmental Design (CPTED), exterior lighting, building design and site layout, roofing colors and forms, architectural styling, park designs, and considerations for landscape architecture.

Valley's Edge Tree Preservation Program

Modeled after the City's Tree Preservation Regulations, the VESP includes a Valley's Edge Tree Preservation Program aimed at protecting on-site trees and requiring replacement trees

where tree removal is necessary (VESP, Appendix E). The main collector roadway has a split-lane design intended to incorporate existing trees within its median. Approximately 80% of the trees within the site are located within designated open space areas where they will not be at risk of removal due to development, the remaining 20% of trees are mostly located in lower-density residential zones where removal can mostly be avoided through careful site planning.

Water Conservation

The VESP encourages the use of drought-tolerant, native, and fire-resistant trees and shrubs within the project, and the use of water-conserving appliances and drip irrigation to minimize water consumption. Parks are anticipated to remain mostly naturalistic, with minimal use of turf. Homes will be required to meet State building code requirements for water-efficient appliances and landscape areas will be subject to State water efficiency standards.

Rock Walls

Throughout the project site there are numerous stacked rock walls that were constructed during the late 19th century for livestock barriers and to demarcate property boundaries. The VESP includes Section 3.3, Appendix D, and several goals and actions designed to document, protect, preserve, and maintain the integrity of the rock walls.

REQUESTED ENTITLEMENTS AND ANALYSIS

As directed by the General Plan, the VESP proposes a mix of residential, commercial, public, parks and open space land uses. The City is processing the application for the Specific Plan and associated approvals and will be responsible for initiating annexation of the Valley's Edge planning area to the City, all of which must be approved before the VESP can be developed.

Specific Plan (SP 19-01)

The specific plan, described above, would program development for the entire site, following direction from the General Plan for planning the Doe Mill/Honey Run SPA.

Staff Analysis and Required Findings

To approve a specific plan, the City Council must find that: (1) the specific plan is consistent with the General Plan, and (2) the site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.

General Plan Consistency

A thorough General Plan Consistency Analysis is contained in **Attachment D** of this report, below is a summary of the analysis. The proposed VESP is consistent with the General Plan on multiple levels, including direction for planning the Doe Mill/Honey Run Special Planning Area (SPA-5), general direction for Special Planning Areas (SPAs), and General Plan policies pertaining to development projects.

The VESP is consistent with General Plan direction for SPA-5 in that both the VESP and General Plan call for: a recreation oriented mixed-use development offering a broad range of housing types and densities; a Village Core and retail along Skyway; primary circulation connections to Skyway and East 20th Street; incorporating a community park; maintaining open space by clustering development; providing open space buffers along the north, south

and easterly boundaries; utilizing visual simulations to ensure that visual impacts are minimized; incorporating special lighting standards to reduce impacts on the nighttime sky; preserving sensitive habitats; and addressing wildland fire considerations (General Plan Action LU-6.2.4 and Written Description for SPA-5 in Appendix C, Page C-6).

The VESP is consistent with General Plan direction for planning SPAs in that it would help the City's meet its future growth needs for housing and jobs (LU-2.1) by supporting up to 2,777 new residential units and approximately 447,155 square feet of new commercial space, with flexibility built into the specific plan's implementation as well as its zoning by designating 100 acres of the site Medium Density Residential, which can support a variety of housing types, and by permitting up to 35 units/acre in the commercial designations. The road and trail system would establish multimodal connections between discrete residential planning areas that would support a mix of housing types and connect new residents to services, employment, and shopping in the Village Core area. Opportunities for affordable housing would be provided on areas designated Medium-High Density Residential, Village Core, and Village Commercial.

The VESP will complement the City's longstanding efforts to maintain a compact urban form by developing within the City's existing sphere of influence and establishing a long-term growth boundary between urban uses and foothills in the east (VESP Actions LU-2.1 and LU-2.3), consistent with General Plan Policies LU-1.2 and LU-1.3. The VESP reflects clustering development to maintain large amounts of open space, avoiding sensitive natural features and cultural resources, as well as an open space buffer approximately 300 feet wide along its eastern edge to serve as a permanent urban growth boundary, consistent with policies LU-2.5, CD-1.1, OS-1.1, OS-2.5 and OS-3.1.

Approximately 286 acres of oak woodlands would be preserved by open space zoning, consistent with Policy OS-2.6. Consistent with General Plan Action LU 6.2.4 and Policies CD-2.4, OS-1.3, and OS-2.4, the Plan design and policy framework will result in the careful location of buildings and infrastructure, reductions in excessive nighttime lighting and will preserve the foothills as a backdrop to the urban form to the extent feasible.

Streets in the VESP will be accompanied by an extensive trail and bike path network that will provide a sense of place by linking future homes and the Village Core area to onsite creeks and other open spaces, consistent with Policies CD-2.1, CD-4.1, CIRC-2.1, OS-2.2. The trail and bike path network will also include north-south emergency vehicle connections as shown in VESP Section 4.6, and encourage exercise and active modes of transportation, consistent with Action LU-6.2.4 and Policies CIRC-1.2, CD-3.3 and SUS-1.6. By providing a mix of land uses with walkable access between homes, recreational areas, and the commercial Village Core, the VESP is consistent with General Plan Policies LU-2.3 and LU-3.1 which call for sustainable land use patterns with a mix of uses that meet the needs of the community. The VESP will provide an additional inventory of land with capacity for development with a mix of dwelling types and sizes, consistent with Policies H.3.2, H.3.3 and HE 4.2.

Development of the VESP will include internal and adjacent roadway circulation improvement as necessary to safely and efficiently accommodate traffic generated by the Plan, consistent with Policies CIRC-1.1 and CIRC 1.2, and future development will also be required to pay "fair share" development impact fees to help fund citywide circulation improvements beyond the Plan boundaries, which will assist the City in maintaining acceptable levels of service on City streets consistent with Policies CIRC 1.3 and CIRC 1.4.

The EIR evaluated Plan impacts on circulation in terms of Vehicle Miles Traveled (VMT) using the California Office of Planning & Research's technical advisory and included mitigation

requiring future development to employ travel demand management strategies that have been proven to reduce VMT, consistent with Policies CIRC-1.5 and CIRC-9.1. As supported by VESP Section 5.6 and VESP policies C-1.2 and C-1.10, the Plan would support public transit as called-for by General Plan Policy CIRC-5.3.

The VESP has been designed with large amounts of open space and an extensive network of multi-use trails that will encourage recreational activity by future residents, consistent with General Plan policies that promote a healthy and sustainable lifestyle. The Plan design and policy framework for the VESP reflect a culture of stewardship and resource conservation by protecting most of the sensitive habitats within the site and elevating quality of life for existing and future citizens in the area by providing a community park and elementary school (PROS-2, PROS-3.4, PROS-4, PROS-4.1 and PROS-4.3).

The retention and replacement of trees is required pursuant to the Valley's Edge Tree Preservation Program contained in Appendix E of the VESP, consistent with Policy SUS-6.4 which calls for continued support for the planting and maintenance of trees in the community to increase carbon sequestration and Policy OS-6.1 which promotes a healthy urban forest to also reduce energy consumption and urban heat gain. Policies and Design Guidelines in the VESP promote drought tolerant landscaping (PROS-4.2, DES-2.12 and Sections 6.2.3, A.5.3, A.6.5, A.6.7, and A.6.8), consistent with Policies SUS-4.2 and SUS-4.3. The Plan also supports providing local foods, including community gardens within Village Core Park (See VESP Sections 3.2.6 and 4.8.2), and in residential and commercial areas, consistent with General Plan Policy SUS-7.2.

Consistent with Policy SUS-6.2, which directs implementation of the City's Climate Action Plan (CAP), the VESP would help implement the CAP Measures by avoiding the use of natural gas in all new structures within the Plan area (CAP Measure E-2), installing photovoltaic arrays on all residential and HOA buildings per VESP Policies INFR-4.1, DES-2.2, and DES-2.10 (CAP Measure E-4), developing a multimodal circulation system that supports transit, bicycles, pedestrians, and neighborhood electric vehicles (CAP Measure T-1), improving electric vehicle infrastructure through VESP Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements (CAP Measure T-2), constructing a park-and-ride lot and transit stops near the Village Core per VESP Policies C-1.9 and C-1.10 (CAP Measure T-3), incorporating a Transportation Demand Management (TDM) plan per air quality EIR mitigation, which will support or expand upon other GHG-reducing efforts, establishing a mixed-use development in one of the City's new growth areas to reduce VMT (CAP Measure T-5), and increasing carbon sequestration over time by installing street trees along all new roadways and implementing the Valley's Edge Tree Preservation Program which requires replacement trees for each qualifying tree removed as a part of site development. Therefore, the VESP includes a reasonable range and degree of GHG-reducing measures to be consistent with the CAP and would assist in the attainment of the City's climate action goals by incorporating CAP measures into future development.

As directed by Policy SUS-6.3, increases in GHG emissions were analyzed and mitigated during the EIR process pursuant to the California Environmental Quality Act, though forecasted operational GHG emissions from Plan development remain significant and unavoidable, as explained in more detail below. The specific plan, as modified by Mitigation Measures AQ-2 through AQ-5 from the EIR, would help the local air basin comply with state and federal ambient air quality standards, consistent with Policy OS-4.1.

The VESP will assist in the provision of housing for seniors by reserving approximately one-half of the future units (1,357 homes) for age-restricted households of individuals 55 years and

older, consistent with Policies H.4.4 and HE 5.1. It is anticipated that some of the senior housing units, as well as any congregate care homes and assisted living facilities, will be constructed with enhanced accessibility features (e.g., low- or zero-threshold doorways and showers, larger bathrooms, grab bars, wider hallways, etc.), to accommodate older individuals with limited mobility or other accessibility needs, consistent with Policy H.4.1 and HE 1.5.

The VESP plans for a variety of residential densities and unit types that will result in a range of housing options, including smaller workforce/attainable housing (e.g., cottages, courtyard homes and patio homes) to accommodate a range of incomes, consistent with Policies H.6.1 and H.6.2. The development agreement expands upon this by requiring the developer to provide a site at least 4 acres in size within or near the Village Core area for an affordable housing project, consistent with Action LU-6.2.1 and Policies HE 1.6 and HE 3.3.

Policies, standards, and design guidelines in the VESP include public safety considerations that deal with crime prevention through environmental design (VESP Policy LU-1.5 and Section A.3.1), flooding concerns (Section 6.4), and wildfire concerns (VESP Policies LU-5.1 through LU-5.7 and Section 4.5), consistent with General Plan Policies CD-3.4, S-2.1, S-4.3, and S-5.5.

Designed to be consistent with the General Plan, the VESP would provide a reserve of available land to support the long-term growth needs of the City, consistent with Policy HE-4.1 which directs the City to enable sufficient housing construction to meet future needs.

Physical Suitability of the Site

The proposed zoning across the site is responsive to the terrain and sensitive natural features contained within the site and would result in development that is compatible with surrounding land uses. Areas with creeks, wetlands and steeper slopes are avoided through open space zoning, and the flatter or lower portions of the site are planned for the most intense land uses such as commercial and higher-density residential. Access would primarily be from Skyway Road and East 20th Street, with emergency access also provided from the Steve Harrison Memorial Bike Path. Utilities would be extended as necessary to serve the planned future development. Compatibility with adjoining land uses would be ensured through the use of open space buffers along the northern, eastern, and southern boundaries.

There are no physical constraints on the VESP site which would prohibit development and use of the site consistent with the proposed zoning. Future subdivisions will be subject to review and approval by the Planning Commission, and City design review of future multi-family residential and commercial land development within the VESP site will ensure that specific elements of individual sites are completed in a manner that is compatible with the site and adjoining land uses. The areas that are proposed for long-term preservation are appropriate to set aside and protect, and areas proposed for development are physically suitable for development.

General Plan Amendment (GPA 22-03)

The General Plan Amendment would amend the Land Use Diagram and General Plan text to reflect adoption of the VESP. Specifically, the VESP land use designations would be added to the General Plan Land Use Diagram, Action LU-6.2.4 (*Doe Mill/Honey Run SPA Planning*) would be revised to instead refer to the VESP, and the description for SPA-5 in Appendix C of the General Plan would be changed to acknowledge adoption of the VESP.

Staff Analysis and Required Findings

To approve the General Plan amendments the City Council must find that: (1) the amendments are internally consistent with the General Plan, and (2) the site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.

General Plan Consistency

The General Plan would remain internally consistent because the amendments would reflect adoption of the VESP and would remove the Doe Mill/Honey Run SPA from being shown and described as a future growth area in need of a comprehensive planning effort. The VESP is consistent with the General Plan for the same reasons set forth above in the General Plan consistency analysis for Specific Plan 19-01.

Physical Suitability of the Site

The VESP site is physically suitable for the proposed mix of land use designations and other development criteria established within the plan for the same reasons set forth above for Specific Plan 19-01. There are no physical constraints on the VESP site which would prohibit development and use of the site consistent with the proposed land use designations, and future City review processes will ensure that development of individual lots within the site are completed in a manner that is compatible with the lot and adjoining land uses. Areas proposed for long-term preservation are appropriate to set aside and protect, and areas proposed for development are physically suitable for development.

Rezone (RZ 19-01)

The rezone would amend the pre-zoning of the site to reflect the VESP's Zoning Map. In addition, the existing Foothill Development (-FD) overlay district would be removed and a new Valley's Edge (-VE) overlay district would be added over the site. The -VE overlay district is described under the analysis for code amendment 22-02, below. Each proposed zoning district within the VESP corresponds to an existing City zoning district.

Staff Analysis and Required Findings

To approve zoning map amendments the City Council must find that: (1) the amendments are consistent with the General Plan, and (2) the site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.

General Plan Consistency

The zoning map amendments would be consistent with the General Plan because they would reflect the VESP Zoning Map and would facilitate implementation of the VESP. The VESP is consistent with the General Plan for the same reasons set forth above in the General Plan consistency analysis for Specific Plan 19-01.

Physical Suitability of the Site

The VESP site is physically suitable for the proposed mix of land use designations and other development criteria established within the plan for the same reasons set forth above for Specific Plan 19-01. There are no physical constraints on the VESP site which would prohibit development and use of the site consistent with the proposed zoning districts.

Code Amendments (CA 22-02)

The code amendments would add a new zoning overlay district to Title 19 of the Chico Municipal Code (CMC). The overlay district would note that allowable land uses and development standards for sites subject to the -VE overlay are governed by the VESP, and in instances where the VESP is silent on a particular land use or development standard, Title 19 shall apply. The code amendments also provide that the administration and permit procedures from Title 19 would apply to processing entitlement requests within the VESP area.

Staff Analysis and Required Findings

To approve Title 19 code amendments the City Council must find that the amendments are: (1) consistent with the General Plan, and (2) consistent with other applicable provisions of Title 19 and compatible with the uses authorized in, and the regulations prescribed for, the applicable zoning districts for which it is proposed.

General Plan Consistency

The code amendments would be consistent with the General Plan because they would facilitate implementation of the VESP, which is consistent with the General Plan for the same reasons set forth above in the General Plan consistency analysis for Specific Plan 19-01.

Title 19 Internal Consistency

Adding the -VE overlay zone is consistent with other applicable provisions of Title 19 of the CMC in that the -VE overlay zone directs implementation of the VESP by referring to the specific plan's land use allowances and development standards and directs the use of Title 19 regulations for administration, permitting procedures, and for land use allowances and development standards where the specific plan is silent. The land use allowances and development standards contained in the Valley's Edge Specific Plan are modeled after, and are similar to, Title 19 land use allowances and development standards. Intentional exceptions are included to encourage consistency between future development within the specific plan area and the goals and actions contained within the specific plan. For example, the VESP contains special foothill development standards such as reduced height allowances and increased setbacks in response to the site's location, which advances VESP Actions LU-4.1, LU-4.2 and LU-4.3 directed at minimizing visual impacts from VESP development. The -VE overlay zone will result in uses which are compatible internally within the specific plan area and between the specific plan area and surrounding uses.

Development Amendment (DA 22-01)

The Development Agreement (DA) would establish vested rights for the developer to proceed with development of the project and would impose timing requirements for the developer to construct certain improvements as VESP build out occurs. The DA would also provide for the developer to accrue park fee credits in exchange for the park lands provided by the project. The DA also requires the developer to provide 4 acres of land for, or 90 units of, affordable housing within the VESP site and declares certain roadway improvements for the developer to construct based on recommendations from the Traffic Study (Appendix K of the EIR). The DA contained various other provisions related to orderly development of the VESP site.

Staff Analysis and Required Findings

To approve the DA the City Council must find that: (1) the development agreement would be

in the best interest of the City, and (2) the development agreement would promote the public interest and welfare of the City.

Best Interest of the City

The DA is in the best interests of the City because it would help implement adopted City growth plans consistent with General Plan policies as noted above for SP 19-01, providing for the orderly long-term growth of the City. The DA is also in the best interest of the City because it would facilitate the establishment of a variety of future housing, including affordable housing, and would require multi-modal infrastructure commensurate with project development.

Promote Public Interest and Welfare of the City

The DA will promote the public interest and welfare of the City because it would ensure that new development is more self-sustaining and does not overburden City resources. The DA would also promote public interest and welfare of the City by declaring and establishing timing for certain roadway improvements, and by supporting the provision of a community park site which is needed in Southeast Chico.

The DA would facilitate orderly development of the VESP site, which is consistent with the General Plan for the same reasons provided above in the General Plan consistency analysis for SP 19-01.

Conclusion

Based on the above, as well as the detailed General Plan consistency analysis provided in **Attachment D**, staff recommends that each of the required findings to approve the VESP and related applications be made. The draft City Council resolutions and ordinances necessary to approve the VESP and related applications are provided as attachments to the Planning Commission's resolution included as **Attachment A**. In addition to rendering a decision on each application there are two draft resolutions pertaining to the environmental review process, as described below.

ENVIRONMENTAL REVIEW

Background

After receiving the initial project applications in January 2019, staff began the EIR process which culminated in the release of a Final EIR on October 17, 2022. The various milestones and opportunities provided for public comment during the process are detailed in the CEQA Findings of Fact and Statement of Overriding Considerations in **Exhibit I of Attachment A2**.

The Draft EIR identified several potential environmental impacts associated with the project and included mitigation measures to reduce those impacts to less than significant. In two categories, however, the EIR concluded that approving the project would result in significant and unavoidable impacts regarding visual impacts and GHG emissions for which no feasible and sufficient mitigation is available.

Purpose of CEQA

The intent of CEQA centers around the fundamental concept of informing governmental decision makers and the public about the potential and significance of environmental effects of proposed activities. Further, CEQA strives to identify ways in which potential environmental impacts can be avoided or significantly reduced. Impacts may be reduced through the implementation of feasible project alternatives or mitigation measures. Lastly, CEQA aims to

disclose to the public the reasons why a governmental agency might approve a project even if significant environmental effects could result.

Section 15151 of the CEQA Guidelines defines the standards for EIR adequacy as follows:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection; but for adequacy, completeness, and a good faith effort at full disclosure.

While the fundamental purpose of CEQA is to disclose potential impacts and ensure the incorporation of feasible mitigation measures into a project, the ultimate goal of the legislation is to compel government at all levels to make decisions with environmental consequences in mind. To that end, CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure.

With this understanding, staff believes that the EIR for the VESP has been adequately prepared and represents a good-faith effort at disclosure of potential environmental impacts.

Significant Impacts

Aesthetics

The EIR found that implementation of the VESP could degrade the existing visual character or quality of public views of the site and its surroundings, recognizing the effects as both individually significant and cumulatively considerable. The EIR found that applying VESP policies, foothill development standards and City oversight requirements would ensure that impacts to scenic vistas would be less than significant.

It is worth noting that the EIR prepared for adoption of the 2030 General Plan in 2011 identified similar significant visual impacts, stating that “[i]mplementation of the proposed General Plan Update would result in increased development which would alter the existing visual character of the Planning Area,” and “[i]mplementation of the proposed General Plan Update, in combination with other reasonably foreseeable development projects within Butte County, would contribute to the alteration of the visual character of the region, impacts to scenic vistas, and increased glare/lighting.” GP EIR pp. 4.13-14 and 4.13-18. These conclusions are an inevitable outcome of reasonable City expansion, despite implementation of thoughtful design guidelines and development standards.

Future development in the VESP area would be required to comply with the VESP Foothill Development Criteria and special setback standards, and other Design Guidelines and development standards. Subsequent design review will ensure that project components are designed and constructed to be compatible with surrounding neighborhoods. Using natural colors would better blend the buildings into the existing landscape, and new landscaping would screen views of the development. For example, the VESP’s development standards require special setbacks along Stilson Canyon (VESP Table 4.6), and Design Guidelines promote incorporation of natural and native landscape elements into residential landscaping (A.6.7 and A.6.8, Single-family and multi-family landscape design guidelines). VESP Action LU-4.5 requires building massing, building materials, color schemes and placement to reduce visual impacts.

Implementation of the VESP would alter the existing undeveloped visual character of the site and be noticed from several public viewpoints. The change would be partially ameliorated by the development standards and design criteria described above, and screening provided by existing and proposed landscaping. Nonetheless, the changes to the visual character of the site would be permanent, and views of the site would no longer be of undeveloped open land.

EIR Mitigation Measure AES-1, which requires City review of future residential and commercial developments within VESP, would help minimize the project's cumulative impact to the visual character and public views of the project site, however, due to the permanent changes to the project site from the conversion of undeveloped open land to a developed area with residential and commercial uses, the impact would remain significant. There are no additional feasible mitigation measures to further reduce the impact of development to less than significant, and, therefore, the EIR concluded the impact of VESP implementation on visual resources would be significant and unavoidable.

Greenhouse Gas Emissions

The EIR found that implementation of the VESP could: (1) generate an increase in GHG emissions from project operation which represents a cumulatively considerable contribution to an overall increase in global temperatures, and (2) conflict with the City's Climate Action Plan (CAP) which establishes a 2030 emissions goals that would keep the City on track to reach its goal of carbon neutrality by 2045. These two impacts are discussed in more detail, below.

Operational Emissions: Consistent with General Plan Policy SUS-6.3, increases in GHG emissions that would result from VESP implementation were analyzed and mitigated during the EIR process, though forecasted operational GHG emissions from the project remain significant and unavoidable. This is, in part, due to the constraints associated with the modeling software regarding the future use of GHG-reducing regulations and technologies, and the unquantifiable degree to which future residents within the project will use the multi-modal transportation network to reduce the use of gasoline- and diesel-powered vehicles.

For example, the latest version of the modeling software from 2020 was used, however, it relies on vehicle emissions data from an embedded model dating back to 2017. Therefore, fuel-economy regulations enacted after 2017 are not included in the GHG modeling software. These include but are not limited to the Safer Affordable Fuel-Efficient (or SAFE) Vehicles Rule adopted in 2020, the Advanced Clean Trucks (ACT) regulations from 2021, and the Heavy Duty Engine and Vehicle Omnibus regulations adopted in 2021. These newer regulations will lower future emissions from vehicles used in California, including within the VESP site, but it was not feasible to include their effects in the quantitative modeling of future GHG emissions.

Implementation of the VESP actions and policies would minimize GHG emissions associated with project operations. The emission reductions associated with compliance with these actions have been quantified in the modeling software to the extent feasible (e.g., implementation of outdoor and indoor water conservation measures and use of photovoltaics on all residential buildings) and are reflected in the EIR; however, most of the VESP actions are not quantifiable and/or the extent to which some would be applied within the development is unknown. Mitigation Measures GHG-1 and GHG-2 would help reduce operational and construction-related GHG emissions, and these reductions have been quantified to the extent feasible in the modeling software.

The operational GHG emissions from implementation of the VESP were modeled using the most recent analytical tools, but the modeling cannot account for all the recent and future factors (i.e., State regulations) that will reduce future GHG emissions. Therefore, the EIR

analysis constitutes a conservative estimate of future GHG emissions.

Climate Action Plan (CAP): Adopted in 2021, the City's CAP identifies a variety of GHG-reducing strategies that would help the City meet a specific 2030 goal (2.76 metric tons of carbon dioxide equivalent per capita per year, or 2.76 MT CO₂e/person/year) which would keep the City on a path to achieve net-zero carbon emissions by 2045. Additional strategies would have to be identified and included in future updates of the CAP to achieve the City's 2045 goal. Each strategy in the CAP is supported by one or more measures that are anticipated to have either a quantified effect or a supportive effect on reducing GHG emissions in Chico. For example, most of the quantified reductions through 2030 are expected to come from: decarbonizing the electricity grid (40%), improving zero-emission vehicle infrastructure (29%), electrification of existing buildings (14%), updating waste hauler contracts to reduce organic waste (8%), eliminating natural gas in new development (7%), and improving active transportation infrastructure (1.6%). Most of these quantified measures are outside the scope and beyond the control of the VESP, however, the VESP commits future development within the site to avoid the use of natural gas and to construct an active transportation trail system in conjunction with subdivisions in the future. For the EIR's GHG modeling, only reductions for eliminating the use of natural gas within the VESP were quantified.

Based on the conservative modeling described above for future GHG emissions from implementation of the VESP, it was estimated that implementation of the VESP would result in 3.13 MTCO₂e/person/year. Because an EIR is required to provide a conservative approach to environmental analysis, and since there are no guarantees that all the strategies outlined in the CAP will be achieved, no reductions were applied in the GHG modeling for the CAP's assumptions regarding decarbonization of the electricity grid, improving zero-emission vehicle infrastructure, or updating waste hauler contracts to reduce organic waste. Those measures may yet be achieved by the City and result in reductions in future GHG emissions relative to the modeling results used in the EIR.

The CAP describes two different baseline forecasts for Chico: a "Business as Usual" (or BAU) forecast, and an adjusted forecast. The BAU forecast shows what Chico's emissions would look like if population and job growth were the only drivers for GHG-generating activities, essentially assuming that per capita emissions remain constant. The adjusted forecast adjusts the BAU forecast to account for state-level legislation and policies that were not included in the City's 2017 GHG emissions inventory but were known prior to adopting the CAP in 2021. These state-level policies include the Advanced Clean Cars Program, Title 24 Building Energy Efficiency Standards, and California Renewable Portfolio Standard (RPS). The CAP shows that Chico's adjusted forecast for 2030 would be 3.67 MTCO₂e/person/year, which is without intervention from the CAP's strategies and measures.

The CAP's strategies and measures are projected to bring Chico's 2030 GHG emissions down from the adjusted forecast of 3.67 MTCO₂e/person/year to 2.76 MTCO₂e/person/year. Because the EIR modeling for estimated VESP emissions only accounted for a minor portion of the CAP's measures, it is expected that other CAP measures will result in GHG reductions for the VESP development that are not reflected in the EIR. The rapidly changing regulations aimed at reducing GHG emissions, combined with the long-term build out of the VESP, limits the ability to confidently forecast future GHG emissions patterns for the project.

Conclusion

The EIR analyzed the potential environmental impacts that could result from implementation of the VESP from several different aspects, and required mitigation to reduce significant

impacts where appropriate. The EIR represents a good faith analysis and disclosure of the anticipated environmental impacts of the Valley's Edge Specific Plan.

PUBLIC CONTACT

A 10-day public hearing notice was mailed to all landowners and residents within 600 feet of the site, and a one-eighth page display advertisement was published in the *Chico Enterprise Record*. Comments received during the circulation period for the DEIR (11/01/21 thru 12/15/21) are included in the Final EIR along with City responses to the issues raised within those comments. Public comments received after close of the Draft EIR comment period are include under **Attachment F**.

DISTRIBUTION:

PC Distribution
Interested Parties List

ATTACHMENTS:

- A. Planning Commission Resolution No. 22-10
 - A1: City Council Resolution to Certify EIR
 - A2: City Council Resolution of CEQA Findings and SOC
 - A3: City Council Resolution to Amend General Plan
 - A4: City Council Ordinance for Rezone
 - A5: City Council Ordinance to Amend Title 19
 - A6: City Council Resolution to Adopt Valley's Edge Specific Plan
 - A7: City Council Ordinance to Approve Development Agreement
- B. Location/Notification Map
- C. VESP Land Use Plan
- D. General Plan Consistency Analysis
- E. Letters from Chico PD, Chico Fire, CARD and CUSD
- F. Public Comments After Draft EIR

Provided under separate cover: Valley's Edge Specific Plan

The Draft EIR, Final EIR, supporting appendices and other project information is available online at: <https://chico.ca.us/post/valleys-edge-specific-plan>

- 1 2. Based on all of the above, and based on the findings contained in the attached draft Resolutions
2 and Ordinances prepared for City Council, the Planning Commission hereby recommends that
3 the City Council approve the Valley's Edge Specific Plan by adopting the attached resolutions
4 and ordinances which would certify the EIR as complete and in compliance with CEQA, make
5 certain findings required by CEQA, adopt the statement of overriding considerations and
6 mitigation monitoring and reporting program, amend the General Plan, rezone the Project site,
7 amend Title 19 of the Chico Municipal Code, adopt the Valley's Edge Specific Plan, and
8 approve the development agreement between the applicant and the City, each attached hereto.
- 9 3. The Planning Commission hereby specifies that the materials and documents which constitute
10 the record of proceedings upon which its decision is based are located at and under the custody
11 of the City of Chico Community Development Department.

12 THE FOREGOING RESOLUTION WAS ADOPTED by the Planning Commission of the
13 City of Chico at its meeting held on _____, 2022, by the following vote:

- 14 AYES:
15 NOES:
16 ABSENT:
17 ABSTAINED:
18 DISQUALIFIED:

19 ATTEST:

APPROVED AS TO FORM:

20
21 _____
Bruce Ambo
22 Planning Commission Secretary

20
21 _____
Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of
22 the City of Chico, Section 906(E)

1 commencing on November 1, 2021, and concluding on December 15, 2021, during which time the
2 City received comments on the Draft EIR; and

3 WHEREAS, on November 18, 2021, the Planning Commission conducted a public meeting
4 to receive comments regarding the adequacy of the Draft EIR; and

5 WHEREAS, subsequent to close of the review and comment period for the Draft EIR, the
6 City released a Final EIR in accordance with CEQA Requirements, including City responses to all
7 comments submitted during the Draft EIR public review period, and to fully address all potential
8 effects of implementation of the Project; and

9 WHEREAS, the Final EIR was forwarded to all commenting agencies on or about October
10 17, 2022, which was not less than ten (10) days prior to the date established for a Planning
11 Commission hearing to consider the Project; and

12 WHEREAS, the Planning Commission of the City of Chico considered the Project,
13 staff report, comments received prior to the public hearing held on December 1, 2022, comments
14 received at the duly noticed public hearing held on December 1, 2022 and voted ___-___-___ to
15 recommend that the City Council certify the EIR prepared for the Project.

16 NOW THEREFORE, BE IT RESOLVED by the City of Chico City Council as follows:

17 1. The City Council makes the following findings supported by the entire record before it,
18 including but not limited to the Draft EIR, all documents incorporated by reference therein, all
19 comments received and responses provided, the Findings of Fact and Statement of Overriding
20 Considerations (as provided in Exhibit I to City Council Resolution No. ___-___), the Mitigation
21 Monitoring and Reporting Program (as provided in Exhibit II to City Council Resolution No.
22 ___-___), and all other evidence in the record of these proceedings:

23 A. The recitals set forth above are true and correct.

24 B. The NOP and Draft EIR were duly prepared, noticed, and properly circulated in accordance
25 with the provisions of CEQA.

26 C. All comments received during the period of public review have been duly considered and
27 incorporated into the Final EIR, and when necessary, replied to, all in accordance with
28 CEQA.

1 D. The City provided written responses to all public agency comments received on the Draft
2 EIR at least ten (10) days before certification of the Final EIR, pursuant to the provisions
3 of CEQA.

4 E. A good faith effort has been made to identify potentially feasible mitigation measures and
5 alternatives to the extent necessary to avoid or substantially lessen the significant adverse
6 effects of the project, and such mitigation measures and alternatives were considered in the
7 review process in accordance with the provisions of CEQA.

8 F. The EIR for the proposed Project has been properly completed and has identified all
9 significant environmental effects of the Project, and there are no known potential
10 significant environmental effects that are not addressed in the EIR.

11 G. A good faith effort has been made to seek out and incorporate all points of view in the
12 preparation of the Draft EIR and the Final EIR.

13 H. The City Council has reviewed and considered the information in the EIR.

14 I. The EIR for the Project reflects the City's independent judgment and analysis.

15 2. Certification of the EIR.

16 Having independently considered the EIR, the Chico City Council hereby certifies that the
17 EIR has been prepared, circulated for agency and public review, and completed in compliance with
18 the requirements of CEQA and fully and adequately discloses and addresses all environmental
19 issues known to be associated with the Project.

20 3. The City Council hereby specifies that the materials and documents which constitute the
21 record of proceedings upon which its decision is based are located at and under the custody of the
22 City of Chico Community Development Department.

23 4. A Notice of Determination shall be filed immediately after final approval of the proposed
24 project.

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THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico
at its meeting held on _____, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:
- ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of
the City of Chico, Section 906(E)

1 significant effects on the environment associated with a project to be approved; and

2 WHEREAS, as the CEQA Findings of Fact attached to this resolution demonstrate, many of
3 the significant effects on the environment associated with the Project can be either avoided or
4 substantially lessened through the adoption of feasible mitigation measures, although some of
5 these effects will remain significant and unavoidable despite the adoption of all feasible mitigation
6 measures; and

7 WHEREAS, because the adoption of all feasible mitigation measures cannot substantially
8 lessen or avoid all significant effects on the environment associated with the Project, the City must
9 consider the feasibility of alternatives, as set forth in the EIR, that may avoid or substantially lessen
10 such impacts; and

11 WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the
12 occurrence of significant environmental effects that cannot be substantially lessened or avoided
13 through the adoption of feasible mitigation measures or feasible alternatives, there exist certain
14 overriding economic, social, and other considerations for approving the project that the Council
15 believes justify the occurrence of those impacts; and

16 WHEREAS, the City is required by Public Resources Code section 21081.6 (a) to adopt a
17 mitigation monitoring and reporting program to ensure that the mitigation measures adopted by
18 the City are carried out; and

19 WHEREAS, a Mitigation Monitoring and Reporting Program for the Project has been
20 prepared; and

21 WHEREAS, the Planning Commission of the City of Chico considered the Project, staff report,
22 comments received prior to the public hearing held on December 1, 2022, comments received at
23 the duly noticed public hearing on December 1, 2022 and voted ___-___-___ to adopt certain CEQA
24 Findings of Fact regarding environmental effects, adopt a Statement of Overriding Considerations,
25 and adopt a Mitigation Monitoring and Reporting Program prepared for the Project.

26 NOW, THEREFORE, BE IT RESOLVED by the City of Chico City Council as follows:

- 27 1. The Findings of Fact of this Resolution provides findings required under Section 15091 of
28 the CEQA Guidelines for significant effects of the project. The City Council adopts the

1 CEQA Findings of Fact attached as Exhibit I to this resolution, as required by Public
2 Resources Code section 21081, subdivision (a); and

3 2. The Statement of Overriding Considerations of this Resolution provides findings required
4 under Section 15091 of the CEQA Guidelines for significant effects of the project. Exhibit
5 I of this Resolution provides the findings required under Section 15093 of the CEQA
6 Guidelines relating to accepting adverse impacts of the project due to overriding
7 considerations. The City Council has balanced the economic, legal, social, technological,
8 and other benefits of the project against the unavoidable environmental risks that may
9 result, and finds that the specific economic, legal, social, technological, and other benefits
10 outweigh the unavoidable adverse environmental effects. The City Council, therefore,
11 adopts the Statement of Overriding Considerations, included within Exhibit I to this
12 resolution, as required by Public Resources Code section 21081, subdivision (b); and

13 3. After considering the EIR and in conjunction with making these findings, the City Council
14 hereby finds that pursuant to Section 15092 of the *CEQA Guidelines* that approval of the
15 project will result in significant effects on the environment, however, the City eliminated
16 or substantially lessened these significant effects where feasible, and has determined that
17 remaining significant effects are found to be unavoidable under Section 15091 and
18 acceptable under Section 15093; and

19 4. The City Council has considered alternatives to the Project and finds based on substantial
20 evidence in the record that the Project is the best alternative that can be feasibly
21 implemented in light of relevant economic, legal, social, technological, and other reasons,
22 as discussed herein. The City Council hereby rejects all other alternatives, and
23 combinations and variations, thereof; and

24 5. The Mitigation Monitoring and Reporting Plan of this Resolution provides findings
25 required under Section 15091 of the CEQA Guidelines for significant effects of the project.
26 The City Council adopts the Mitigation Monitoring and Reporting Program attached as
27 Exhibit II to this resolution, as required by Public Resources Code section 21081.6,
28 subdivision (a) to ensure implementation of feasible mitigation measures identified in the

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EIR. The City Council finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico at its meeting held on _____, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of
the City of Chico, Section 906(E)

**CEQA FINDINGS OF FACT
and
STATEMENT OF OVERRIDING CONSIDERATIONS**

**I.
INTRODUCTION**

These findings, as well as the accompanying statement of overriding considerations, have been prepared in accordance with the California Environmental Quality Act (“CEQA”), the CEQA Guidelines (14 CCR § 15000 et seq.), and the local procedures adopted by the City of Chico (“City”). The City is the lead agency for the environmental review of the project and has the principal responsibility for its approval. The project covered by these findings and the relevant CEQA documents is known as the Valley’s Edge Specific Plan (“VESP”).

**II.
STATEMENT OF FINDINGS**

The findings and determinations contained herein are based on the competent and substantial evidence, both verbal and written, contained in the entire record relating to the VESP and the Environmental Impact Report (“EIR”). The findings and determinations constitute the independent findings and determinations by the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the City Council hereby incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited herein, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the City Council’s approval of mitigation measures recommended in the EIR, and the reasoning set forth in responses to comments in the Final EIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the VESP must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

**III.
DEFINITIONS AND ACRONYMS**

- “BCAQMD” means Butte County Air Quality Management District.
- “BMP” means Best Management Practices.
- “CAP” means the City’s Climate Action Plan.
- “CalEEMod” means the California Emissions Estimator Model.
- “CDFW” means California Department of Fish and Wildlife.
- “CEQA” means California Environmental Quality Act.
- “CFD” means Chico Fire Department.
- “City” means City of Chico.
- “CO₂e” means carbon dioxide equivalent.

“Commission” or “Planning Commission” means the Planning Commission of the City of Chico
“Council” or “City Council” means the City Council of the City of Chico.
“DEIR” or “Draft EIR” means the Draft Environmental Impact Report for the Valley’s Edge Specific Plan, dated October 2021.
“EIR” means Environmental Impact Report, including both the DEIR and FEIR.
“FEIR” or “Final EIR” means the Final Environmental Impact Report for the Valley’s Edge Specific Plan, dated August 2022.
“HOA” means homeowners association.
“MMRP” means Mitigation Monitoring and Reporting Program.
“MT” means metric tons.
“NO_x” means nitrogen oxide.
“NOP” means Notice of Preparation.
“O₃” means ozone.
“PM₁₀” means particulate matter equal to or less than 10 microns in diameter.
“PRC” means California Public Resources Code.
“proposed Project” means the VESP.
“ROG” means reactive organic gases.
“SCH” means State Clearinghouse.
“SOI” means Sphere of Influence.
“TDM” means Transportation Demand Management.
“VESP” means Valley’s Edge Specific Plan.
“VLDR” means very low density residential.
“VMT” means vehicle miles traveled.
“VOC” means Volatile Organic Compounds.
“WUI” means Wildland Urban Interface.

IV. PROJECT DESCRIPTION

A. PROJECT DESCRIPTION

The City is evaluating the environmental effects of development of an approximately 1,448-acre project site located in unincorporated Butte County within the City of Chico’s Sphere of Influence (“SOI”), at the transition of the valley floor and lower foothill region. The VESP site is located approximately 1.25 miles east of State Route 99. The VESP includes a mixed-use community with a range of housing types, commercial uses, parks, trails and recreation and open space areas. The residential component would consist of up to 2,777 dwelling units, ranging from 0.54 dwelling units per acre to 18.0 dwelling units per acre on approximately 600 acres. The commercial portion includes approximately 56 acres designated for a mix of professional and medical offices, neighborhood retail shops and services, multi-family apartments, day care, and hospitality uses. Approximately 733 acres would be designated as parks, trails, open space and preservation, including a large regional park, a community park, neighborhood parks, mini parks and tot lots, and an active adult park.

The Valley’s Edge Specific Plan EIR serves as the primary environmental document for all future discretionary actions associated with development of the VESP. The City will review subsequent discretionary proposals for consistency with the VESP EIR and determine if the request is

consistent. In general, if it is determined that a subsequent project is consistent with the Specific Plan and is within the scope of the EIR, further environmental review will not be necessary. Section 65457(a) of the California Government Code and section 15182(a) of the CEQA Guidelines provide that no additional environmental review is required for any residential project undertaken in conformity with an adopted Specific Plan for which an EIR has been certified. If it is determined that a development application is inconsistent with the Specific Plan and/or substantial evidence exists that supports the occurrence of any of the events set forth in section 21166 of the Public Resources Code (“PRC”) and section 15183 of the CEQA Guidelines, a determination will be made as to the appropriate subsequent environmental document. Draft EIR Section 2, Project Description, provided a complete description of the VESP, which was modified in response to comments as reflected in the Final EIR, Section 3.1, Updates to the Project Description, and Section 3.2, Changes to the Draft EIR.

B. PROJECT OBJECTIVES

The objectives of the VESP are to:

1. Prepare a Specific Plan that is consistent with and implements the policy framework of the Chico 2030 General Plan, including direction provided for the Doe Mill/Honey Run SPA.
2. Create a Specific Plan that is both beneficial to the community, and economically viable for development.
3. Create a planned community with a village core to serve as the community’s social, civic and economic hub.
4. Provide housing that responds to demographic shifts, such as the need for senior housing, and replacement housing due to the Camp Fire.
5. Promote healthy, livable and complete neighborhoods by providing community gathering places, parks, schools, open space/greenways, retail areas, shopping areas, employment areas, and pedestrian and bicycle trails.
6. Promote outdoor recreation by creating space and facilities that foster play, exercise, adventure and social interaction.
7. Use open space to preserve and protect sensitive cultural resources and biological resources, including natural drainages.
8. Integrate natural landforms, features and open space corridors with the land use plan and project design.
9. Develop an integrated, multimodal circulation system that accommodates transit, bicycles, pedestrians, and both conventional and electric vehicles.

10. Develop employment opportunities through construction, maintenance and operation of infrastructure, housing, commercial and public uses.

C. PROJECT APPROVALS

Discretionary VESP approvals by the City of Chico are expected to include, but are not necessarily limited to the following:

- Certification of the Valley’s Edge Specific Plan EIR
- Approval of the Mitigation Monitoring and Reporting Program
- Specific Plan Adoption
- Pre-zoning Subsequent Approvals Subsequent projects within the VESP may require one or more of the following additional approvals from the City:
 - Annexation
 - Development Agreement
 - Tentative Subdivision Maps
 - Community Service/Facilities Districts formations
 - Conditional Use Permits

V.

ENVIRONMENTAL REVIEW PROCESS

In accordance with section 15082 of the CEQA Guidelines, the City issued a Notice of Preparation (“NOP”) of an EIR on August 14, 2019 (SCH# 2019089041). This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the scope of the EIR analysis for the proposed VESP.

Pursuant to CEQA Guidelines section 15082(c)(1), the City of Chico held a public scoping meeting for the proposed Project on August 29, 2019. The meeting was duly noticed in the NOP that was posted on the City’s website and directly mailed to public agencies and private parties, as well as in a public notice printed in the Chico Enterprise-Record. The City received a total of 32 letters in response to the NOP. All of the NOP comment letters received are included in Appendix A of the Draft EIR. (Draft EIR at ES-52.)

The EIR includes a discussion of land use and planning issues (Draft EIR at 1-5, 3-1 to 3-30) and an analysis of the following resource issue areas:

- Aesthetics
- Air Quality

- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology, Water Quality, Drainage
- Noise
- Public Services and Recreation
- Public Utilities
- Transportation and Circulation
- Wildfire

The topics of Agriculture and Forestry Resources, Mineral Resources, and Population and Housing are not studied further in the Draft EIR because, as explained in the NOP, impacts in these areas would be less than significant or no impacts would occur.

The City published the Draft EIR on October 29, 2021, for public and agency review. The public review period was 45 days, beginning on November 1, 2021, and ending on December 15, 2021. The City received 52 comment letters from agencies and the public regarding the Draft EIR. On October 17, 2022, the City published a Final EIR for the VESP.

VI.

RECORD OF PROCEEDINGS

The record of proceedings for the decision on the VESP consists of the following documents, at a minimum:

- The Notice of Preparation dated August 14, 2019, and all other public notices issued by the City in conjunction with the VESP;
- Oral testimony received at the August 29, 2019 public scoping meeting;
- All applications for approvals and development entitlements related to the VESP and submitted to the City;
- Comments received on the Notice of Preparation issued by the City;
- The Draft EIR and all appendices to the Draft EIR for the VESP;
- Notices of Completion and of Availability, providing notice that the Draft EIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- All comments and correspondence submitted to the City with respect to the VESP, in addition to timely comments on the Draft EIR;

- The Final EIR for the VESP dated October 2022, including all documents referred to or relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following:
 - All timely comments received on the Draft EIR and responses to those comments;
 - All Technical and Informational Appendices to the EIR;
 - Letters and correspondence submitted to the City following the release of the Final EIR;
 - The Mitigation Monitoring and Reporting Program for the VESP;
- The Notices of Public Hearing issued in connection with Planning Commission and City Council hearings on the VESP.
- All findings and resolutions adopted by the City in connection with the VESP approvals, and all documents cited or referred to therein;
- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City’s compliance with the requirements of CEQA and with respect to the City’s action on the VESP;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR or Final EIR;
- All documents submitted to the City by other public agencies or members of the public in connection with the VESP, up through the close of the public hearing.
- Any documentary or other evidence submitted to the City at any other information sessions, public meeting or public hearing;
- The relevant files of the City of Chico Community Development Department for the VESP;
- The relevant City files and the materials submitted by the project applicant;
- The City of Chico General Plan and Chico Municipal Code;
- Matters of common knowledge to the City including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e).

The official custodian of the record is the Community Development Director of the City of Chico, located at 411 Main Street, Chico, CA 95928.

VII.
FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would

substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).)

The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.”

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, will specify whether the effect in question has been reduced to a less than significant level, or has been substantially lessened but remains significant. Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a).) With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).)

These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the VESP in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the VESP.

VIII.
MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for the VESP and is being approved by the City Council by the same resolution that adopts these findings. The City will use the MMRP to track compliance with adopted mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is a separate document from the EIR.

IX.
FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES

The Draft EIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project may cause. Some of these significant impacts can be reduced to a level of less than significant through the adoption of feasible mitigation measures. Others cannot be reduced to a less-than-significant level and will be significant and unavoidable. For the reasons set forth in Section XI, *infra*, however, the City has determined that overriding economic, social or other considerations outweigh the significant, unavoidable effects of implementation of the VESP.

The City finds that all impacts of implementation of the VESP related to Energy, Hydrology, Water Quality, Drainage, Public Services, and Public Utilities were determined to be less than significant without the need for mitigation.

The City's findings with respect to VESP impacts requiring mitigation within the following topical areas are made below. With the exception of these identified impacts, the City finds that other impacts within these topical areas do not require mitigation and are less than significant. Likewise, unless otherwise specifically identified below, all cumulative impacts within these impact areas were determined to be less than significant.

A. Aesthetics

- 1. Impact 4.1-2:** The Draft EIR found that implementation of the VESP could degrade the existing visual character or quality of public views of the site and its surroundings. Implementation of the VESP would alter the existing undisturbed and undeveloped visual character and public views of the project site. The magnitude of this change would be partially ameliorated through design measures and screening provided by landscaping. Nonetheless, the changes to the project site would be permanent, and views of the project site would no longer be of undeveloped open land. This change would constitute a substantial degradation to the current visual character and quality of the site. Implementation of Mitigation Measure AES-1 would help minimize impacts to visual character and public views of the project site. There are no additional, feasible mitigation measures to reduce the impact to less than significant beyond adherence to the policies and actions contained in the City's General Plan, Chapter 19.52.100 of the City's Municipal Code, and the VESP, as required by Mitigation Measure AES-1. *As such, the residual significance of this impact would be significant and unavoidable.* (Draft EIR at 4.1-31 to 4.1-51.)

Finding Regarding Impact 4.1-2 and Mitigation Measure AES-1: The VESP's impacts to visual character and public views of the project site can be minimized through Mitigation Measure AES-1. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. However, implementation of that mitigation will not reduce those impacts to less than significant.

- 2. Impact 4.1-4:** The Draft EIR found that the VESP's contribution to impacts associated with scenic vistas and visual character/quality of public views, would be cumulatively considerable and would result in a significant cumulative impact associated with scenic vistas, visual quality and visual resources. Consistent with Mitigation Measure AES-1, the proposed Project would be subject to design review, which would help minimize impacts to scenic vistas and quality of public views or visual character. However, this would still be a significant impact due to the Project footprint and the permanent change from undeveloped land to a planned developed environment, and there is no additional, feasible mitigation to reduce the Project's contribution to less than considerable. *As such, the residual significance*

of this impact would be significant and unavoidable. (Draft EIR at 4.1-53 to 4.1-54.)

Finding Regarding Impact 4.1-4 and Mitigation Measure AES-1: The VESP's contribution to cumulative impacts to visual character and public views of the project site can be minimized through Mitigation Measure AES-1. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. However, implementation of that mitigation will not reduce those impacts to less than significant.

B. Air Quality

- 1. Impact 4.2-1:** The project site is under the jurisdiction of the BCAQMD within the SVAB. The SVAB is designated nonattainment for both the national and California ozone standards. Accordingly, the BCAQMD, along with other local air districts in the SVAB, is required to comply with and implement the State Implementation Plan (SIP) to demonstrate when and how the region can attain the national O₃ standards. To address the criterion of whether implementation of the VESP would exceed the BCAQMD significance thresholds for O₃ precursors and potentially delay the timely attainment of the ambient air quality standards or interim emission reductions of the 2018 Plan, an air quality modeling analysis that identified the proposed project's impact on air quality was performed. The VESP would result in long-term operational emissions that would exceed the respective BCAQMD significance thresholds for ROG, NO_x, and PM₁₀ resulting in a significant impact associated with the violation of an air quality standard. Because the proposed Project could increase the frequency or severity of existing air quality violations or cause or contribute to new violations, the Draft EIR found that implementation of the VESP would conflict with or obstruct implementation of the 2018 Plan, and that implementation of Mitigation Measure AQ-1 would reduce impacts to less than significant. (Draft EIR at 4.2-28 to 4.2-29.)

Finding Regarding Impact 4.2-1 and Mitigation Measure AQ-1: Incorporation of Mitigation Measure AQ-1 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

- 2. Impact 4.2-2:** The Draft EIR found that implementation of the VESP would result in emissions that would exceed the BCAQMD thresholds for ROG, NO_x, and PM₁₀ during operation. Notably, since the emission-based thresholds used in this analysis were established to provide project-level estimates of criteria air pollutant quantities that the SVAB can accommodate without affecting the attainment dates for the ambient air quality standards, and since the EPA and CARB have established the ambient air quality standards at levels above which concentrations could be harmful to human health and welfare, with an adequate margin of safety, elevated levels of criteria air pollutants above adopted thresholds as a result of the

proposed Project's operation could cause adverse health effects associated with these pollutants. However, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and there are currently no modeling tools available that could provide reliable and meaningful information regarding health effects from criteria air pollutants generated by individual projects. The Draft EIR found that impacts associated with criteria air pollutant emissions generated during operation of the proposed Project would be reduced to less than significant through incorporation of Mitigation Measures AQ-2 through AQ-5. (Draft EIR at 4.2-29 to 4.2-35; see also Final EIR at 3-37.)

Finding Regarding Impact 4.2-2 and Mitigation Measures AQ-2 through AQ-5: Incorporation of Mitigation Measures AQ-2 through AQ-5 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

3. **Impact 4.2-3:** The Draft EIR found that operations of the VESP would result in exceedances of the BCAQMD significance thresholds for ROG, NO_x, and PM₁₀, and that the potential health impacts associated with these criteria air pollutants would be reduced to less than significant through incorporation of Mitigation Measures AQ-6 and AQ-7. (Draft EIR at 4.2-36 to 4.2-39.)

Finding Regarding Impact 4.2-3 and Mitigation Measures AQ-6 and AQ-7: Incorporation of Mitigation Measures AQ-6 and AQ-7 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

4. **Impact 4.2-4:** The Draft EIR concluded that implementation of the VESP could result in a cumulative impact to air quality and that implementation of Mitigation Measures AQ-2 through AQ-5 would reduce air quality impacts primarily association with ROG, NO_x, and PM₁₀ emissions to a level a level of less than significant.

Finding Regarding Impact 4.2-4 and Mitigation Measures AQ-2 through AQ-5: Incorporation of Mitigation Measures AQ-2 through AQ-5 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

C. Biological Resources

1. **Impact 4.3-1:** The Draft EIR found that implementation of the VESP could potentially adversely impact a candidate, sensitive, or special-status plant species. Mitigation Measures BIO-1 through BIO-7 will require establishment of on-site preserves, the preparation of preconstruction surveys for nesting birds (including Loggerhead Shrike and Yellow Warbler), burrowing owls, Swainson’s Hawk, bats (including Pallid Bat and Western Red Bat), and Western Pond Turtles (off-site utilities only), and avoidance of elderberry shrubs during construction associated with off-site wastewater utility lines. Mitigation Measures BIO-1 through BIO-7 require avoidance and related response procedures and monitoring protocols if candidate, sensitive, or special-status species are found, in coordination with CDFW and/or USFWS. The Draft EIR found that incorporation of Mitigation Measures BIO-1 through BIO-7 would reduce these impacts to less than significant. (Draft EIR at 4.3-49 to 4.3-57; see also Final EIR at 3-37 to 3-47.)

Finding Regarding Impact 4.3-1 and Mitigation Measures BIO-1 through BIO-7: Incorporation of Mitigation Measures BIO-1 through BIO-7 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact’s significant effects on the environment.

2. **Impact 4.3-2:** The Draft EIR found that implementation of the VESP could potentially adversely impact riparian habitat or other sensitive natural communities. Mitigation Measures BIO-8 and BIO-9 require implementation of identified Best Management Practices (“BMPs”) and tree protection measures in addition to those required for compliance with the goals and policies of the City’s General Plan, Municipal Code, and VESP Appendix E (Valley’s Edge Tree Preservation Program). The Draft EIR found that incorporation of Mitigation Measures BIO-8 and BIO-9 would reduce impacts to riparian habitat and other sensitive natural communities to less than significant. (Draft EIR at 4.3-57 to 4.3-60.)

Regarding Impact 4.3-2 and Mitigation Measures BIO-8 and BIO-9: Incorporation of Mitigation Measures BIO-8 and BIO-9 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact’s significant effects on the environment.

3. **Impact 4.3-3:** The Draft EIR found that the implementation of the VESP could potentially impact drainages and wetlands (i.e., aquatic resources). Although the VESP directs development away from biological resources where possible, absolute avoidance of aquatic resources may not be feasible. Mitigation Measure

BIO-10 would ensure protection of aquatic resources during construction and operations and provide compensatory mitigation for lost aquatic resources in compliance with state and federal law. The Draft EIR found that implementation of Mitigation Measure BIO-10 would reduce potential impacts to aquatic resources to less than significant. (Draft EIR at 4.3-61 to 4.3-62.)

Finding Regarding Impact 4.3-3 and Mitigation Measure BIO-10: Incorporation of Mitigation Measure BIO-10 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

4. **Impact 4.3-4:** The Draft EIR found that implementation of the VESP may potentially result in indirect impacts to local wildlife using the project site as nursery habitat (i.e., bat maternity roosts, active bird nests) or as a migratory corridor. Mitigation Measures BIO-2 and BIO-5 would protect active bird nests or bat maternity roosts present during project construction and Mitigation Measure BIO-9 would require protection of trees (which provide nursery habitat) that are avoided by the project. The Draft EIR found that implementation of Mitigation Measures BIO-2, BIO-5, and BIO-9 would ensure potential impacts to native wildlife species, migratory wildlife corridors, or native wildlife nursery sites would be reduced to less than significant.

Finding Regarding Impact 4.3-4 and Mitigation Measures BIO-2, BIO-5, and BIO-9: Incorporation of Mitigation Measures BIO-2, BIO-5, and BIO-9 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

5. **Impact 4.3-5:** The Draft EIR found that implementation of the VESP could contribute to cumulative impacts to special-status plant and wildlife species. The VESP's cumulative contribution would be avoided or substantially lessened to the extent feasible. Large swaths of open space containing sensitive habitat, such as Comanche Creek, seasonal wetlands, woodlands, and riparian corridors, would be retained where possible and development setbacks implemented to reduce the impact to species that occupy or utilize these areas for breeding, foraging, or as movement corridors. Implementation of Mitigation Measures BIO-1 through BIO-10 would avoid or substantially lessen cumulative impacts to biological resources. The Draft EIR found that implementation of Mitigation Measures BIO-1 through BIO-10, combined with the VESP Land Use Plan which reserves over 40% of the project site as natural open space, would reduce the Project's contribution to cumulative impacts to biological resources to less than significant. (Draft EIR at 4.3-64 to 4.3-67.)

Finding Regarding Impact 4.3-5 and Mitigation Measures BIO-1 through BIO-10: Incorporation of Mitigation Measures BIO-1 through BIO-10 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

6. **Impact 4.3-7:** The Draft EIR found that the implementation of the VESP could contribute to a cumulative impact to protected wetlands. Of the 17.43 acres of wetlands and waters on the project site, the VESP would only directly impact approximately 1 acre. Exotic weed encroachment and changes to hydrologic conditions could directly impact wetlands and other waters resulting in a potentially significant contribution to impacts to protected wetlands. Mitigation Measure BIO-10 would avoid or substantially reduce the VESP's contribution to impacts on protected wetlands. The Draft EIR found that implementation of Mitigation Measure BIO-10 would reduce the Project's contribution to cumulative impacts to protected wetlands to less than significant. (Draft EIR at 4.3-67 to 4.3-68.)

Finding Regarding Impact 4.3-7 and Mitigation Measure BIO-10: Incorporation of Mitigation Measure BIO-10 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

D. Cultural and Tribal Cultural Resources

1. **Impact 4.4-2:** The Draft EIR found that implementation of the VESP could cause a substantial adverse change in the significance of an archaeological resource. While known prehistoric archeological resources would be avoided, the presence of such resources in the vicinity suggests that the VESP has an elevated potential to unearth unknown resources resulting in a substantial adverse change in the significance of the resource. In addition, as a result of historical use by ranching activities there is a potential to unearth and adversely affect the significance of unanticipated historic-era archaeological resources. Construction of the off-site infrastructure also would require trenching and excavation that could unearth an unknown archeological resource. No archeological sites were documented within the survey area of the proposed wastewater infrastructure, but seven resources had been documented within the 0.25-mile search radius. Subsurface cultural deposits have the potential to be present where there is little or no surface indications of an archaeological site. No known resources were identified specific to the proposed roundabout; however, there is the potential to damage or disturb a significant undiscovered subsurface archaeological resource during construction of this Project element. Mitigation Measures CUL-1 and CUL-2 require preparation and

implementation of a cultural resources management and unanticipated discovery plan. The Draft EIR found that through implementation of Mitigation Measures CUL-1 and CUL-2, impacts to known and unknown cultural resources would be reduced to less than significant. (Draft EIR at 4.4-18 to 4.4-21.)

Finding Regarding Impact 4.4-2 and Mitigation Measures CUL-1 and CUL-2: Incorporation of Mitigation Measures CUL-1 and CUL-2 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

2. **Impact 4.4-3:** Human remains were not discovered during the site survey and a search of the Native American Heritage Commission ("NAHC") Sacred Land Files did not identify any known onsite resources. However, there is always the possibility that subsurface construction activities associated with implementation of the VESP, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. However, if human remains are discovered, the Draft EIR found the implementation of Mitigation Measure CUL-3 would reduce impacts to a level of less than significant, through avoidance and other measures and contact with the Butte County Coroner and the Native American Heritage Commission, as well as compliance with state law. (Draft EIR at 4.4-21 to 4.4-23.)

Finding Regarding Impact 4.4-3 and Mitigation Measure CUL-3: Incorporation of Mitigation Measure CUL-3 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

3. **Impact 4.4-4:** A review of the NAHC Sacred Lands File was conducted as part of the cultural survey conducted for the project and the search "failed to indicate the presence of Native American cultural resources in the immediate project area" (see Draft EIR, Appendix D). On February 12, 2018, letters were sent to 8 tribes provided by the NAHC that may have knowledge of cultural resources in or near the project area. No responses were received from the contacted parties. Follow up phone calls were made and only the Mechoopda Indian Tribe responded indicating the project's proximity to known ethnographic villages, and to the property's cultural sensitivity. Based on information provided by the Tribe, no known tribal cultural resources ("TCRs") have been identified that would be impacted by implementation of the VESP, although the area is considered to have the potential to contain unanticipated TCRs. Mitigation Measure CUL-4 requires protocols for the inadvertent discovery of TCRs to be integrated within the Management and Discovery Plan required by Mitigation Measure CUL-1. The Draft EIR found that

implementation of Mitigation Measure CUL-4 would reduce the impact associated with unanticipated discovery of a TCR to less than significant. (Draft EIR at 4.4-23.)

Finding Regarding Impact 4.4-4 and Mitigation Measure CUL-4: Incorporation of Mitigation Measure CUL-4 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

4. **Impact 4.4-5:** The Draft EIR found that the implementation of the VESP could have a cumulative impact on historic-era built environment resources, archaeological resources, human remains, and tribal cultural resources. Although unlikely, there is the potential the VESP could adversely affect significant cultural resources, including prehistoric and archaeological resources, TCRs that are unique and non-renewable members of finite classes if discovered during construction. Implementation of Mitigation Measures CUL-1 through CUL-4 would address potential impacts to TCRs, historic, and pre-historic archeological resources, and human remains. Mitigation Measures CUL-1, CUL-2, and CUL-4 require preparation and implementation of a Management and Discovery plan that would serve to guide the identification, evaluation, and management strategies for TCRs, historic-era built environment resources, and archaeological resources. While no known human remains are documented within the project site the inadvertent discovery of human remains shall also be addressed within the Management and Discovery Plan, and regulatory requirements for treatment of human remains are described in Mitigation Measure CUL-3. The Draft EIR found that implementation of Mitigation Measures CUL-1 through CUL-4 would reduce the VESP's potential contribution to cumulative cultural and tribal cultural resources impacts to less than significant. (Draft EIR at 4.4-25 to 4.4-26.)

Finding Regarding Impact 4.4-5 and Mitigation Measures CUL-1 through CUL-4: Incorporation of Mitigation Measures CUL-1 through CUL-4 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

E. Geology and Soils

1. **Impact 4.6-7:** In the event of unanticipated discovery, implementation of the VESP could result in destruction of a paleontological resource or unique geologic feature, and the Draft EIR found incorporation of Mitigation Measure GEO-1 would reduce impacts to less than significant. (Draft EIR at 4.6-18 to 4.6-19.)

Finding Regarding Impact 4.6-7 and Mitigation Measure GEO-1: The incorporation of Mitigation Measure GEO-1 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

2. **Impact 4.6-8:** In the event of unanticipated discovery, implementation of the VESP could result in a cumulative impact related to destruction of a paleontological resource or unique geologic feature, and the Draft EIR found incorporation of Mitigation Measure GEO-1 would reduce impacts to less than significant. (Draft EIR at 4.6-19.)

Finding Regarding Impact 4.6-8 and Mitigation Measure GEO-1: The incorporation of Mitigation Measure GEO-1 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

F. Greenhouse Gases

1. **Impact 4.7-1:** Implementation of the VESP could generate an increase in greenhouse gas ("GHG") emissions which represents a cumulatively considerable contribution to an overall increase in global temperatures. Implementation of the VESP actions and policies would minimize GHG emissions associated with project operations. The emission reductions associated with compliance with these actions have been quantified in CalEEMod software to the extent feasible (e.g., implementation of outdoor and indoor water conservation measures and use of photovoltaics on all residential buildings) and are reflected in the Draft EIR; however, most of the VESP actions are not quantifiable and/or the extent to which some would be applied within the project is unknown. Mitigation Measures GHG-1 and GHG-2 would help reduce operational and construction-related GHG emissions, and these reductions have been quantified to the extent feasible in CalEEMod. Because it is not possible to quantify the GHG-reducing effects of all the VESP's actions the project's forecasted GHG emissions would still exceed the GHG threshold and there are no other feasible mitigation measures to lessen the impact. *As such, the residual significance of this impact would be significant and unavoidable.* (Draft EIR at 4.7-29 to 4.7-31.)

Finding Regarding Impact 4.7-1 and Mitigation Measures GHG-1 and GHG-2: Incorporation of Mitigation Measures GHG-1 and GHG-2 into the VESP will ensure that this impact is minimized to the extent feasible. The City hereby directs that these mitigation measures be required in or incorporated into the VESP.

However, implementation of these mitigation measures will not reduce this impact to less than significant.

2. **Impact 4.7-2:** Implementation of the VESP could conflict with a plan, policy, or regulation to reduce GHG emissions. The City’s Climate Action Plan (“CAP”) Update identifies a variety of GHG reduction measures to help the City progress towards a carbon neutrality goal. Several of the reduction measures would be applicable to the proposed Project. The GHG reduction measures cover areas such as energy, transportation, waste, sequestration, and education outreach. The Draft EIR outlines the GHG reduction measures within the City’s CAP Update, along with an overview of the VESP’s consistency with specific measures to the extent the measures apply to a specific plan. Implementation of Mitigation Measures AQ-2, AQ-3, and GHG-1 would reduce operational-related GHG emissions. However, because most of the VESP actions are not quantifiable and/or the extent to which some would be applied within the project is unknown, the VESP’s forecasted GHG emissions would exceed the applied GHG threshold and there are no feasible mitigation measures available to further reduce the impact. *As such, the residual significance of this impact would be significant and unavoidable.* (Draft EIR at 4.7-31 to 4.7-40.)

Finding Regarding Impact 4.7-1 and Mitigation Measures GHG-1 and GHG-2: Incorporation of Mitigation Measures GHG-1 and GHG-2 into the VESP will ensure that this impact is minimized to the extent feasible. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. However, implementation of these mitigation measures will not reduce this impact to less than significant.

G. Hazards and Hazardous Materials

1. **Impact 4.8-1:** Implementation of the VESP could create a hazard through the routine transport, use, or disposal of hazardous materials, and the Draft EIR found incorporation of Mitigation Measures HAZ-1 would reduce impacts to less than significant. (Draft EIR at 4.8-13 to 4.8-15; see also Final EIR at 3-48.)

Finding Regarding Impact 4.8-1 and Mitigation Measure HAZ-1: Incorporation of Mitigation Measure HAZ-1 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact’s significant effects on the environment.

2. **Impact 4.8-5:** Implementation of the VESP could expose people or structure to loss, injury or death involving wildland fires, and the Draft EIR found incorporation of Mitigation Measures WFIRE-1 and WFIRE-2 would reduce impacts to less than significant. (Draft EIR at 4.8-17 to 4.8-18.)

Finding Regarding Impact 4.8-5 and Mitigation Measures WFIRE-1 and WFIRE-2: Incorporation of Mitigation Measures WFIRE-1 and WFIRE-2 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

H. Noise

1. **Impact 4.10-1:** The Draft EIR found that implementation of the VESP could result in an increase in temporary or permanent ambient noise levels in excess of City standards. Mitigation Measures NOI-1 through NOI-5 would require noise attenuation measures such as limitations on construction hours, equipment specifications, enclosures and noise barriers. The Draft EIR found the implementation of Mitigation Measures NOI-1 through NOI-5 would reduce impacts to less than significant. (Draft EIR at 4.10-21 to 4.10-29; see also Final EIR at 3-50 to 3-51.)

Finding Regarding Impact 4.10-1 and Mitigation Measures NOI-1 through NOI-5: Incorporation of Mitigation Measures NOI-1 through NOI-5 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

2. **Impact 4.10-3:** The Draft EIR found that implementation of the VESP could contribute to an increase in cumulative traffic noise. Mitigation Measure NOI-6 requires the Project developer(s) to construct noise attenuation improvements such as a noise protection wall or "quiet pavement" (e.g., rubberized asphalt, open-graded asphalt, or other quiet pavement technology) prior to completion of 2,222 units, unless a future noise study conducted after completion of 2,000 units demonstrates otherwise, to reduce the Project's contribution to cumulative impacts. The Draft EIR found that implementation of Mitigation Measure NOI-6 would reduce the VESP's contribution to transportation noise to less than significant. (Draft EIR at 4.10-30 to 4.10-31.)

Finding Regarding Impact 4.10-3 and Mitigation Measure NOI-6: Incorporation of Mitigation Measure NOI-6 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

I. Transportation and Circulation

1. **Impact 4.13-6:** The Draft EIR found that implementation of the VESP would generate an average total VMT per service population that is 86% of the average total VMT per service population for the region. Mitigation measure TRAF-2 would reduce average Project-generated VMT per service population by instituting a Transportation Demand Management (“TDM”) program to reduce external vehicle trips generated by the proposed project. Requiring a TDM program to achieve a modest reduction in project VMT is feasible because it is within the purview of future developers to implement one or more VMT-reduction measures that have been shown to be effective in academic studies. Existing evidence indicates that the effectiveness of TDM strategies with regard to vehicle trip reduction can vary based on a variety of factors, including the context of the surrounding built environment (e.g., urban versus suburban and rural) and the aggregated effect of multiple TDM strategies deployed together. Moreover, many TDM strategies are not just site-specific, but also rely on implementation and/or adoption by private entities (e.g., elective use of carpool program by office building tenants) and by residents to use non-automobile modes to travel outside the project site. Therefore, Mitigation Measure TRAF-2 includes development and implementation of a centralized TDM Plan to guide and monitor TDM Strategy implementation. The Draft EIR found that implementation of these or equally effective TDM strategies would reduce project generated VMT to a less-than-significant level. (Draft EIR at 4.13-23 to 4.13-27.)

Finding Regarding Impact 4.13-6 and Mitigation Measure TRAF-2: Incorporation of Mitigation Measure TRAF-2 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact’s significant effects on the environment.

J. Wildfire

1. **Impact 4.14-2:** The Draft EIR found that implementation of the VESP may exacerbate wildfire risk exposing future residents to potential wildfire hazards. The VESP includes standards to address wildfires from five distinct perspectives: land planning, firefighting capabilities, fire resistant materials and building standards, vegetative fuel reduction and management, and emergency preparedness. Development of both commercial and residential uses within the VESP would be required to comply with the firewise policies. This includes fuel management to be inspected annually by the Chico Fire Department (“CFD”) as well as requirements for the Homeowners Association (“HOA”) and individual homeowners to manage and reduce potential fuel sources. The HOA would be responsible for providing information to residents regarding firewise policies and practices, as well as wildfire preparedness. In addition, in the event of a fast-moving wildfire, areas such as the Community Park, Big Meadows Park, and the Elementary School would be designated as a safety zone to shelter-in-place for people unable to evacuate the

site. Despite these provisions, the VESP would develop residential and commercial uses within a Moderate Fire Hazard Zone in a wildland urban interface (“WUI”) Area where fires have occurred in 1999, 2007, and 2018. In addition, homes not directly adjacent to the WUI perimeter would not be designed with the same fire-resistant standards as homes along the WUI perimeter. Given the introduction of these land uses into an undeveloped area that has experienced wildfire there is the potential for the VESP to exacerbate fire risks through an accidental fire resulting in the exposure of future residents to the risk of wildfire hazards. Mitigation Measures WFIRE-1 (construction) and WFIRE-2 (operation) would ensure the proper guidelines are followed during construction and operation to reduce the risk of fire. Modifications to the VESP’s Firewise Guidelines, Standards & Vegetation Management Standards would ensure all feasible steps are taken to minimize the potential for wildfires to expose future residents to hazards. The Draft EIR found that implementation of Mitigation Measures WFIRE-1 and WFIRE-2 would reduce the impact to less than significant. (Draft EIR at 4.14-22 to 4.14-28; see also Final EIR at 3-53.)

Finding Regarding Impact 4.14-2 and Mitigation Measures WFIRE-1 and WFIRE-2: Incorporation of Mitigation Measures WFIRE-1 and WFIRE-2 into the VESP will ensure that these impacts are reduced to less than significant. The City hereby directs that these mitigation measures be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact’s significant effects on the environment.

2. **Impact 4.14-3:** The Draft EIR found that implementation of the VESP may exacerbate fire risk associated with installation and maintenance of project-related infrastructure. The Draft EIR found that implementation of Mitigation Measure WFIRE-1 (construction) would ensure the proper guidelines are followed during construction to reduce the VESP’s impact to less than significant. (Draft EIR at 4.14-28 to 4.14-29.)

Finding Regarding Impact 4.14-3 and Mitigation Measure WFIRE-1: Incorporation of Mitigation Measure WFIRE-1 into the VESP will ensure that this impact is reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact’s significant effects on the environment.

3. **Impact 4.14-4:** The Draft EIR found that implementation of the VESP could expose future residents to hazards associated with post-fire runoff, slope instability, or drainage changes as the site is developed. The VESP’s drainage system would involve a combination of conventional surface and subsurface drainage systems, including underground pipe conveyances, drainage basins, bio-swales, outfalls, existing natural swales, and seasonal creeks. On-site detention features would employ Best Management Practices (“BMPs”) to slow water, filter out

containments, and encourage infiltration and evapotranspiration. While wildfire might damage bio-swales or vegetation in seasonal creeks, the majority of the drainage facilities would be installed underground and would likely not be affected by fire. It is anticipated topographical and developed drainage features would be unaffected under post-fire conditions and would result in a minimum increase in the risk of post-fire flooding and increased runoff. However, in the event of a wildfire as Project build-out is occurring, there could be areas not yet developed where post-fire conditions could result in substantial erosion that could affect developed areas. The Draft EIR found that implementation of Mitigation Measure WFIRE-3 would reduce potential impacts associated with post-fire flooding, runoff, or slope instability through use of erosion control techniques, reseeding grasses, and tree removal, if required. The Draft EIR found that implementation of Mitigation Measure WFIRE-3 would reduce the VESP's impact to less than significant. (Draft EIR at 4.14-29 to 4.14-30; see also Final EIR at 3-54.)

Finding Regarding Impact 4.14-4 and Mitigation Measure WFIRE-3: Incorporation of Mitigation Measure WFIRE-3 into the VESP will ensure that this impact is reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

4. **Impact 4.14-6:** The Draft EIR found that implementation of the VESP could exacerbate wildfire risk to onsite residents resulting in a cumulative contribution. Mitigation Measure WFIRE-2 requires the VESP Firewise Standards be updated to implement and maintain fuel treatment areas along all project roads and any trails proposed for use by fire apparatus or use as fire/fuel breaks, to locate all habitable structures within 150 feet of fire apparatus access roads, and to ensure that building materials and construction methods for all residences and structures over 400 square feet in size within VESP are in compliance with California Fire Code Chapter 49, Section 4905, not just those residences located along the WUI perimeter lots. The Draft EIR found that implementation of Mitigation Measure WFIRE-2 would minimize the potential for wildfire to spread and would reduce the VESP's impact to less than significant. (Draft EIR at 4.14-32 to 4.14-33.)

Finding Regarding Impact 4.14-6 and Mitigation Measure WFIRE-2: Incorporation of Mitigation Measure WFIRE-2 into the VESP will ensure that this impact is reduced to less than significant. The City hereby directs that this mitigation measure be required in or incorporated into the VESP. The City therefore finds that changes or alterations have been required in, or incorporated into the project that substantially lessen or avoid this impact's significant effects on the environment.

X. **PROJECT ALTERNATIVES**

A. ALTERNATIVES ANALYSIS

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives but would avoid or substantially lessen one or more of the project's significant effects. (CEQA Guidelines section 15126.6(a).)

Section 15126.6 of the CEQA Guidelines requires the consideration of a reasonable range of potentially feasible alternatives that could reduce or eliminate any significant adverse environmental effects of the proposed project, including alternatives that may, to some degree, impede the project's objectives.

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." "[I]n the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1).) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project.

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).)

The discussion regarding VESP impacts in Section IX, above, reveals that most significant effects identified in the EIR will be reduced to less than significant through the incorporation of mitigation measures. There remain, however, some effects which cannot be substantially lessened and will remain significant and unavoidable. Specifically, implementation of the VESP would result in two Project-specific and two cumulative impacts that cannot be avoided related to Aesthetics and Greenhouse Gases. Because these impacts cannot feasibly be mitigated to a less-than-significant level, they would remain significant and unavoidable. The remainder of all VESP impacts can be mitigated to a less-than-significant level through adoption of identified mitigation measures. Thus, the City, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to the four identified significant unavoidable VESP impacts. If any alternatives are in fact superior with respect to those impacts, the City is then required to determine whether the alternatives are feasible. If the City determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the Draft EIR, the City may approve the VESP as mitigated, after adopting a Statement of Overriding Considerations.

The Draft EIR discussed several alternatives to the VESP in order to present a reasonable range of options. The alternatives evaluated included:

- (1) No Project/No Development Alternative;
- (2) No Project/2030 General Plan Alternative;
- (3) Increased Commercial Alternative; and
- (4) Increased Open Space and Higher Residential Density Alternative

Significant and Unavoidable Impacts

The significant and unavoidable impacts that would result from VESP implementation are:

- **Impact 4.1-2:** Implementation of the VESP could degrade the existing visual character or quality of public views of the site and its surroundings. Implementation of Mitigation Measure AES-1 would help minimize impacts to visual character and public views of the project site. There are no additional, feasible mitigation measures to reduce the impact to a less-than-significant level beyond adherence to the policies and actions contained in the City's General Plan, Chapter 19.52.100 of the City's Municipal Code, and the VESP, as required by Mitigation Measure AES-1. As such, the residual significance of this impact would be significant and unavoidable.
- **Impact 4.1-4:** The VESP's contribution to impacts associated with scenic vistas and visual character/quality of public views, would be cumulatively considerable and would result in a significant cumulative impact associated with scenic vistas, visual quality and visual resources. Consistent with Mitigation Measure AES-1, the proposed Project would be subject to design review, which would help minimize impacts to scenic vistas and quality of public views or visual character. However, this would still be a significant impact due to the Project footprint and the permanent change from undeveloped land to a planned developed environment, and there is no additional, feasible mitigation to reduce the project's contribution to less than considerable. As such, the residual significance of this impact would be significant and unavoidable.

- **Impact 4.7-1:** Implementation of the VESP could generate an increase in GHG emissions. Mitigation Measures GHG-1 and GHG-2 would help reduce operational and construction-related GHG emissions, and these reductions have been quantified to the extent feasible. However, most of the actions are not quantifiable and/or the extent to which some would be applied within the proposed project is unknown. The VESP’s estimated operational GHG emissions of 3.13 MT CO₂e per capita therefore would exceed the City’s reduction target of 2.76 MT CO₂e per capita per year, such that the VESP’s GHG contribution would be cumulatively considerable. As such, the residual significance of this impact would be significant and unavoidable.
- **Impact 4.7-2:** Implementation of the VESP could conflict with a plan, policy, or regulation to reduce GHG emissions. The City’s CAP Update identifies a variety of GHG reduction measures to help the City progress towards a carbon neutrality goal. Several of the reduction measures would be applicable to the proposed project. The GHG reduction measures cover areas such as energy, transportation, waste, sequestration, and education outreach. Implementation of Mitigation Measures AQ-2, AQ-3, and GHG-1 would reduce operational-related GHG emissions. However, because most of the VESP actions are not quantifiable and/or the extent to which some would be applied within the project is unknown, the VESP’s forecasted GHG emissions would exceed the applied GHG threshold and there are no feasible mitigation measures available to further reduce the impact. As such, the residual significance of this impact would be significant and unavoidable.

The EIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the VESP to determine whether any of the alternatives could meet most or all of the VESP’s objectives, while avoiding or substantially lessening its significant, unavoidable impacts. Four alternatives that could potentially meet the Project objectives were considered as part of the environmental review for the VESP. The following section provides a summary of the alternatives considered.

Summary of Alternatives Considered

The EIR examined a reasonable range of alternatives to the proposed VESP to determine whether any of those alternatives could meet most or all of the Project’s objectives while avoiding or substantially lessening its significant impacts. (Draft EIR at 6-2 to 6-32.) The alternatives in the EIR were selected in relation to their potential to reduce the most significant VESP impacts:

- **Alternative 1 – No Project/No Development Alternative.** This alternative assumes no development would occur and the site would remain under the jurisdiction of Butte County in its current undeveloped condition.
- **Alternative 2 – No Project/2030 General Plan Alternative.** This alternative assumes development would occur consistent with the land use assumptions included in the City’s 2030 General Plan for this site.

- **Alternative 3 – Increased Commercial Alternative.** This Alternative would increase the proportion of commercial land uses developed within the project site and slightly reduce the total number of residential units.
- **Alternative 4 – Increased Open Space and Higher Density Alternative.** This alternative would increase the amount of open space and shift residential land uses to other areas within the project site resulting in an increase in open space and overall project density. The amount of commercial development would not change.

Alternatives Eliminated from Detailed Consideration

An off-site alternative was rejected as infeasible because the Project applicant does not own any other property that would be feasible for this project and cannot “reasonably acquire, control or otherwise have access to [an] alternative site.” (See CEQA Guidelines, § 15126(f)(1).) In addition, the VESP is not unique in that development of a similar project elsewhere would not preclude nor eliminate demand for the development of the VESP on this project site. (Draft EIR at 6-3.)

B. FINDINGS REGARDING ALTERNATIVES ANALYZED IN DETAIL

Alternative 1 – No-Project/No Development

Characteristics

CEQA Guidelines Section 15126.6(e) requires consideration of a “No Project Alternative,” which is intended to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. In cases where the project constitutes a land development project, the No Project Alternative is the “circumstance under which the project does not proceed.” For many projects, the No Project Alternative represents a “No Development” or an “Existing Conditions” scenario, in which the project site remains in its existing condition and no new development occurs for the foreseeable future. However, CEQA Guidelines section 15126.6(e)(3)(B) establishes that “If disapproval of the project under consideration would result in predictable actions by others such as the proposal of some other project, this ‘no project’ consequence should be discussed.” The EIR for the VESP considers both situations. Alternative 1, No Project/No Development assumes no grading or development would occur on the project site and the existing site conditions would remain. The site would remain under the jurisdiction of Butte County and not be annexed into the City. Alternative 2, No Project/2030 General Plan (addressed below), assumes that the project site would be developed as assumed in the City’s 2030 General Plan.

Conclusions

The No Project/No Development Alternative would produce no changes on the project site because the site would remain in its current undeveloped condition, effectively eliminating the VESP’s impacts discussed in the VESP EIR. Under the No Project/No Development Alternative, no demolition, construction, or ground disturbance would occur so there would be no changes to visual conditions, biological resources, ambient noise, or effects to existing resources in the project area. There would be no air emissions or GHG emissions associated with construction and

operation activities, and no new vehicle trips. No new utilities, or services would be needed to serve new residents or land uses. No residents or structures would be affected by any potential hazards including wildfires, or other natural disasters. All impacts that would occur from implementation of the VESP would be avoided under this Alternative. (Draft EIR at 6-4, 6-32.)

The No Project/No Development Alternative would preserve open space areas and natural landforms but would otherwise fail to achieve the project objectives such as creating a specific plan that is beneficial to the community and economically viable, providing housing to the area and new employment opportunities through commercial uses.

Based on these considerations, the City finds that the No Project/No Development Alternative is less desirable than implementation of the VESP and is infeasible and, therefore, rejects this alternative.

Alternative 2 – No Project/2030 General Plan

Characteristics

The project site is currently located within Butte County and is zoned AG-20/SP. The County's General Plan designates this site as a planned growth area for which a specific plan would be required to be prepared. This area is also within the City's Sphere of Influence (SOI) and identified in the City's 2030 General Plan as a Special Planning Area 5 (SPA-5) or the Doe Mill/Honey Run SPA. The City has assigned a conceptual mix of land uses to this site, as shown in Figure 6-1. Consistent with CEQA Guidelines Section 15126.6(e)(3)(A), the No Project/2030 General Plan Alternative assumes the site would be annexed to the City and a specific plan prepared. Under this Alternative future development in the Specific Plan area would be consistent with the SPA-5 land use assumptions, which include a mix of residential and commercial uses, per the City's 2030 General Plan. Similar to the proposed Project, the future development would include a village core, retail along Skyway, a variety of residential densities, open space areas on the eastern side, parks, a potential elementary school, and preserve areas with creekside corridors. However, the No Project/2030 General Plan Alternative would allow for the development of fewer dwelling units as compared to the proposed Project (2,095 units compared to 2,777 units) and less non-residential or commercial uses (374,247 square feet [sf] compared to 447,155 sf) and does not specifically identify age-restricted housing units.

Conclusions

Under the No Project/2030 General Plan Alternative, development in the project area would occur consistent with the SPA-5 land use assumptions which would be less intense than the VESP. Development of the VESP would alter the visual character of the area by building on approximately 60% of the site's 1,400-acres of undeveloped land. While Alternative 2 would develop a smaller area or 'footprint' of the project site, the visual character would still be permanently changed from its existing undisturbed and undeveloped condition. Development would primarily occur in the western portion of the project site, with new residential and commercial uses adjacent to Skyway and along the western project boundary where public views of the site are most available. New buildings would be introduced into an area that is undeveloped, which would change the existing undeveloped visual character. As shown in Figure 6-1 of the

Draft EIR, the conceptual land use plan for SPA-5 assumes no development within the eastern portion of the project site or south of Comanche Creek and proposes a large open space buffer and less overall density than the VESP. It is anticipated changes in visual character and quality of public views under project-specific and cumulative conditions would continue to be significant and unavoidable, the same as the VESP, even assuming compliance with Mitigation Measure AES-1. Overall, because there would be less of the site developed, impacts would be less severe than with implementation of the VESP. (Draft EIR at 6-5 to 6-13, 6-32.)

Due to less development of residential and commercial uses and fewer residents/visitors to the site, the No Project/2030 General Plan Alternative would result in a reduction in the amount of GHG emissions associated with construction and operation activities. The VESP would generate emissions of approximately 24,071 metric tons (MT) of carbon dioxide equivalent (CO₂e) per year which exceeds the screening threshold of 900 MT CO₂e per year. Compared to the VESP, the No Project/2030 General Plan Alternative would allow for development of 682 fewer dwelling units and 72,908 sf less of commercial development. However, with the introduction of 2,095 new dwelling units and 374,247 sf of non-residential uses to an undeveloped site, Alternative 3 would still introduce a considerable amount of GHG-generating uses that would exceed the screening threshold. As such, GHG impacts would be less than the VESP but still significant and unavoidable, even with implementation of Mitigation Measures GHG-1 and GHG-2. (Draft EIR at 6-9.)

The No Project/2030 General Plan Alternative would fully achieve the Project objective of a Specific Plan that is consistent with the direction provided for in the Doe Mill/Honey Run SPA/SPA-5. This alternative would be generally similar to the VESP as a planned, “complete” community with a variety of land uses such as residential, commercial, parks, open space, and a school. Alternative 2 would have a greater achievement of providing open space to protect sensitive resources and integrate natural landforms with the land use plan. However, a reduction in the total amount of housing and commercial uses would not achieve the intent of the Project objectives to provide housing and develop employment opportunities to the extent that the VESP would. In addition, Alternative 2 does not specify any age-restricted housing options would be provided so it would not meet this objective.

Based on these considerations, the City finds that the No Project/2030 General Plan Alternative is less desirable than implementation of the VESP and is infeasible and, therefore, rejects this alternative.

Alternative 3 – Increased Commercial

Characteristics

Alternative 3 would address VMT and related issues, including air quality and GHG by providing more opportunities for residents to shop and obtain services closer to home and maintaining a majority of residential units. This Alternative would also include preparation of a Specific Plan but would increase the proportion of commercial land uses developed within the area in comparison to the VESP and would slightly reduce the total number of residential units. Age-restricted housing would be included under the Increased Commercial Alternative.

Conclusions

Development of Alternative 3 would primarily occur at the western side of the project site where public views of the site are most available. The planning areas that would be changed from residential to commercial land uses under the Increased Commercial Alternative were selected based on their proximity to the other commercial planning areas. This alternative would increase commercial development at these areas and result in a greater change to public views compared to the VESP. While there would be a loss of 136 units compared to implementation of the VESP, this visual benefit would not be substantial because residential uses would be more concentrated in central and northern parts of the project area that already contain limited public views. Impacts would continue to be significant and unavoidable, the same as the VESP, even with review and approval of site and architectural plans under Mitigation Measure AES-1. However, the increase in commercial square footage and development in the western portion of the project site would result in slightly more severe impacts to visual character and quality of scenic views as compared to implementation of the VESP. (Draft EIR at 6-23, 6-32.)

The increased accessibility of commercial uses for new residents would also result in a reduction in the amount of GHG emissions generated as compared to the VESP. The VESP would exceed the screening threshold by approximately 23,171 MT CO₂e per year. With the introduction of 2,641 new dwelling units and 695,417 sf of commercial space to an undeveloped site, the Increased Commercial Alternative would still introduce a considerable amount of GHG-generating uses to the site that would exceed the screening threshold. Nonetheless, the addition of more commercial land uses in close proximity to residential land uses would increase the opportunity for residents to shop in the project area rather than drive farther distances to outside stores and commercial areas. The reduction in mobile emissions compared to the VESP would contribute to lower GHG impacts from vehicular travel. Alternative 3 would also be required to comply with Mitigation Measures GHG-1 and GHG-2 in order to further reduce GHG impacts. However, it is anticipated GHG impacts would remain significant and unavoidable, the same as with implementation of the VESP. (Draft EIR at 6-22 to 6-23, 6-32.)

Alternative 3 would develop more employment opportunities through the increase in commercial uses but would provide approximately 5% less housing in response to demographic shifts. Alternative 3 would still include a variety of other uses such as parks, pedestrian and bicycle areas, open space and greenways, a school site, and an integrated circulation system which would promote a complete neighborhood and be consistent with the vision included in the 2030 General Plan and the project objectives. Parks would promote outdoor recreation and open space would be used to preserve sensitive resources, consistent with the objectives. Development under Alternative 3 would be sensitive to natural landforms and terrain consistent with the objectives. Housing diversity would be the same as the VESP since it is assumed that Alternative 3 would include the same number of senior housing units. The Increased Commercial Alternative would achieve all the project objectives, but some objectives would be achieved to a lesser extent than the VESP. In addition, Alternative 3 is not environmentally superior to implementation of the VESP because all of the impacts under the VESP, with the exception of significant and unavoidable Aesthetics and Greenhouse Gas impacts, would be less than significant or would be reduced to a less-than-significant level with implementation of mitigation measures. Selection of Alternative 3 would increase the severity of the Aesthetics impacts. Selection of Alternative 3

would reduce the severity of the Greenhouse Gas impacts but would not be capable of avoiding or substantially reducing these impacts such that they would be less than significant.

Based on these considerations, the City finds that the Increased Commercial Alternative is less desirable than implementation of the VESP and is infeasible and, therefore, rejects this alternative.

Alternative 4 – Increased Open Space and Higher Residential Density

Characteristics

Alternative 4 is primarily designed to address aesthetics, biological resources, and wildfire impacts by moving residential land uses proposed in the southeastern area of the site to other areas, thereby increasing the open space buffer and preventing resources in those areas to be impacted from construction and operation. This alternative would also eliminate development within areas that contain steeper slopes, which would reduce grading and potential soil erosion impacts, and would increase residential density which would result in lower VMT and VMT-related (air quality, GHG) impacts.

Conclusions

Under Alternative 4, the amount of undeveloped land converted to a developed environment would be reduced as compared to the VESP. The elimination of all very low density residential (“VLDR”) residential uses in the southeastern portion of the plan area would create a larger open space buffer along Skyway and Honey Run Road and would result in a better-defined urban edge to the central portion of the plan area. The shifting of residential units from the southern portion of the plan area would result in more condensed residential development to the north and a reduction in the overall development footprint. As such, this alternative would result in a reduction in impacts to existing views of the site as compared to the VESP and would help to reduce impacts to important visual resources such as mature trees and rock outcroppings. Nonetheless, development would be introduced into an area that is presently undeveloped, which would change the visual character scenic views of the area resulting in significant and unavoidable impacts, the same as with implementation of the VESP. (Draft EIR at 6-28 to 6-29, 6-32.)

Alternative 4 would be expected to result in a reduction in air emissions associated with Project operation. The shifting of residential units from the southern portion of the plan area would result in more condensed residential development to the north, closer to commercial areas and the rest of the City, and a reduced development footprint. This alternative would result in a slight reduction in mobile GHG emissions as compared to the VESP due to less travel distance required for residents to visit commercial areas and the rest of the City, which would help to reduce the severity of the GHG impact. This Alternative would also comply with Mitigation Measures GHG-1 and GHG-2 in order to further reduce GHG impacts. Because of the introduction of new development to the area, however, GHG impacts would not be reduced to less-than-significant with mitigation and would remain significant and unavoidable, the same as with implementation of the VESP. (Draft EIR at 6-29, 6-32.)

Alternative 4 would essentially achieve all of the Project objectives. Alternative 4 would provide the same amount of residential and non-residential uses as the VESP and would therefore achieve

those Project objectives to the same extent. Alternative 4 would increase the open space area and therefore achieve the objective of using open space to preserve and protect resources to a greater extent than the VESP. Housing diversity would be the same as the proposed Project since it is assumed that this alternative would include the same number of senior housing units. Alternative 4 is not materially superior to implementation of the VESP from an environmental perspective, however, because all of the impacts under the VESP, with the exception of significant and unavoidable Aesthetics and Greenhouse Gas impacts, would be less than significant or would be reduced to a less-than-significant level with implementation of mitigation measures. The environmental benefits of implementation of Alternative 4 are insubstantial and would only slightly reduce the potential for impacts in half of the resource areas evaluated. In addition, selection of Alternative 4 would reduce the severity of the Aesthetics and Greenhouse Gas impacts but would not be capable of avoiding or substantially reducing these impacts such that they would be less than significant.

Based on these considerations, the City finds that the Increased Open Space and Higher Residential Density Alternative is less desirable than implementation of the VESP and is infeasible and, therefore, rejects this alternative.

XI.

STATEMENT OF OVERRIDING CONSIDERATIONS

“CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d).)

To reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment, an agency must prepare a statement of overriding considerations.” (CEQA Guidelines, §§ 15021, subd. (d), 15093.)

A statement of overriding considerations must set forth the specific reasons why the agency found that the project’s “specific economic, legal, social, technological, or other benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, subd. (a), 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).)

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

As set forth above, the approval of the VESP will result in significant adverse environmental effects in relation to Aesthetics and Greenhouse Gases that cannot be avoided even with the adoption of all feasible mitigation measures.

B. FINDING OF OVERRIDING CONSIDERATIONS

The following statement identifies the reasons why, in the City’s judgment, the benefits of the VESP outweigh its unavoidable significant impacts.

The City finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. The substantial evidence supporting the various benefits can be found in the documents identified for inclusion in the Record of Proceedings.

The City has considered the EIR, the public Record of Proceedings on the proposed Project and other written materials presented to and prepared by the City, as well as verbal and written testimony received, and hereby determines that implementation of the Project would result in the following substantial public benefits:

1. The VESP provides for a variety of housing that will help Chico meet its long-term housing needs. The VESP will provide for up to 2,777 new housing units projected over the next 20-plus years, which is in great need due Chico's low vacancy rate and higher than normal persons per housing unit following the Camp Fire in 2018. A 2020 post-Camp Fire study from the Butte County Association of Governments (BCAG) indicates that Chico is expected to need almost 12,000 units from 2020 to 2040, which is approximately 50 percent more than the previous forecasted for that time period by BCAG's medium build-out scenario (Post Camp Fire Regional Growth Forecasts Memorandum, BCAG, 1/21/2021). The VESP establishes a variety of residential Land Use Designations across the 1,448-acre growth area, including Very Low Density Residential (25.6 acres), Low Density Residential (465 acres), Medium Density Residential (100 acres), and Medium-High Density Residential (9 acres), with additional potential for residential development in the Village Core (12.6 acres) and Village Commercial (43.7 acres) designations. The Medium Density Residential (which permits 6 to 14 units per acre, or up to 20 units per acre for "cottage developments"), Medium-High Density Residential (which permits 14.1 to 22 units per acre), and Village Core and Village Commercial (which each permit up to 35 units per acre) are suitable for development with multi-family residential units. This diverse composition of residential designations will accommodate a variety of housing types at various densities and price points to help meet the City's long-term housing needs; and
2. The VESP will provide a new community park site. The VESP includes a new 36-acre community park to be developed and operated by the Chico Area Recreation District (CARD). Adding a community park to Southeast Chico will provide a missing element in this fast-growing portion of the city which is currently underserved with community park lands as documented in the Draft EIR for the Project (page 4.11-8). The VESP also includes neighborhood parks and other usable open space for the Project's residents, ensuring that a variety of recreational opportunities will exist in addition to the new community park in the future; and
3. The VESP will enable development that will positively contribute to the local economy by creating jobs. The number of additional jobs realized from the VESP will depend upon the actual end-users of the commercial lots. Within the

56-acre commercial area of the project approximately 447,000 square feet of commercial space is anticipated. Using a standard commercial employment rate estimate of 1 employee per 500 square feet, commercial development within the VESP is estimated to provide for approximately 894 new jobs. New employment opportunities would include full-time and part-time positions. The California Employment Development Department estimated that there were 3,500 unemployed persons in Butte County as of September 2022. Of this figure, an estimated 1,600 unemployed persons are in Chico. In addition, development of the VESP site will create construction-related jobs over the Project's build-out period, which is estimated to be at least twenty years; and

4. The VESP will provide an actively managed Wildland Urban Interface (WUI), minimizing the exposure of existing and future residents to wildland fire risks. The VESP includes various requirements that will both reduce the likelihood that a wildfire would impact the Project and reduce the likelihood of a fire occurring within the Project and spreading to surrounding areas. The first of its kind for development projects in the City of Chico, the *Firewise Guidelines, Standards and Vegetation Management Requirements* contained in Section 4.5 of the VESP addresses wildfire hazards from five distinct perspectives: Land Planning, Fire Fighting Capability, Fire Resistant Materials and Building Standards, Fuel Reduction Management, and Emergency Preparedness. The Draft EIR strengthened these standards and guidelines with mitigation to further enhance wildfire prevention efforts at the construction and operational stages. Including coherent land use planning and hazard mitigation strategies have been shown as effective long-term solutions for minimizing wildfire risk, resulting in communities that are resistant to natural disasters, recover quickly and last for many years (Final EIR, page 4-6). Developing the VESP area as a firewise community will enhance safety for existing and future Chico residents; and
5. The VESP will generate additional property tax revenue upon its development and retail sales tax revenue through the consumption of materials and supplies locally, as future development creates new subdivision lots and structures with substantially increased assessed valuations and additional taxable sales will be generated by the new retail uses and by new residents; and
6. The VESP will help implement the City's 2030 General Plan. The VESP is the first of the General Plan's five Special Planning Areas to be approved for development since General Plan adoption in 2011. City land use decisions have successfully implemented General Plan policies supporting infill development over a decade, and the timing is now appropriate to plan for an orderly expansion into the first Special Planning Area (SPA) to accommodate the long-term growth plans for the City. Specifically, the VESP "*will result in a recreation oriented, mixed-use development offering a broad range of housing types and densities. The SPA will include a Village Core, retail along Skyway, a variety of residential densities (including very low, low, medium, and medium-high density), open space areas on the SPA's east side, a community park, neighborhood and pocket parks, public uses (potentially an elementary school site), and preserve areas*

with creekside corridors. Roadways, trails, and bikeways will be integrated into the natural landscape to connect the residential areas to parks, open space, offices, public facilities, and services” as described in the General Plan’s written description for future planning of the Doe Mill-Honey Run SPA. Implementing the General Plan will help pursue Chico’s 2030 Vision, as established following extensive community-wide outreach efforts and citizen involvement to derive the policy framework which emphasizes both infill development and thoughtful growth into defined and described Special Planning Areas.

After weighing the economic, legal, social, technological, and other benefits of the VESP against the significant unavoidable impacts of the VESP identified in the EIR, the City hereby determines that those benefits outweigh the risks and adverse environmental impacts of the VESP, and further determines that the VESP’s significant unavoidable impacts are acceptable.

Accordingly, the City adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the VESP. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact Report and herein; (ii) rejected alternatives to the VESP, as discussed in the Environmental Impact Report and herein; and (iii) recognized the significant unavoidable impacts of the VESP, the City hereby finds that the benefits of the proposed Project, as stated herein, are determined to be overriding considerations that warrant approval of the VESP and outweigh and override its significant unavoidable Aesthetic and Greenhouse Gas impacts, and thereby justify the approval of the Valley’s Edge Specific Plan project.

Valley's Edge Specific Plan Mitigation Monitoring and Reporting Program

Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that, whenever a public agency approves a project based on a Mitigated Negative Declaration or an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

The mitigation monitoring and reporting program (MMRP) contained herein is intended to satisfy this requirement of the CEQA Guidelines as it relates to the Valley's Edge Specific Plan Project (project). This MMRP is intended to be used by City of Chico (City) staff to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the Draft EIR prepared for the proposed project.

The Draft EIR for the proposed project presents a detailed set of mitigation measures required for implementation. As noted above, the intent of the MMRP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMRP will also provide for monitoring of construction activities, as necessary, and in the field identification and resolution of environmental concerns.

Mitigation Monitoring and Reporting Program Description

Compliance

As the CEQA lead agency, the City will coordinate review, monitor, and document the implementation of all Draft EIR mitigation measures. The list below identifies the mitigation measures, the triggering event(s) for verifying compliance (e.g., prior to issuance of building permits), the responsible City department for verifying compliance with the measure, the action(s) that will be undertaken by the responsible department to verify compliance and, where applicable, how compliance with the measure will be implemented over time. The MMRP is mostly implemented by the Planning Division of the Community Development Department, through coordination with the Building Division (permits and inspections), Code Enforcement Division (operations), and the Public Works Engineering Department (subdivisions and other engineered improvements).

Field Monitoring of Mitigation Measures

City Planning staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project design phase. Planning staff will coordinate with the developer and consult with other agencies or experts as needed, or as specified in this MMRP, before approving construction plans.

Mitigation monitoring by the Community Development Department means that Planning is responsible for the initial verification of compliance with the measure and follow-up is shared by the Planning and Building and Code Enforcement Divisions. Building inspectors ensure compliance with approved building plans during the construction process, and Code Enforcement officers respond to and resolve operational violations following construction. When other departments or outside consultants are necessary to achieve compliance with a given measure (Fire Department, Biologist, etc.), it is the developer's responsibility to coordinate those efforts

and the responsibility of the Community Development Director or designee to verify and enforce compliance with the measure as documented by the developer and accepted by the Director. The Planning Division works with all of the entities above and conducts periodic site visits. Mitigation monitoring for the offsite utilities, would be conducted by the Public Works Engineering Department as part of a capital improvement project.

If compliance with any of the mitigation measures is not being met, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; and/or (6) forfeiture of security bonds or other guarantees.

Changes to Mitigation Measures

Any substantive change in the monitoring plan made by the project applicant or construction contractors shall be reported in writing to City. Modifications to the mitigation may be made by staff subject to one of the following findings, documented by evidence included in the record:

- a. The mitigation measure included in the Final EIR and MMRP is no longer required because the significant environmental impact identified in the Final EIR has been found not to exist or to occur at a level that makes the impact less than significant as a result of changes in the project, changes in conditions of the environment or other factors.

Or

- b. A modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation included in the Final EIR and the MMRP; and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the lead agency on the Final EIR and the proposed project; and the modified or substitute mitigation measures are feasible, and the City through measures included in the MMRP or other procedures can ensure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

VESP Mitigation Measures and Mitigation Monitoring

Aesthetics

AES-1: Future residential and commercial development would be reviewed pursuant to Chapter 19.18 of the Chico Municipal Code. Review and approval of any site plans and architectural designs would be required prior to the issuance of a building permit by the project's Design Review Committee, City Planning staff, and the City's Architectural Review and Historic Preservation Board (if required), unless the proposed development is exempt from design review under Title 19.

Mitigation Monitoring: Prior to issuance of building permit(s) Community Development Department staff shall ensure that the design review(s) required by this mitigation have been completed and that the subject building permit plans are consistent with the approved design.

Air Quality

AQ-1: Implement Mitigation Measures AQ-2 through AQ-5, which would reduce operational-related energy consumption and mobile air quality emissions.

Mitigation Monitoring: See Mitigation Measures AQ-2 through AQ-5

AQ-2: Idling Restriction. For commercial land uses that include truck idling, idling for periods of greater than five (5) minutes shall be prohibited. Signage shall be posted at truck parking spots, entrances, and truck bays advising that idling time shall not exceed five (5) minutes per idling location. To the extent feasible, the tenant shall restrict idling emission from trucks by using auxiliary power units and electrification. Electrical power connections shall be installed at loading ~~ducks~~ docks so that TRUs (Transport Refrigerated Units) can be plugged in when stationary.

Mitigation Monitoring: Prior to issuance of a certificate of occupancy for each commercial building with a loading dock Community Development Department staff shall verify that the loading dock is equipped with auxiliary power and electrification, and that signage has been installed to inform truck drivers of idling restrictions.

AQ-3: Energy Conservation. The City shall ensure the following energy conservation measures are incorporated into all proposed building plans, as applicable:

- (a) Install Energy Star rated heating, cooling, lighting, and appliances.
- (b) Outdoor lighting shall be light emitting diodes (LED) or other high-efficiency lightbulbs.
- (c) Provide information to future residents through handouts to be provided upon occupancy on energy efficiency, energy efficient lighting and lighting control systems, energy management, and existing energy incentive programs.
- (d) Non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a 3-year solar reflective index (SRI) of 64 for a low-sloped roof and 32 for a high-sloped roof.
- (e) Outdoor pavement, such as walkways and patios, shall include paving materials with 3-year SRI of 0.28 or initial SRI of 0.33.
- (f) Residential homes shall include a modest cool roof, defined as Cool Roof Rating Council (CRRC) Rated 0.15 aged solar reflectance and 0.75 thermal emittance.

- (g) Use of Heating, Ventilation and Air Conditioning (HVAC) equipment with a Seasonal Energy Efficiency Ratio (SEER) of 12 or higher.
- (h) Installation of water heaters with an energy factor of 0.92 or higher.
- (i) Maximize the use of natural lighting and include daylighting (e.g., skylights, windows) in rooms with exterior walls that would normally be occupied.
- (j) Include high-efficacy artificial lighting in at least 50% of unit fixtures.
- (k) Install low-NO_x water heaters and space heaters, solar water heaters, or tank-less water heaters.
- (l) Residential homes shall be equipped with outdoor electric outlets in the front and rear of the structure to facilitate use of electrical lawn and garden equipment.

Mitigation Monitoring: Prior to issuance of building permit(s) for residential and commercial buildings Community Development Department staff shall ensure energy conservation measures are incorporated into building plans.

AQ-4: Purchase Offsets. Prior to the City's approval of a final map for a project phase which would result in project-wide emissions exceeding 25 lbs./day of ROG or 25 lbs./day of NO_x or 80 lbs./day of PM₁₀, the project developer shall participate in an Offsite Mitigation Program, based on the Butte County Air Quality Management District (BCAPCD) CEQA Handbook, by paying the equivalent amount of money, which is equal to the contribution of pollutants (ROG, NO_x, and PM) for that final map phase which exceeds the BCAQMD thresholds of significance. Final details are to be approved by the BCAQMD and City for calculating the payments to the Off-site Mitigation Program.

Mitigation Monitoring: Prior to the approval of each final map Community Development Department staff shall confirm that the developer has participated in an Offsite Mitigation Program through the BCAQMD, such as the Carl Moyer Program, and shall verify that the tonnage of criteria pollutant emissions reduced through the developer's participation in the program equals or exceeds the amount of emissions above the thresholds listed in the mitigation measure for the development associated with the final map being requested.

AQ-5: Implement the Transportation Demand Management program included in Mitigation Measure TRAF-2.

Mitigation Monitoring: See Mitigation Measure TRAF-2

AQ-6: Construction Equipment Emissions Reductions. The following measures shall be incorporated into the proposed project to reduce construction criteria air pollutant emissions, including ROG, NO_x, PM₁₀, and PM_{2.5}, generated by construction equipment used for future development projects implemented under the proposed VESP:

- (a) For off-road equipment with engines rated at 75 horsepower or greater, no construction equipment shall be used that is less than Tier 4 Interim. An exemption from these requirements may be granted by the City in the event that the project developer documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved

- from other construction equipment.¹ Before an exemption may be considered by the City, the project developer shall be required to demonstrate that two construction fleet owners/operators in the Sacramento Valley Region were contacted and that those owners/operators confirmed Tier 4 Interim or better equipment could not be located within the Sacramento Valley Region.
- (b) Minimize simultaneous operation of multiple construction equipment units. During construction, vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
 - (c) Properly tune and maintain all construction equipment in accordance with manufacturer's specifications.
 - (d) Where feasible, employ the use of electrical or natural gas-powered construction equipment, including forklifts and other comparable equipment types.
 - (e) To reduce the need for electric generators and other fuel-powered equipment, provide on-site electrical hookups for the use of hand tools such as saws, drills, and compressors used for building construction.

Mitigation Monitoring: Prior to approval of grading plans or building permits Community Development Department staff shall ensure construction equipment emissions reduction measures are incorporated on the grading plans or building plans for all development within the project. City staff shall periodically verify compliance during field visits or in response to citizen complaints.

AQ-7: Health Risk Assessment Requirements. Consistent with the California Air Resources Board's recommendations on siting new sensitive land uses, a formal health risk assessment shall be required if future uses include a large gas station, dry cleaner, or any other types of uses that could create TACs. Preparation of a health risk assessment by the project applicant may be required by the City under the following conditions:

- (a) Gasoline Dispensing Facilities. For any large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater) within 300 feet of a sensitive receptor. For any typical gas dispensing facility (with a throughput of less than 3.6 million gallons per year) within 50 feet of a sensitive receptor.
- (b) Dry Cleaners Using Perchloroethylene. For any dry cleaning operation within 300 feet of a sensitive receptor. For operations with three or more machines, consult with the Butte County Air Quality Management District for when a health risk assessment shall be prepared as the distance to the closest sensitive receptor may be less than 300 feet.
- (c) Other Sources of Toxic Air Contaminants. For other sources of TACs, the City shall evaluate the need to prepare a health risk assessment based on the types of TACs and the distance to sensitive receptors.

Mitigation Monitoring: Community Development Department staff shall ensure that the requisite Health Risk Assessment is conducted, consistent with the California Air Resources Board's recommendations, prior to building permit issuance if future uses include a large gas station, dry cleaner or other types that generate potentially significant TACs in close proximity to residential uses.

¹ For example, if a Tier 4 Interim piece of equipment is not reasonably available at the time of construction and a lower tier equipment is used instead (e.g., Tier 3), another piece of equipment could be upgraded from a Tier 4 Interim to a higher tier (i.e., Tier 4 Final) or replaced with an alternative-fueled (not diesel-fueled) equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Interim standards.

Biological Resources

BIO-1: On-Site Preserves. The developer shall prepare an Operations Management Plan-Habitat Mitigation and Monitoring Plan, record easements, establish funding, and complete other requirements, as necessary, to establish the two Butte County meadowfoam preserves and the other preserve on the VESP project site in compliance with all applicable state and federal resource agency permits prior to City issuance of grading permits. The Butte County meadowfoam and woolly meadowfoam occurrences preserves as well as preserved vernal pool wetlands shall be separated from any development by a minimum of 250 feet unless site-specific hydrological analysis accepted by the U.S. Fish and Wildlife Service (USFWS) and/or the City in consultation with CDFW (if no USFWS consultation is required) demonstrates that a reduced or increased separation would ~~still~~ prevent ~~direct or~~ indirect effects to Butte County meadowfoam and preserved vernal pools within the preserve. The VESP Habitat Mitigation and Monitoring Plan shall be approved by the USFWS and/or the City in consultation with California Department of Fish and Wildlife (if no USFWS consultation is required) and include at a minimum: (a) monitoring of general conditions within the preserves including documentation of vegetation community, vegetative cover, evidence of public access impacts, and the presence of any erosion or sedimentation or other conditions that may be detrimental to the long-term viability of BCM populations; (b) monitoring methods and frequencies (annual at a minimum) to detect changes in Butte County Meadowfoam and allow for adaptive management; (c) use of nearby preserves (e.g., Stonegate, Doe Mill-Schmidbauer Meadowfoam Preserve) as annual reference sites to determine the condition of the onsite BCM populations; (d) management techniques to be used on the preserves and triggers for management actions; and (e) a funding strategy such as a non-wasting endowment or property assessment to ensure that prescribed monitoring and management would be implemented in perpetuity to ensure efficacy of the preserves. Management methods shall include controls on introduction and spread of invasive plant species, and requirements for fencing to control public access and pet entry into preserves. Monitoring and management of the preserves shall ensure no net loss of meadowfoam extent averaged over a five-year period, to account for interannual variation and climatic variation. If meadowfoam extent is shown to have decreased on average over a five-year period, remedial measures shall be implemented including but not limited to seed collection and planting, transplanting from other established populations with agency approval, increased invasive plant management, restoration of impacted hydrology, or other measures to restore population extent. No development shall be approved by the City within 500 feet of the avoidance area until the preserves are established.

Mitigation Monitoring: Prior to approval of grading plans or building permits, and as applicable during phased build out and operations, Community Development Department staff shall verify that the developer has (1) obtained all required federal and state resource agency permits, (2) prepared an Operations Management Plan (OMP) approved by USFWS or CDFW, and (3) implemented the applicable pre-construction elements of the OMP that are intended to precede or be in place during construction activities. Compliance with ongoing elements of the OMP shall be verified periodically during field visits by Community Development Department staff.

BIO-2: Nesting Bird Surveys (including and not limited to White-Tailed Kite, Northern Harrier, Loggerhead Shrike, and Yellow Warbler). Nesting bird surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, on-site and for off-site infrastructure, including site clearing and tree removal and tree removal for installation of required

off-site utilities. (Note: BIO-2 is consistent with AMM2, 3, 5, and 8 in the BRCP (Butte County 2019)). Preconstruction surveys for these species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

- (a) A qualified biologist shall conduct a preconstruction survey for nesting birds no more than seven approximately two days prior to vegetation or tree removal or ground-disturbing activities during the nesting season (~~March~~ February through August). The survey shall cover the limits of construction and suitable nesting habitat within 500 feet for raptors and 100 feet for other nesting birds, as feasible.
- (b) If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The standard buffer distance will shall be 250 feet for passerines and 500 feet for raptors. typically range from 50 to 300 feet, and Buffer distances may be increased or reduced from these standard distances shall be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule as determined by the qualified biologist. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. If construction continues within three times the buffer distance provided to an active nest the qualified biologist shall be hired by the developer to regularly monitor the nest (minimum frequency of weekly) and shall have stop work authority if construction activities are having an adverse impact on the nest. CDFW shall be consulted if active nests are observed during the pre-construction phase.
- (c) If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than 7 days elapse between the survey and vegetation removal activities. It is recommended that disturbing potential nesting habitat (i.e., trimming and/or vegetation removal) be performed outside of the nesting season (September through February) to avoid impacts to nesting birds.
- (d) If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged and/or full-time monitoring by a qualified biologist during construction activities conducted in close proximity to the nest.

Mitigation Monitoring: Prior to issuance of a grading permit or improvement plans for a given project phase, Community Development Department staff shall verify that the required preconstruction surveys have been conducted in a timely manner and were either negative or that the appropriate contingency measures and subsequent monitoring is in place pursuant to the mitigation measure prior to commencement of construction.

BIO-3: Burrowing Owl. Burrowing owl surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, including on-site and off-site (infrastructure) clearing and tree removal. (Note: BIO-3 is consistent with AMM2, 3, 5, 8, and 19 in the BRCP (Butte County 2019)). Preconstruction surveys for this species may be completed at the

same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

- (a) Within 14 days prior to the anticipated start of construction, a qualified biologist shall conduct preconstruction surveys within the project site to identify burrowing owls or their nesting areas. This survey shall follow survey protocols as developed by the Burrowing Owl Consortium (CDFW 2012). If no active burrows or burrowing owls are observed, no further mitigation is required. If a lapse in construction of 15 days or longer occurs during the nesting season, additional preconstruction surveys shall be repeated before work may resume.
- (b) If burrowing owls or active burrows are identified within the project site during the preconstruction surveys, the following measures shall be implemented:
- During the non-breeding season for burrowing owls (September 1 through January 31), exclusion zones shall be established around any active burrows identified during the preconstruction survey. The exclusion zone shall be no less than 160 feet in radius centered on the active burrow. With approval from the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist, burrowing owls shall be passively evicted and relocated from the burrows using one-way doors. The one-way doors shall be left in place for a minimum of 48 hours and shall be monitored daily by the biologist to ensure proper function. Upon the end of the 48-hour period, the burrows shall be excavated by the biologist with the use of hand tools and refilled to discourage reoccupation.
 - During the breeding season (February 1 through August 31), a qualified biologist familiar with the biology and behavior of this species shall establish exclusion zones of at least 250 feet in radius centered on any active burrow identified during the preconstruction survey. No construction activities shall occur within the exclusion zone as long as the burrow is active and young are present. Once the breeding season is over and young have fledged as determined by a qualified biologist, passive relocation of active burrows may proceed as described in measure BIO-3(b), above.
 - The buffer widths may be reduced with the following measures:
 - A site-specific analysis, reviewed and approved by City after consultation with CDFW, shall be prepared by a qualified biologist that documents and describes how the nesting or wintering owls would not be adversely affected by construction activities;
 - Monitoring shall occur by a qualified biologist for a minimum of 10 consecutive days following initiation of construction indicating that the owls do not exhibit adverse reactions to construction activities;
 - Burrows are not in danger of collapse due to equipment traffic; and
 - Monitoring is continued by a qualified biologist at least once a week through the nesting/wintering cycle at the site and no change in behavior by owls is observed; biological monitoring reports shall be submitted to CDFW.

Mitigation Monitoring: Prior to issuance of a grading permit or improvement plans for a given project phase, Community Development Department staff shall verify that the required preconstruction surveys have been conducted in a timely manner and were either negative or that the appropriate contingency measures and subsequent monitoring is in place pursuant to the mitigation measure prior to commencement of construction.

BIO-4: Swainson's Hawk. Swainson's hawk surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, including on-site and off-site (infrastructure) clearing and tree removal. (Note: BIO-4 is consistent with AMM2, 3, and 8 in the BRCP (Butte County 2019)). Preconstruction surveys for this species may be completed at the same time as other required preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

- (a) If construction (including site clearing and grading) occurs during the nesting season for Swainson's hawk (March 1 through August 31), a qualified biologist shall conduct preconstruction surveys no more than 15 days prior to construction to identify nesting Swainson's hawk within 0.25 mile of the project site. If a lapse in project-related construction activities of 15 days or longer occurs or if the new project-related activities are located more than 0.25 mile from where work has occurred in the previous 15 days, additional preconstruction surveys shall be conducted prior to initiating or reinitiating work.
- (b) If an active Swainson's hawk nest is identified within 0.25 mile of the project site, an exclusion buffer of 0.25 mile shall be established in consultation with the biologist and California Department of Fish and Wildlife (CDFW). Reductions in buffer distance from the standard 0.25 mile may be accommodated based on site-specific conditions with specific approval from CDFW. No construction work such as grading, earthmoving, or any operation of construction equipment shall occur within the buffer zone unless in consultation with and approved by CDFW and/or as described below. An approved biologist experienced with Swainson's hawk behavior shall be retained by the project developer to monitor the nest throughout the nesting season at weekly or biweekly intervals and to determine when the young have fledged. Construction may commence normally in the buffer zone if the nest becomes inactive (e.g., the young have fully fledged), as determined by the qualified biologist.
- (c) Work within the temporary nest disturbance buffer can occur with the written permission of the City and CDFW. The approved biologist shall be on site daily while construction-related activities are taking place within the buffer. If nesting Swainson's hawks begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist shall have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, the project developer, and CDFW shall meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist shall also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a Swainson's hawk flies into an active construction zone (i.e., outside the buffer zone).

Mitigation Monitoring: Prior to issuance of a grading permit or improvement plans for a given project phase, Community Development Department staff shall verify that the required preconstruction surveys have been conducted in a timely manner and were either negative or that the appropriate contingency measures and subsequent monitoring is in place pursuant to the mitigation measure prior to commencement of construction.

BIO-5: Bats (including Pallid Bat and Western Red Bat). Bat surveys shall be conducted by the project developer or construction contractor(s) prior to commencing any construction activities, including site clearing and tree removal on the project site and associated with construction of off-site wastewater utilities. (Note: BIO-5 is consistent with AMM2 and 3 in the BRCP (Butte County 2019)). Preconstruction surveys for these species may be completed at the same time as other required

preconstruction surveys, provided the individual requirements of each preconstruction survey are met.

A qualified biologist shall conduct a preconstruction survey for bat roosts within 14 days prior to project construction activities (including site clearing and grading). The survey shall include a visual inspection of potential roosting features (bats need not be present) and presence of guano in the construction footprint and within 50 feet. Potential roosting features found during the survey shall be flagged or marked. If bats (individuals or colonies) are detected, the California Department of Fish and Wildlife (CDFW) shall be notified immediately. If a bat roosting or maternity colony cannot be completely avoided, a qualified biologist shall prepare a bat mitigation and monitoring plan for CDFW review and approval. ~~Potential measures to be included in the plan are restrictions of timing of activities, placement of exclusion barriers when bats are foraging away from the roost, and replacement of roosting structures.~~

The plan shall include details of the following measures:

- 1) For work activities outside the bat maternity roosting season (work conducted between August 1 and February 28), a qualified biologist shall implement passive exclusion measures to prevent bats from re-entering the tree cavities. After sufficient time to allow bats to escape and a follow-up survey to determine that bats have vacated the roost, construction activities may continue and impacts to special-status bat species would be avoided.
- 2) If a pre-construction roost assessment discovers evidence of bat roosting in the trees during the maternity roosting season (March 1 through July 31), and determines maternity roosting bats are present, a no-disturbance buffer shall be established around these roost sites until they are determined to be no longer active by the qualified biologist. The size of the no-disturbance buffer shall be 100 feet unless determined to be different by the qualified bat biologist with concurrence from CDFW. Any alteration of the minimum buffer distance would depend on existing screening around the roost site (such as dense vegetation), the roost type, species present, as well as the type of construction activity which would occur around the roost site.

Mitigation Monitoring: Prior to issuance of a grading permit or improvement plans for a given project phase, Community Development Department staff shall verify that the required preconstruction surveys have been conducted in a timely manner and were either negative or that the appropriate contingency measures, CDFW notification, and subsequent monitoring is in place pursuant to the mitigation measure prior to commencement of construction.

BIO-6: Western Pond Turtle (Off-site Utilities only). Prior to initiating any site clearing associated with construction of the off-site wastewater utility segment between Cramer Lane and Entler Avenue in the portion within western pond turtle habitat along Comanche Creek, the project developer shall retain a qualified biologist to conduct a western pond turtle pre-construction survey. If western pond turtles are identified in an area where they could be impacted by construction activities, then a biologist trained in relocating western pond turtles shall relocate the turtles outside of the work area or create a species protection buffer (minimum 50 feet, greater if determined by the biologist to be necessary) until the turtles have left the work area. If a nest is found, a species protection buffer (determined by the biologist) shall be established and avoided until the young have hatched

or the eggs proven non-viable, as determined by the biologist. If a western pond turtle nest is found, a qualified biologist shall be present during construction activities to ensure that the nest is not impacted.

Mitigation Monitoring: Prior to issuance of a Notice to Proceed for construction of the off-site utility crossing of Comanche Creek on Cramer Lane, Public Works Engineering staff shall verify that the required preconstruction surveys have been conducted in a timely manner and were either negative or that the appropriate contingency measures and subsequent monitoring is in place pursuant to the mitigation measure prior to commencement of construction for the crossing.

BIO-7: VELB (Off-site Utilities only). Per the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017), avoidance of elderberry shrubs during construction associated with the off-site wastewater utility lines, specifically shall be achieved by implementing a core avoidance area of 20 feet from the drip-line of each elderberry shrub measuring 1 inch or greater in diameter at ground level. The following avoidance and minimization measures shall be implemented by the project developer or construction contractor(s) prior to and during construction activities:

- (a) *Fencing.* All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits as feasible.
- (b) *Avoidance area.* Activities that may damage or kill an elderberry shrub (e.g., trenching, paving, etc.) ~~may need an~~ shall establish an avoidance area of at least 6 meters (20 feet) from the dripline, depending on the type of activity and based on the direction of a qualified biologist.
- (c) *Worker education.* A qualified biologist shall provide training for all contractors, work crews, and any onsite personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.
- (d) *Construction monitoring.* A qualified biologist shall monitor the work area at appropriate intervals to assure that all avoidance and minimization measures are implemented. The amount and duration of monitoring shall depend on the construction specifics but shall be at a minimum frequency of weekly for the duration of ground-disturbing activities. ~~and, if required,~~ The biologist shall consult with the U.S. Fish and Wildlife Service before modifying the schedule for construction monitoring.
- (e) *Timing.* To the extent feasible, all activities that could occur within 50 meters (165 feet) of an elderberry shrub, shall be conducted outside of the flight season of the VELB (March - July).
- (f) *Trimming/Mowing.* No trimming of the elderberry shrubs shall occur and no mowing or mechanical weed removal within the drip-line of the elderberry shrub shall be allowed between the months of March through July, when the adult VELB are active.

Mitigation Monitoring: Prior to issuance of a Notice to Proceed for construction of segments B and C of the off-site utilities (immediately east of Hwy 99 and near the Comanche Creek crossing on Cramer Lane), Public Works Engineering staff shall verify: (1) that the elderberry bushes identified along the route have been fenced or flagged as directed by a qualified biologist; (2) that the biologist has conducted the required worker training; and (3) that provisions have been made for the qualified biologist to monitor construction consistent with the mitigation. To the extent feasible, this portion of the off-site utilities shall be constructed after July and before March to avoid the VELB flight season.

BIO-8: Sensitive Natural Communities. The following Best Management Practices shall be implemented by the project developer or construction contractor(s) during construction of all trail construction or utility extensions within 100 feet of the contiguous tree canopy associated with the Valley foothill riparian woodland along Comanche Creek, especially for any drainage crossings, to control pollutant sources associated with the handling and storage of construction materials and equipment, as well as waste management and disposal. (Note: BIO-8 is consistent with AMM4, 5, 7, 11, 15, 17, and 18 of the BRCP (Butte County 2019)).

- (a) Construction raw materials (e.g., concrete mix, paints, petroleum products) shall be stored in designated areas that are located at least 100 feet away from the top of bank of avoided drainages and are surrounded by earthen berms or other barriers, if necessary.
- (b) Year-round, install temporary barriers around soil stockpile perimeters to prevent contact with stormwater when required. Temporary barriers can be berms, dikes, silt fences, straw bales, or sandbag barriers. During the rainy season (generally December to April), cover inactive soil stockpiles or protect them with soil stabilization at all times. During the non-rainy season, cover inactive soil stockpiles or protect them with linear barriers prior to rain events.
- (c) Wash out concrete trucks off-site, in designated areas. If the trucks are washed on site, contain the wash water in a temporary pit adjacent to the construction activity where waste concrete can harden for later removal, no nearer than 100 feet from the top of bank of avoided drainages. Place signs at the designated washout locations and instruct drivers of the washout locations. Avoid washing fresh concrete from the trucks, unless the runoff is drained to a berm or level area, at least 100 feet away from the top of bank of avoided drainages.
- (d) Collect non-hazardous waste construction materials (e.g., wood, paper, plastic, cleared trees and shrubs, scrap metal, rubber, glass) and deposit in covered dumpsters at a designated waste storage area on-site at least 100 feet away from the top of bank of avoided drainages. Recyclable construction materials shall be stored separately for recycling.
- (e) Hazardous materials shall be stored in portable metal sheds with secondary containment. The quantities of these materials stored on-site shall reflect the quantities needed for site construction. Avoid over-application of fertilizers, herbicides, and pesticides. Do not mix hazardous waste with other waste produced on site. Contract with a Certified Waste Collection contractor to collect hazardous wastes for disposal at an approved hazardous waste facility. Waste oil and other equipment maintenance waste shall be properly disposed of in compliance with federal, state and local laws, regulations and ordinances.
- (f) Areas temporarily disturbed during construction, for both on-site and off-site utilities, shall be revegetated with native species or sterile non-native species to reduce the spread of invasive plants in the project area. Decontamination of tools and equipment shall be required prior to entering the project site to prevent introduction and/or spread of invasive species in the area. During operation of the project, the Homeowners Association shall retain a qualified biologist to monitor trails within open space areas every 5 years to determine whether vegetation and soil disturbance is extending outside designated trails. Open space trails shall also be monitored for establishment and spread of non-native invasive plant species. If new non-native plants are found during monitoring, the Homeowners Association shall prepare and implement a plan to eradicate the non-native plant species, in coordination with the City.
- (g) Prior to the initiation of ground-disturbance activities, the limits of disturbance within 100 feet of the riparian corridor shall be fenced and sediment and erosion control measures shall be utilized, which could include, but are not be limited to, biodegradable straw wattles free of weed

seeds, silt fencing, or biodegradable erosion control mats/blankets. No construction, staging areas, or other ground-disturbance activities shall be permitted beyond the fencing.

Mitigation Monitoring: Prior to issuance of grading permits, building permits or improvement plans that would involve work within 100 feet of the riparian corridor along Comanche Creek, Community Development Department staff shall verify that the Best Management Practices (BMPs) under this mitigation are included on the construction drawings. City staff shall periodically confirm that the BMPs are being implemented during construction. The Appendix E of the VESP *Valley's Edge Tree Preservation Program* has been updated under subsection *Construction* to call out this mitigation measure in reference to any construction within 100 feet of the Valley foothill riparian woodland along Comanche Creek.

BIO-9: Tree Protection. To protect existing trees on the project site and along the off-site utilities areas from damage associated with construction activities and to avoid soil compaction in the root zone, the project developer or construction contractor(s) shall implement the below measures in addition to those required for compliance with the goals and policies of the City of Chico 2030 General Plan, City of Chico Municipal Code, (Title 16, Chapter 16.66), the Oak Woodland Mitigation and Management Plan (OWMMP; Appendix E of the VESP), and AMM 11 of the BRCP (Butte County 2019).

- (a) No construction vehicles, construction equipment, mobile offices (e.g., trailer), or materials shall be parked, stored or unnecessarily located within the driplines of any trees to be retained by the project.
- (b) If work or temporary traffic must proceed within the driplines, one of the following techniques shall be followed: (1) place 6-12 inches of mulch in the work or traffic area; (2) place at least 4 inches of mulch in the work or traffic area and then place sheets of $\frac{3}{4}$ inch thick plywood or road mats with 4 inch thick layer of mulch; or (3) place 4 to 6 inches of gravel with staked geotextile fabric beneath.
- (c) Soil surface removal greater than one foot shall not occur within the driplines of retained trees. No cuts shall occur within five feet of their trunks.
- (d) To the extent feasible, earthen fill greater than one foot deep shall not be placed within the driplines of retained trees, and no fill shall be placed within five feet of their trunks.
- (e) Underground utility line trenching shall not be placed within the driplines of retained trees. If it is absolutely necessary to install underground utilities within the driplines of preserved trees, the trench shall either be bored or drilled, but not within five feet of the trunk.

Mitigation Monitoring: Prior to issuance of a grading permit or approval of improvement plans, Community Development Department staff shall confirm that each measure from the mitigation is listed on the construction drawings and that the plans do not conflict with these measures. In the case of off-site utilities, Public Works Engineering staff shall verify prior to issuing a Notice to Proceed that each measure from the mitigation is listed on the construction drawings and that the plans do not conflict with these measures. City staff shall periodically confirm compliance with these measures during construction.

BIO-10: Aquatic Resources. To mitigate for the loss of potentially jurisdictional waters of the United States and/or waters of the State, the project developer(s) shall be required to create, preserve, or restore jurisdictional waters consistent with applicable no-net-loss policies. Which can be met through compliance with Clean Water Act or Waste Discharge Requirements (WDRs), as applicable. If Section 404, 401, or WDR authorizations are required, mitigation acreage requirements shall be determined in consultation with the U.S. Army Corps of Engineers, and the

Regional Water Quality Control Board. In addition, if construction activities impact California Department of Fish and Wildlife (CDFW) jurisdictional resources, the project developer(s) shall obtain, and comply with, a Lake and Streambed Alteration Agreement from CDFW.

Mitigation Monitoring: Prior to approval of grading plans or building permits, Community Development Department staff shall verify that the developer has (1) obtained the relevant federal and state resource agency permits, and (2) created, preserved or restored jurisdictional waters consistent with no-net-loss policies.

Cultural and Tribal Cultural Resources

CUL-1: Management of Known and Unanticipated Archaeological Resources. Prior to initiation of each phase of project construction, the project developer(s) shall hire a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards (SOI-Qualified Archaeologist), to prepare a Cultural Resources Management and Unanticipated Discovery Plan (Management and Discovery Plan) that includes steps to effectively preserve known resources that are planned for avoidance and to appropriately manage potential impacts to unanticipated resources that may be encountered during excavation activities. The Plan shall be subject to review and approval by City Planning staff. At a minimum, the Plan shall include the following for archaeological resources:

- Archaeological monitoring zones, and requirements for permitting access to areas under active construction by a qualified archaeologist and designated Native American monitors;
- Requirements for establishing and maintaining environmentally sensitive area (ESA) boundaries around known resources, as appropriate;
- Actions to be taken, should any unanticipated archaeological resources be discovered during project construction. The Plan shall outline specific protocols to minimize adverse effects associated with: (1) treatment of previously unidentified features, site components, or sites; and (2) treatment of human remains and/or cultural objects;
- Daily log preparation;
- Agency communication requirements; and
- Final monitoring report preparation.

Prior to commencement of construction activities, the construction contractor and construction personnel shall attend and complete a Workers Environmental Awareness Program (WEAP) training conducted by a Secretary of the Interior qualified archeologist. The WEAP training shall provide: (1) the types and characteristics of archaeological materials that may be identified (unearthed) during construction and explain the importance of and legal basis for the protection of cultural resources; (2) proper procedures to follow in the event that cultural resources, tribal cultural resources, or human remains are uncovered during ground-disturbing activities, including procedures for work curtailment or redirection; and (3) protocols for contacting the on-site construction supervisor and project archaeologist upon discovery of a resource.

Mitigation Monitoring: Prior to approval of grading plans for each phase of project construction, Community Development Department staff shall verify that the required Management and Discovery Plan has been prepared by a qualified archaeologist and approved by Community Development Department staff, and that the WEAP training has been completed pursuant to this mitigation. In the event of discovery, the Community Development Director or designee shall ensure that work ceases in the immediate area and

that the protocols of this measure are followed, as well as any more detailed protocols included in the Management and Discovery Plan.

CUL-2: Archaeological and Native American Monitoring. As outlined under the Management and Discovery Plan required by Mitigation Measure CUL-1, prior to any ground disturbance the project developer shall ensure ~~that~~ that a Secretary of the Interior qualified archaeologist is present to monitor earthmoving activities within archaeological monitoring zones, at the discretion of the qualified archaeologist. If any archaeological, paleontological, or historic deposits are identified during activities, ground-disturbing construction in that area shall cease, and a determination of resource significance made. Significant resource sites shall be subject to appropriate measures (e.g. data recovery, impact avoidance, recordation).

Prior to the start of grading operations for each project phase the project developer or their representative shall provide reasonable notice and site access to the Mechoopda Indian Tribe of Chico Rancheria (Tribe) for a tribal monitor to be present during ground disturbing activities with the potential to encounter cultural resources of Native American origin or association, as outlined by the Monitoring and Discovery Plan. If archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, in coordination with the tribal monitor if prehistoric in nature, can evaluate the significance of the find and determine whether or not additional study is warranted. At the discretion of the archaeologist, temporary flagging or staking may be required around the resource to avoid any disturbance from construction equipment. The work exclusion buffer may be adjusted based on the recommendation of the archaeologist. The feasibility of avoidance and preservation in place of any identified cultural resource shall be evaluated prior to considering other management strategies that may be implemented. Depending upon the nature of the find, the archaeologist and tribal monitor (if a resource is prehistoric in age) may simply record the find to appropriate standards (thereby addressing any data potential) and allow work to continue.

If the archaeologist determines the discovery to be potentially significant under CEQA or the tribal monitor identifies a potential Tribal Cultural Resource (TCR), additional efforts such as preparation of a treatment plan, testing, and/or data recovery may be warranted prior to allowing construction to proceed in this area. Management strategies specific to TCRs and related government-to-government consultation shall be outlined independently in the Management and Discovery Plan. All management strategies recommended by the archaeologist and/or Tribe must be approved by the City of Chico Community Development Director. The developer shall then adhere to the management strategies approved by the City. Ground-disturbing activities may resume once the management strategies have been implemented to the satisfaction of the City's Community Development Director and the qualified archaeologist.

Mitigation Monitoring: Prior to approval of grading plans for each phase of project construction, Community Development Department staff shall verify that the required notification and site access has been provided to the Tribe, and that key construction personnel on site are aware of the access, reporting and stop work requirements noted in this measure and detailed in the Management and Discovery Plan. In the event of discovery, the Community Development Director or designee shall ensure that work ceases in the immediate area and that the protocols of this measure are implemented.

CUL-3: Human Remains. If human remains are discovered at any project construction site(s) during any phase of construction, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the City of Chico (City) and the Butte County coroner shall be notified immediately. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The developer shall also retain a Secretary of the Interior qualified archaeologist with Native American burial experience to conduct a field investigation of the area, if required, and facilitate communication between the land owner and the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines Section 15064.5(e) and Public Resources Code Section 5097.98. The project developer shall implement approved mitigation, to be verified by the City, before the resumption of ground-disturbing activities within 100 feet of the boundaries of the sensitive area defined by the investigation where the remains were discovered.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Public Resources Code Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (Public Resources Code Section 5097.993), the archaeologist shall recommend to the City potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts to it, including any or a combination of the following:

- Avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization, if such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
- An agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
- Other measures, short of full or partial avoidance or preservation, intended to minimize impacts to the Native American Cultural Place consistent with land use assumptions and the proposed design and footprint of the development project for which the requested grading permit has been approved.

After receiving such recommendations, the City shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development. In reaching conclusions with respect to these recommendations, the City shall consult with both the project developer and the most interested and appropriate tribal organization.

Mitigation Monitoring: Prior to approval of grading plans, improvement plans or building permits, Community Development Department staff shall verify that verbiage stating the notification requirements

under this measure is included on the construction drawings. In the event that notification is received by the City pursuant to this measure, the Community Development Director or designee shall ensure that work ceases in the immediate area and that the protocols of this measure are implemented, as may be further detailed in the Management and Discovery Plan.

CUL-4: Unanticipated Discovery of a Tribal Cultural Resource. Mitigation Measures CUL-1 and CUL-2 require developing and implementing management strategies to be implemented in the event an unanticipated TCR is identified. These strategies shall include the following, at a minimum:

The Management and Discovery Plan to be implemented as part of Mitigation Measure CUL-1 which requires the following: In the event a potential TCR is encountered during construction, all construction activities within 100 feet of the find shall be halted and the City Community Development Director notified. The City shall then immediately notify the Native American Heritage Commission and the Mechoopda Indian Tribe of Chico Rancheria (Tribe). If the unanticipated resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in the Management and Discovery Plan. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the Tribe or any other affected Native American Indian tribe would be provided a reasonable period of time to conduct a site visit and make recommendations regarding future ground disturbance activities as well as the treatment and disposition of any discovered tribal cultural resources. Depending on the nature of the potential resource and tribal recommendations, review by a qualified Secretary of the Interior archaeologist may be required, as determined by the City. Implementation of proposed recommendations shall be made based on the determination of the City that the approach is reasonable and feasible. All activities shall be conducted in accordance with regulatory requirements.

Mitigation Monitoring: Prior to approval of grading plans for each phase of project construction, Community Development Department staff shall verify that the required Management and Discovery Plan has been prepared by a qualified archaeologist and approved by Community Development Department staff, and that the Management and Discovery Plan includes the provisions of this measure regarding inadvertent discovery of Tribal Cultural Resources.

Geology and Soils

GEO-1: Unanticipated Discovery. Project developers/contractor(s) shall inform construction workers (site clearing, grading and trenching) of the sensitivity of the project site for paleontological resources. In the event that known or suspected paleontological resources (e.g., fossils) are unearthed during grading and site excavation, the area of discovery shall be roped off with a 50-foot radius buffer and remain off-limits until cleared by a qualified paleontologist. The applicant or their contractor shall retain a qualified paleontologist that meets the Society of Vertebrate Paleontology (SVP) (2010) guidelines, who shall document the nature, location, and taxa of the find. The qualified paleontologist shall make recommendations for the treatment of the discovery. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California, Museum of Paleontology, along with significant paleontological

materials. Once documentation and collection of the find is completed, the paleontologist shall remove the rope and allow construction to recommence in the area of the find.

Mitigation Monitoring: Prior to approval of grading plans for each phase of project construction, Community Development Department staff shall verify that the required notification of construction workers has occurred. The notification of workers for this measure will likely occur during the WEAP training required pursuant to mitigation measure CUL-1 by a qualified archaeologist. In the event of discovery, the Community Development Director or designee shall ensure that work ceases in the immediate area of discovery and that the area is roped off and assessed by a qualified paleontologist.

Greenhouse Gases

GHG-1: The City shall ensure that each future development project provide storage areas for recyclables and green waste, and food waste storage, if a pick-up service is available.

Mitigation Monitoring: Prior to approval of building permits, Community Development Department staff shall ensure that each future development project within the project includes the required storage areas. The VESP has been updated to include a new policy, LU-2.11 directing builders to “Provide storage areas for recyclables and green waste, and food waste storage for future development, if a pick-up service is available.”

GHG-2: Implement Mitigation Measures AQ-2 and AQ-3 (Section 4.2, Air Quality), to reduce operational-related energy consumption and GHG emissions.

Mitigation Monitoring: See Mitigation Measures AQ-2 and AQ-3

Hazards and Hazardous Materials

HAZ-1: Hazardous Materials Building Survey. Prior to demolition and removal of the former ranch buildings, the project developer or contractor shall retain a licensed hazardous remediation contractor to conduct a hazardous materials building survey to determine if asbestos-containing materials and/or lead-based paints are present. A report documenting material types, conditions and general quantities shall be provided, along with photos of positive materials and diagrams. Should these materials be present, demolition plans and contract specifications shall incorporate any abatement procedures consistent with federal, State and local requirements specific to the removal and proper disposal of materials containing asbestos or lead-based paint. All materials shall be abated in accordance with local, State, and federal requirements by a licensed abatement contractor. Applicable regulations include but are not limited to those of the EPA and Cal/OSHA.

Soil Survey. Prior to grading activities for the commercial uses proposed adjacent to Skyway, a soil survey shall be conducted for any aeriially-deposited lead. If lead is detected that exceeds acceptable levels established by the Department of Toxic Substances Control (DTSC) the project contractor shall notify the City and prepare abatement procedures consistent with federal, state and local requirements specific to the removal and proper disposal of soils containing lead. All materials shall be abated in accordance with local, state, and federal requirements by a licensed abatement contractor.

Mitigation Monitoring: Prior to issuance of a demolition permit for removal of the existing former ranch buildings, Community Development Department staff shall verify that the required report has been

prepared and that provisions for implementing any recommendations therein have been made for carrying out the demolition. Prior to issuance of building permits for new commercial uses adjacent to Skyway, Community Development Department staff shall verify that the required soil survey has been prepared and, if lead exceeds acceptable levels, ensure that proper removal and disposal methods are used to abate the hazard.

Noise

NOI-1: Construction Noise. The following measure shall be implemented by all construction contractors to reduce the effects of noise levels generated from construction activities.

- Construction operations and related activities within the project area shall be limited to the daytime construction noise thresholds outlined in the City of Chico Municipal Code Section 9.38.060. Construction shall be limited to the weekday hours of 7:00 AM to 9:00 PM and the Sunday or holiday hours of 10:00 AM to 6:00 PM. For construction activity taking place between June 15th and September 15th, construction hours shall be limited to the weekday hours of 6:00 AM to 9:00 PM and the Sunday or holiday hours of 10:00 AM to 6:00 PM. The City of Chico shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception.
- All construction contracts shall include language stating that construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal combustion powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed manufacture specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function and minimization of noise.
- Portable and stationary site support equipment (such as generators, compressors, rock crushers, and cement mixers) shall be located more than 100 feet away, or as far as practicable from nearby noise-sensitive receptors.
- Impact tools (e.g., jackhammer, rock drill, hoe ram, etc.) employed at distances less than 100-feet from noise-sensitive receptors shall have the working area/impact area shrouded or shielded, with intake and exhaust ports on power equipment muffled or suppressed. This may necessitate the use of temporary or portable, application specific noise shields or barriers.
- Construction equipment shall not be allowed to idle for extended periods (e.g., 15 minutes or longer) of time within 50 feet of noise-sensitive receptors.
- A disturbance coordinator shall be designated by each general contractor, which shall post contact information in a conspicuous location near the entrance of the construction site so that it is clearly visible to nearby receivers most likely to be disturbed. The coordinator shall manage complaints resulting from the construction noise. Reoccurring disturbances shall be evaluated by a qualified acoustical consultant retained by the project developer or contractor to ensure compliance with applicable standards.

Mitigation Monitoring: Prior to approval of grading plans or building permits Community Development Department staff shall ensure that the construction drawings include the noise-control criteria from this measure. City staff shall periodically verify compliance during field visits or in response to citizen complaints. The VESP has been updated to call out this mitigation measure in Section 7.2.2 *City of Chico Municipal Code*.

NOI-2: Operation Noise. Future plans or tentative maps submitted for commercial or multi-family building and/or grading permits which incorporate potentially significant noise generating elements shall include an acoustical analysis (noise study) that verifies and demonstrates the use would meet applicable City noise standards. The analysis shall be provided to the City's Community Development Department for review. Projects determined to have the potential to generate or expose noise-sensitive uses to noise levels exceeding the City of Chico noise standards or result in a substantial (3 to 5 dB or greater) permanent increase in ambient noise levels shall incorporate noise-source control measures as specified in the acoustical analysis, such as site planning, silenced equipment, enclosures, or noise barriers.

Mitigation Monitoring: Prior to approval of plans or tentative maps submitted for commercial or multi-family uses which include potentially significant noise generating elements, Community Development Department staff shall verify that the required acoustical analysis has been completed. Plan approval may only occur if the acoustical analysis demonstrates that the use would meet standards or that noise source control measures have been included to meet applicable standards. The VESP has been updated to call out this mitigation measure in Section 7.2.2 *City of Chico Municipal Code*.

NOI-3: Operation Mechanical Noise. Minimize mechanical noise levels of buildings constructed in the Village Core or Village Commercial areas through equipment selection, project-site design, and construction of localized barriers or parapets. Selection of mechanical equipment shall consider radiated outdoor sound pressure levels and efficiency as the primary criteria. Mechanical equipment shall be selected to provide compliance with the City's non-transportation noise level thresholds. Should the selection and placement of mechanical equipment that inherently complies with the City's criteria not be possible, localized noise barriers for equipment located at grade or rooftop parapets shall be constructed around the equipment so that line-of-site from the noise source to the property line of the adjacent noise-sensitive receptors is blocked. Where a noise barrier, parapet or intervening structure is required to achieve compliance, a noise analysis or compliance noise level monitoring shall be performed by a qualified acoustical consultant that demonstrates compliance with the City's non-transportation noise level thresholds subject to review and approval of the City's Community Development Director.

Mitigation Monitoring: Prior to approval of building permits in the Village Core and Village Commercial areas Community Development Department staff shall ensure that the construction drawings reflect the use of equipment selection, site design, and/or localized barriers or parapets to minimize mechanical noise levels relative to existing or planned sensitive receptor locations. City staff shall verify compliance prior to issuance of a certificate of occupancy. The VESP has been updated to call out this mitigation measure in Section 7.2.2 *City of Chico Municipal Code*.

NOI-4: Commercial Delivery Noise. Loading, unloading and delivery areas of commercial uses within the Village Core and Village Commercial areas shall be located so that the buildings shield nearby noise-sensitive land uses from noise generated by loading docks and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise-sensitive uses. Loading dock activity and delivery truck activity at the commercial uses shall only occur during the daytime hours of 7 AM to 10 PM, in order to prevent evening and nighttime sleep disturbance at nearby noise-sensitive land uses, unless the operations can be demonstrated to be in compliance with the City's nighttime noise level thresholds. The City's

Community Development Director or public works director may issue a permit exempting certain operations or activities from compliance with this measure at their discretion.

Mitigation Monitoring: Prior to approval of building permits in the Village Core and Village Commercial areas Community Development Department staff shall ensure that any loading docks are situated such that the associated building or other sound barrier shields any planned or existing nearby sensitive uses from loading dock activities. Unless demonstrated to be consistent with the City's nighttime noise level thresholds or issued a noise permit specifying otherwise, loading dock activity and delivery truck activity shall be limited to the daytime hours of 7 AM to 10 PM. The VESP has been updated to call out this mitigation measure in Section 7.2.2 *City of Chico Municipal Code*.

NOI-5: Outdoor Recreation Noise. Minimize excessive sound levels associated with outdoor recreation activities and community events at the Community Park and Village Core Park through application of project-site design and limitations on event capacity and allowable equipment and operational hours. Use of amplified sound systems in recreational areas adjacent to noise-sensitive receptors shall be limited to daytime hours (7 AM to 9 PM), with the exception of temporary use permits granted by the City's public works director (per City Code Section 9.38.080). The use of amplified sound systems, audible at a distance of 50-feet or more, shall be prohibited within the quasi-public and public use areas, without prior authorization.

Mitigation Monitoring: During operations of the Community Park and Village Core, City Code Enforcement staff or Chico Police shall respond to citizen complaints for noise and shall seek to prevent recurrences of any unauthorized noise events that exceed the standards contained in this measure. Community Development Department staff shall recommend conditions to implement this measure on any use permits requested for special events that include amplified music or other noisy aspect in the Community Park or Village Core areas. The VESP has been updated to call out this mitigation measure in Section 7.2.2 *City of Chico Municipal Code*.

NOI-6: Project developer(s) shall fund and construct either a noise protection wall for existing off-site residences along E. 20th Street or a portion of E. 20th Street shall be repaved with quiet pavement prior to completion of 2,222 units or 80% of project completion. If selected, the alignment and design specifications for a noise protection wall shall be determined by input from a qualified acoustician, and is assumed to be a solid noise protection wall free from openings or gaps, with a minimum total surface density of 4 lbs/sq ft, and a minimum height of 6-feet relative to the adjacent building pad. Alternatively, a portion of E. 20th Street shall be repaved with "quiet pavement" (e.g., rubberized asphalt, open-graded asphalt, or whatever quiet pavement technology is available, etc.) between Potter Road to the west and Dawncrest Drive to the east. The timing and need for this mitigation measure may be reassessed based on a future noise study conducted by a qualified acoustician and overseen by the Community Development Department after completion of 2,000 units. The details specific to funding the improvements shall be included in the Development Agreement.

Mitigation Monitoring: If neither of the noise-reducing improvements in this measure have been completed prior to issuance of a building permit for the 2,122nd unit within the project, Community Development Department staff shall notify the developer that compliance with this measure will become due within the next 100 units. Prior to issuance of a certificate of occupancy for the 2,222nd unit within the project, Community Development Department staff shall confirm that one of the noise-reducing improvements

specified by this measure has been completed, unless proven unneeded by a future noise study completed after completion of 2,000 units.

Transportation and Circulation

~~TRAF-1: Bike Path/Multi Use Trail. Prior to the first residential building permit in Planning Area 19 (PA 19 or Equestrian Ridge) the project developer shall construct a Class I Bike Path/Multi use Trail on the north side of Honey Run Road from Skyway to PA 19 located approximately 0.7 miles east on Honey Run Road.~~

Mitigation Monitoring: Since Planning Area 19 has been eliminated from the project, no implementation of this mitigation is necessary.

TRAF-2: TDM Plan. The project developer(s) shall prepare and implement a Transportation Demand Management (TDM) Plan to guide implementation of TDM strategies for residential and commercial development, as outlined below, to achieve a reduction in total VMT per service population of at least 1%:

- (a) **Travel Demand Management (TDM) Plan** – Prior to approval of the first Tentative Map or Use Permit, the project developer(s) shall develop a TDM program for the entire specific plan and shall submit the TDM program to the City of Chico Department of Public Works for review and approval. The TDM program shall be designed to reduce project generated VMT such that the project achieves a VMT/Service Population ratio of 25.9 or better, and to guide implementation of TDM strategies by individual residential and commercial development. The TDM may include off-site VMT reduction measures that would reduce VMT for other service populations within the City to achieve a portion of the 1,288 miles per day, or other regional strategies such as an impact fee program or a VMT mitigation bank/exchange.
- (b) **TDM Plan Implementation (Residential)** – Prior to approval of each Tentative Map, developers of individual residential projects shall demonstrate compliance with the TDM Plan by submitting an implementation strategy report to the City of Chico Department of Public Works for review and approval that implements TDM strategies TRT-3, TRT-5, and TRT-7, or other strategies in the table below from the California Air Pollution Control Officers Association (CAPCOA) strategies, or other quantifiable strategies that are supported by substantial evidence to reduce project generated VMT.

CAPCOA Strategy		
Category	Measure/Grouping ¹	Strategy Description
Land Use/Location	LUT-5	Increase Transit Accessibility
	LUT-7	Orient Project Toward Non-Auto Corridor
	LUT-8	Locate Project near Bike Path/Bike Lane
	LUT-9	Improve Design of Development
Neighborhood Site Enhancements	SDT-1	Provide Pedestrian Network Improvements
	SDT-2	Provide Traffic Calming Measures
	SDT-5/LUT-9	Incorporate Bike Lane Street Design (on-site)
	SDT-7/LUT-9	Provide Bike Parking in Multi-Unit Residential Projects
	SDT-9/LUT-9	Dedicate Land for Bike Trails
	PDT-1	Limit Parking Supply

CAPCOA Strategy		
Category	Measure/Grouping ¹	Strategy Description
Parking Policy/ Pricing	PDT-2	Unbundle Parking Cost from Property Cost
	PDT-4/PDT-1-3	Require Residential Area Parking Permits
Commute Trip Reduction	TRT-3	Provide Ride Sharing Programs
	TRT-4	Implement Subsidized or Discounted Transit program
	TRT-5/TRT-1-2	Provide End of Trip Facilities
	TRT-7	Implement Commute Trip Reduction Marketing
	TRT-8/TRT-1-2	Implement Preferential Parking Permit Program
	TRT-9	Implement Car-Sharing Program
	TRT-10	Implement School Pool Program
	TRT-13	Implement School Bus Program
Transit System	TST-5/TST-3-4	Provide Bike Parking Near Transit
Road Pricing/ Management	RPT-4	Install Park-and-Ride Lots Near Transit Stops

Sources: *Quantifying Greenhouse Gas Mitigation Measures*, CAPCOA 2010, Fehr & Peers, 2020.

- (a) **TDM Plan Implementation (Non-Residential)** – Prior to approval of each Use Permit, developers of individual non-residential projects shall demonstrate compliance with the TDM Plan by submitting an implementation strategy report to the City of Chico Department of Public Works for review and approval that implements the TDM strategies (TRT-3, TRT-5, and TRT-7), or other strategies shown in the table below from the California Air Pollution Control Officers Association (CAPCOA) strategies, or other quantifiable strategies that are supported by substantial evidence to be implemented to reduce project-generated VMT.

CAPCOA Strategy		
Category	Measure/Grouping ¹	Strategy Description
Land Use/Location	LUT-5	Increase Transit Accessibility
	LUT-7	Orient Project Toward Non-Auto Corridor
	LUT-8	Locate Project near Bike Path/Bike Lane
	LUT-9	Improve Design of Development
Neighborhood Site Enhancements	SDT-1	Provide Pedestrian Network Improvements
	SDT-2	Provide Traffic Calming Measures
	SDT-5/LUT-9	Incorporate Bike Lane Street Design (on-site)
	SDT-6/LUT-9	Provide Bike Parking in Non-Residential Projects
	SDT-9/LUT-9	Dedicate Land for Bike Trails
Parking Policy/ Pricing	PDT-1	Limit Parking Supply
	PDT-2	Unbundle Parking Cost from Property Cost
	PDT-3	Implement Market Price Public Parking (On-Street)
	PDT-4/PDT-1-3	Require Residential Area Parking Permits
Commute Trip Reduction	TRT-1	Implement Voluntary Commute Trip Reduction Programs
	TRT-3	Provide Ride Sharing Programs
	TRT-4	Implement Subsidized or Discounted Transit program
	TRT-5/TRT-1-2	Provide End of Trip Facilities

CAPCOA Strategy		
Category	Measure/Grouping ¹	Strategy Description
	TRT-6	Encourage Telecommuting and Alternative Work Schedules
	TRT-7	Implement Commute Trip Reduction Marketing
	TRT-8/TRT-1-2	Implement Preferential Parking Permit Program
	TRT-9	Implement Car-Sharing Program
	TRT-11	Provide Employer-Sponsored Vanpool/Shuttle
	TRT-14	Price Workplace Parking
	TRT-15	Implement Employee Parking “Cash-Out”
Transit System	TST-5/TST-3-4	Provide Bike Parking Near Transit
Road Pricing/ Management	RPT-4	Install Park-and-Ride Lots Near Transit Stops

Sources: *Quantifying Greenhouse Gas Mitigation Measures*, CAPCOA 2010, Fehr & Peers, 2020.

Implementation of the following TDM strategies would reduce the VESP VMT by 1.4%:

- **TRT-3 Provide Ridesharing Program** – Implement ride match programs that assist potential carpoolers in finding other individuals with similar travel routes.
- **TRT-5 Provide End-of-Trip Bicycle Facilities** – Install and maintain end-of-trip facilities for employee and visitor use. End-of-trip facilities include bike parking, bike lockers, showers, and personal lockers.
- **TRT-7 Implement Commute Trip Reduction Marketing Strategy**– Implement a marketing strategy to promote project employers’ commute trip reduction programs. The marketing strategy must include and on-site or online commuter information service, employee transportation coordinators, on-site or online transit pass sales, and guaranteed ride home services.

Mitigation Monitoring: Prior to issuance of grading permits or building permits Community Development Department staff shall ensure that the required TDM has been completed and is forecasted to achieve a minimum reduction of at least 1% of project-wide VMT at full buildout. Compliance with this measure will further be assessed in conjunction with each tentative map approval, and applied at the design review stage, as applicable. The VESP has been updated to include a new policy, C-1.11 directing development to “Implement the Project’s Transportation Demand Plan. Refer to Mitigation Measure TRAF-2 for additional details and implementation strategies for reducing total Vehicle Miles Traveled (VMT).”

Wildfire

WFIRE-1: Construction Fire Protection Plan. Activities prior to construction including site clearing, grading or trenching, the project developer(s) shall work with the Chico Fire Department to prepare a Construction Fire Prevention Plan to be provided to all future developers. The plan shall address training of construction personnel and provide details of fire-suppression procedures and equipment to be used during construction. Information contained in the plan shall be included as part of project-related environmental awareness training to occur prior to any ground disturbance. At a minimum, the plan shall be consistent with the requirements in California Building Code Chapter 33 and California Fire Code Chapter 33 and shall include the following:

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, use of spark arrestors, and hot work restrictions;
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days;
- Specifications for adequate water supply to service construction activities;
- On-site fire awareness coordinator role and responsibility;
- Construction worker training for fire prevention, initial attack firefighting, and fire reporting;
- Emergency communication, response, and reporting procedures;
- Coordination with local fire agencies to facilitate access through the project site;
- Implement all construction-phase fuel modification components prior to combustible building materials being delivered to the site;
- Emergency contact information; and
- Demonstrate compliance with applicable plans and policies established by state and local agencies.

Mitigation Monitoring: Prior to issuance of grading permits or building permits Community Development Department staff shall ensure that the required Construction Fire Prevention Plan has been completed. Community Development Department staff shall further ensure compliance with this measure and the Plan during pre-construction meetings on-site, as required by other mitigation measures, and periodically during construction. The VESP has been updated pursuant to this mitigation measure. Specifically, Section 4.5 *Firewise Guidelines, Standards & Vegetation Management Requirements* has been updated under subsection *Subdivisions* to provide the Plan to all future developers, as required, “per Mitigation Measure WFIRE-1.”

WFIRE-2: Update VESP Firewise Guidelines. The Valley Edge Specific Plan’s Firewise Guidelines, Standards & Vegetation Management Standards shall be updated to incorporate the following specifications:

- Implement and maintain fuel treatment areas along all project roads and any trails proposed for use by fire apparatus or use as fire/fuel breaks. Fuel treatment areas shall measure 20 feet in width (horizontal) as measured from the outer edge of pedestrian sidewalk or other improved travel surface and shall occur on both sides of the road or trail. Maintenance of treatment areas shall be conducted according to the standards outlined in California Fire Code Chapter 49, Section 4906.
- Locate all habitable structures within 150 feet of fire apparatus access roads, also in accordance with CFC Section 503, unless approved otherwise by the Chico Fire Department.
- Ensure building materials and construction methods for all structures are in compliance with California Fire Code Chapter 49, Section 4905, for all buildings, residential and commercial not just those residences located along the Wildland Urban Interface perimeter lots.

Mitigation Monitoring: The VESP has been updated pursuant to this mitigation measure. Specifically, Section 4.5 *Firewise Guidelines, Standards & Vegetation Management Requirements* has been updated under subsection *PLANNING AND DESIGN* to incorporate each of the three bullet points in this measure, with references, “per Mitigation Measure WFIRE-2.”

WFIRE-3: Post Fire Activities. Following any on-site wildfire during project build-out in areas where development may be affected by post-fire risks, a post-fire field assessment shall be conducted

by an engineering geologist or civil engineer and CDFW or a fire ecologist, in coordination with the Chico Fire Department, to identify any areas that may be subject to increased risk of post-fire flooding, landslide or erosion. Any recommendations identified by the geologist or ecologist to mitigate such risk shall be provided to the City of Chico Community Development Director and any applicable Emergency Operations Center for consideration of the work necessary to allow safe re-entry and/or re-occupation of the affected area.

Mitigation Monitoring: The Community Development Director shall oversee the implementation of this measure in the event of a wildfire on the project site. Compliance documentation will be generated from the incident and saved in Planning project files along with other VESP main entitlement records.

1 general direction for planning Special Planning Areas (SPAs), and are supportive of and
2 consistent with General Plan policies and objectives pertaining to development projects.
3 The VESP is consistent with General Plan direction for SPA-5 in that both the VESP and
4 General Plan call for: a recreation oriented mixed-use development offering a broad range
5 of housing types and densities; a Village Core and retail along Skyway Road; primary
6 circulation connections to Skyway Road and East 20th Street; incorporating a community
7 park; maintaining open space by clustering development; providing open space buffers
8 along the north, south and easterly boundaries; utilizing visual simulations to ensure that
9 visual impacts are minimized; incorporating special lighting standards to reduce impacts
10 on the nighttime sky; preserving sensitive habitats; and addressing wildland fire
11 considerations (General Plan Action LU-6.2.4 and Written Description for SPA-5 in
12 Appendix C, Page C-6). The VESP is consistent with General Plan direction for planning
13 SPAs in that it would help the City meet its future growth needs for housing and jobs (LU-
14 2.1) by supporting up to 2,777 new residential units and approximately 447,155 square feet
15 of new commercial space, with flexibility built into the specific plan's implementation as
16 well as its zoning by designating 100 acres of the site Medium Density Residential, which
17 can support a variety of housing types, and by permitting up to 35 units/acre in the
18 commercial designations. The road and trail system would establish multimodal
19 connections between discrete residential planning areas that would support a mix of
20 housing types and connect new residents to services, employment, and shopping in the
21 Village Core area. Opportunities for affordable housing would be provided on areas
22 designated Medium-High Density Residential, Village Core, and/or Village Commercial.
23 The VESP will complement the City's longstanding efforts to maintain a compact urban
24 form by developing within the City's existing sphere of influence and establishing a long-
25 term growth boundary between urban uses and foothills in the east (VESP Actions LU-2.1
26 and LU-2.3), consistent with General Plan Policies LU-1.2 and LU-1.3. The VESP reflects
27 clustering development to maintain large amounts of open space, avoiding sensitive natural
28 features and cultural resources, as well as an open space buffer approximately 300 feet

1 wide along its eastern edge to serve as a permanent urban growth boundary, consistent with
2 policies LU-2.5, CD-1.1, OS-1.1, OS-2.5 and OS-3.1. Approximately 286 acres of oak
3 woodlands would be preserved by open space zoning, consistent with Policy OS-2.6.
4 Consistent with General Plan Action LU 6.2.4 and Policies CD-2.4, OS-1.3, and OS-2.4,
5 the VESP project design and policy framework will result in the careful location of
6 buildings and infrastructure, reductions in excessive nighttime lighting and will preserve
7 the foothills as a backdrop to the urban form to the extent feasible. Streets in the VESP will
8 be accompanied by an extensive trail and bike path network that will provide a sense of
9 place by linking future homes and the Village Core area to onsite creeks and other open
10 spaces, consistent with Policies CD-2.1, CD-4.1, CIRC-2.1, OS-2.2. The trail and bike path
11 network will also include north-south emergency vehicle connections as shown in VESP
12 Section 4.6, and encourage exercise and active modes of transportation, consistent with
13 Action LU-6.2.4 and Policies CIRC-1.2, CD-3.3 and SUS-1.6. By providing a mix of land
14 uses with walkable access between homes, recreational areas, and the commercial Village
15 Core, the VESP is consistent with General Plan Policies LU-2.3 and LU-3.1 which call for
16 sustainable land use patterns with a mix of uses that meet the needs of the community. The
17 VESP will provide an additional inventory of land with capacity for development with a
18 mix of dwelling types and sizes, consistent with Policies H.3.2, H.3.3 and HE 4.2.
19 Development of the VESP will include internal and adjacent roadway circulation
20 improvement as necessary to safely and efficiently accommodate traffic generated by the
21 project, consistent with Policies CIRC-1.1 and CIRC 1.2, and future development will also
22 be required to pay “fair share” development impact fees to help fund citywide circulation
23 improvements beyond the project boundaries, which will assist the City in maintaining
24 acceptable levels of service on City streets consistent with Policies CIRC 1.3 and CIRC
25 1.4. The EIR evaluated project impacts on circulation in terms of Vehicle Miles Traveled
26 (VMT) using the California Office of Planning & Research’s technical advisory and
27 included mitigation requiring future development to employ travel demand management
28 strategies that have been proven to reduce VMT, consistent with Policies CIRC-1.5 and

1 CIRC-9.1. As supported by VESP Section 5.6 and VESP policies C-1.2 and C-1.10, the
2 project would support public transit as called-for by General Plan Policy CIRC-5.3. The
3 VESP has been designed with large amounts of open space and an extensive network of
4 multi-use trails that will encourage recreational activity by future residents, consistent with
5 General Plan policies that promote a healthy and sustainable lifestyle. The project design
6 and policy framework for the VESP reflect a culture of stewardship and resource
7 conservation by protecting most of the sensitive habitats within the site and elevating
8 quality of life for existing and future citizens in the area by providing a community park
9 and elementary school (PROS-2, PROS-3.4, PROS-4, PROS-4.1 and PROS-4.3). The
10 retention and replacement of trees is required pursuant to the Valley's Edge Tree
11 Preservation Program contained in Appendix E of the VESP, consistent with Policy SUS-
12 6.4 which calls for continued support for the planting and maintenance of trees in the
13 community to increase carbon sequestration and Policy OS-6.1 which promotes a healthy
14 urban forest to also reduce energy consumption and urban heat gain. Policies and Design
15 Guidelines in the VESP promote drought tolerant landscaping (PROS-4.2, DES-2.12 and
16 Sections 6.2.3, A.5.3, A.6.5, A.6.7, and A.6.8), consistent with Policies SUS-4.2 and SUS-
17 4.3. The project also supports providing local foods, including community gardens within
18 Village Core Park (See VESP Sections 3.2.6 and 4.8.2), and in residential and commercial
19 areas, consistent with General Plan Policy SUS-7.2. Consistent with Policy SUS-6.2, which
20 directs implementation of the City's Climate Action Plan (CAP), the VESP would help
21 implement the CAP Measures by avoiding the use of natural gas in all new structures within
22 the project (CAP Measure E-2), installing photovoltaic arrays on all residential and HOA
23 buildings per VESP Policies INFR-4.1, DES-2.2, and DES-2.10 (CAP Measure E-4),
24 developing a multimodal circulation system that supports transit, bicycles, pedestrians, and
25 neighborhood electric vehicles (CAP Measure T-1), improving electric vehicle
26 infrastructure through VESP Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24
27 building code requirements (CAP Measure T-2), constructing a park-and-ride lot and
28 transit stops near the Village Core per VESP Policies C-1.9 and C-1.10 (CAP Measure T-

1 3), incorporating a Transportation Demand Management (TDM) plan per air quality EIR
2 mitigation, which will support or expand upon other GHG-reducing efforts, establishing a
3 mixed-use development in one of the City's new growth areas to reduce VMT (CAP
4 Measure T-5), and increasing carbon sequestration over time by installing street trees along
5 all new roadways and implementing the Valley's Edge Tree Preservation Program which
6 requires replacement trees for each qualifying tree removed as a part of site development.
7 Therefore, the VESP includes a reasonable range and degree of GHG-reducing measures
8 to be consistent with the CAP and would assist in the attainment of the City's climate action
9 goals by incorporating CAP measures into future development. As directed by Policy SUS-
10 6.3, increases in GHG emissions were analyzed and mitigated during the EIR process
11 pursuant to the California Environmental Quality Act, though forecasted operational GHG
12 emissions from the project remain significant and unavoidable. The specific plan, as
13 modified by Mitigation Measures AQ-2 through AQ-5 from the EIR, would help the local
14 air basin comply with state and federal ambient air quality standards, consistent with Policy
15 OS-4.1. The VESP will assist in the provision of housing for seniors by reserving
16 approximately one-half of the future units (1,357 homes) for age-restricted households of
17 individuals 55 years and older, consistent with Policies H.4.4 and HE 5.1. It is anticipated
18 that some of the senior housing units, as well as any congregate care homes and assisted
19 living facilities, will be constructed with enhanced accessibility features to accommodate
20 older individuals with limited mobility or other accessibility needs, consistent with Policy
21 H.4.1 and HE 1.5. The VESP plans for a variety of residential densities and unit types that
22 will result in a range of housing options, including smaller workforce/attainable housing
23 (e.g., cottages, courtyard homes and patio homes) to accommodate a range of incomes,
24 consistent with Policies H.6.1 and H.6.2. The development agreement expands upon this
25 by requiring the developer to provide a site at least 4 acres in size within or near the Village
26 Core area for an affordable housing project, consistent with Action LU-6.2.1 and Policies
27 HE 1.6 and HE 3.3. Policies, standards, and design guidelines in the VESP include public
28 safety considerations that deal with crime prevention through environmental design (VESP

1 Policy LU-1.5 and Section A.3.1), flooding concerns (Section 6.4), and wildfire concerns
2 (VESP Policies LU-5.1 through LU-5.7 and Section 4.5), consistent with General Plan
3 Policies CD-3.4, S-2.1, S-4.3, and S-5.5. Flooding concerns and drainage plans to reduce
4 the likelihood of future flooding in the area are addressed in detail in Section 4.9 of the
5 EIR and Appendix H of the EIR. The VESP's firewise policies in Section 4.5 address
6 wildfires from five distinct perspectives: Land Planning, Fire Fighting Capability, Fire
7 Resistant Materials and Building Standards, Fuel Reduction Management, and Emergency
8 Preparedness. The VESP project is designed to be consistent with the General Plan and the
9 VESP would provide a reserve of available land to support the long-term growth needs of
10 the City, consistent with Policy HE-4.1 which directs the City to enable sufficient housing
11 construction to meet future needs; and

12 B. The site is physically suitable for the pattern of land use classifications contained in the
13 VESP and GPA 22-03, and anticipated future development resulting therefrom, including
14 access which will primarily be from Skyway Road and East 20th Street, the provision of
15 utilities which will be extended as necessary to serve the planned future development,
16 compatibility with adjoining land uses through the use of open space buffers, and the
17 purposeful planning of open space areas throughout the VESP site to avoid physical
18 constraints such as steep slopes, wetlands and ephemeral creeks. There are no physical
19 constraints on the VESP site which would prohibit development and use of the site
20 consistent with the proposed land use designations. City design review of future multi-
21 family residential and commercial land development within the VESP site will ensure that
22 specific elements of those sites are completed in a manner that is compatible with
23 individual lots and adjoining land uses. Areas proposed for long-term preservation are
24 appropriate to set aside and protect, and areas proposed for development are physically
25 suitable for development.

26 2. The Chico City Council hereby approves GPA 22-03, including: (a) land use designation
27 amendments to Figure LU-1 as set forth in attached Exhibit I, and (b) text amendments modifying
28 Action LU-6.2.4, Page C-6, and Page C-7 of Appendix C as set forth in attached Exhibit II to

1 remove SPA-5 as a future planning area and reflect adoption of the VESP.

2 THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico
3 at its meeting held on _____, 2023, by the following vote:

4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAINED:

8 DISQUALIFIED:

9 ATTEST:

APPROVED AS TO FORM:

10

11

Deborah R. Presson
City Clerk

Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of
the City of Chico, Section 906(E)

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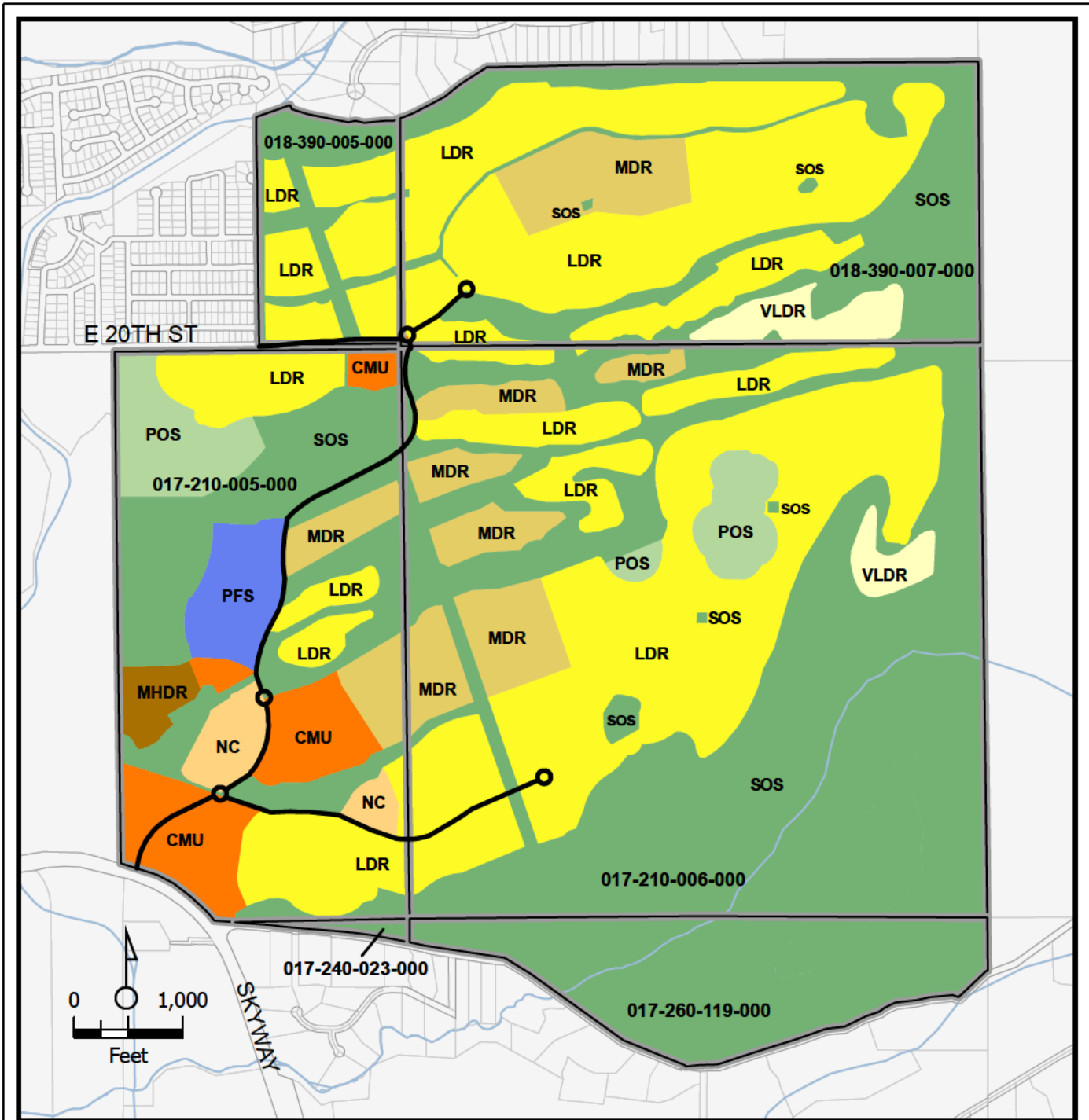
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GPA 22-03 (Valley's Edge Specific Plan)
 APNs 017-210-005, 017-210-006, 017-240-023, 017-260-119, 018-390-005, 018-390-007
 From: SPA Special Planning Area

To:

- VLDR Very Low Density Residential
- LDR Low Density Residential
- MDR Medium Density Residential
- MHDR Medium-High Density Residential
- NC Neighborhood Commercial
- CMU Commercial Mixed Use
- PFS Public Facilities & Services
- POS Primary Open Space
- SOS Secondary Open Space



●—**Action LU-6.2.4 (Doe Mill/Honey Run SPA ~~Planning~~Implementation)** – Support projects that implement the Valley’s Edge Specific Plan, which will include ~~Plan the Doe Mill/Honey Run SPA with~~ a broad range of housing types and densities integrated with open space and recreational areas, supporting commercial services, and public facilities. Subsequent planning will:

●—~~Address circulation with primary connections to the site via Skyway and E. 20th Street.~~

●—~~Incorporate accessible open space on the eastern portion of the SPA, a community park, as well as neighborhood and mini parks.~~

●—~~Maintain open space by clustering development and providing open space buffers on the northern, eastern, and southern edges of the SPA.~~

●—~~Include visual simulations to ensure that development is not visually intrusive as viewed from lower elevations.~~

●—~~Incorporate special lighting standards to reduce impacts on the nighttime sky.~~

● Address wildland fire considerations.

APPENDIX C - SPECIAL PLANNING AREAS

Doe Mill/Honey Run Special Planning Area

NOTE: The Doe Mill/Honey Run Special Planning Area has been removed as a Special Planning Area and replaced with the Valley's Edge Specific Plan. See General Plan Figure LU-1, Land Use Diagram.

Existing Conditions

The Doe Mill/Honey Run Special Planning Area (SPA) is approximately 1,441 gross acres located in the lower foothills at the eastern end of E. 20th Street, east of Potter Road, and north of Honey Run Road and Skyway.

The area is undeveloped and is characterized by grasslands and blue oaks in valley areas, grasslands with sparse vegetation across gradually sloping ridgelines, and corridors of mixed oak and mixed woodlands along seasonal streams and the more sharply defined ridgelines. Vernal swale complexes exist along the western edge of the SPA. Adjacent land uses include residential development along E. 20th Street and in Stilson Canyon to the north, undeveloped and environmentally constrained land to the west, large rural residential lots along Honey Run Road to the south, and open grazing land to the east.

Honey Run Road runs along the entire southern boundary of the SPA, and approximately one quarter mile of Skyway frontage exists along the southwestern corner. To the north, E. 20th Street, which connects with Bruce Road and State Route 99, provides access to the site.

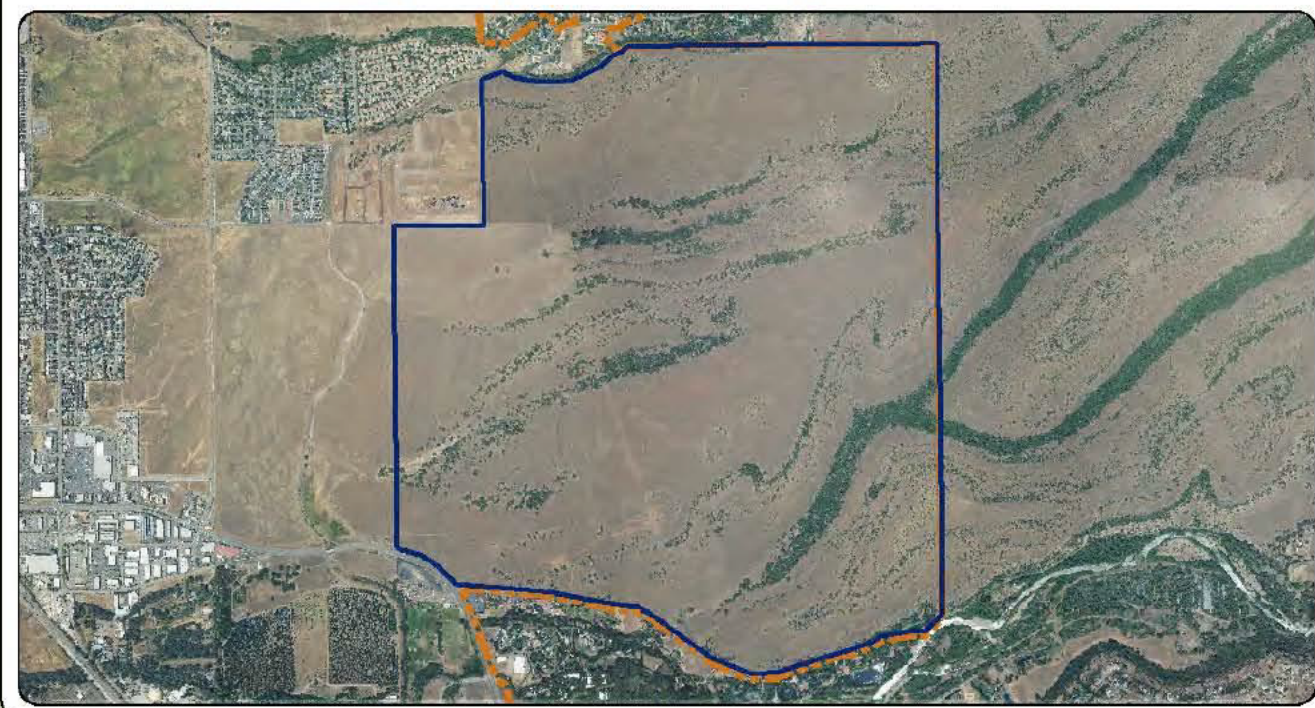
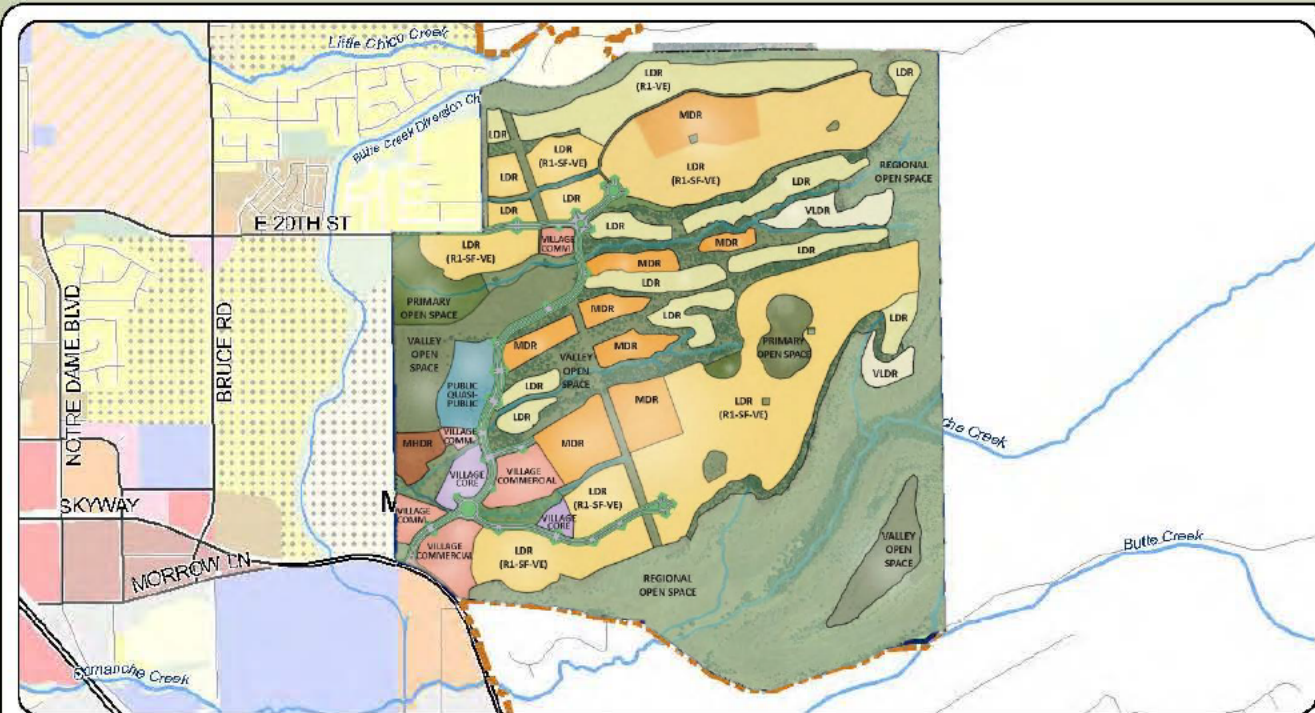
Conceptual Land Use Plan

Planning for the Doe Mill/Honey Run SPA will result in a recreation-oriented, mixed-use development offering a broad range of housing types and densities. The SPA will include a village core, retail along Skyway, a variety of residential densities (including very low, low, medium, and medium-high density), open space areas on the SPA's east side, a community park, neighborhood and pocket parks, public uses (potentially an elementary school site), and preserve areas with creekside corridors. Roadways, trails, and bikeways will be integrated into the natural landscape to connect the residential areas to parks, open space, offices, public facilities, and services.

The village core will provide a mix of professional offices, neighborhood retail, and other services. The community park will be designed and programmed with the Chico Area Recreation and Park District to include a variety of recreational amenities. Open space areas will provide a buffer along the entire Stilson Canyon rim to the north and along Honey Run Road to the south, and will establish a permanent buffer against foothill encroachment to the east.

Design standards will be developed for site planning, building design, and landscaping to minimize visual impacts and to address wildland fire considerations for this foothill development. Lighting standards will be developed to address dark sky concerns and visual impacts. Special consideration will be given to protecting and preserving sensitive habitats, including the many ephemeral streams that drain the site, as well as the wetland areas on the western edge. Site planning will consider and protect groundwater recharge areas.

Key circulation links will be located at Skyway and E. 20th Street.

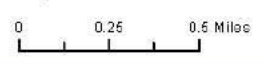


GENERAL PLAN DESIGNATIONS

- VLDR Very Low Density Residential
- LDR Low Density Residential
- MDR Medium Density Residential
- MHDR Medium-High Density Residential
- MUNC Mixed Use Neighborhood Commercial
- CMU Commercial Mixed Use
- PFS Public Facilities & Services
- PCS Primary Open Space
- SOS Secondary Open Space

- City of Chico Sphere of Influence Boundary
- Doe Mill / Honey Run SPA Boundary

Data Source: City of Chico
Aerial: March, 2009



Special Planning Area - Doe Mill/Honey Run

CHICO 2010
GENERAL PLAN

1 C-6). The VESP, including Rezone 19-01, is consistent with General Plan direction for
2 planning SPAs in that it would help the City meet its future growth needs for housing
3 and jobs (Policy LU-2.1) by supporting up to 2,777 new residential units and
4 approximately 447,155 square feet of new commercial space, with flexibility built into
5 the specific plan's implementation as well as its zoning by designating 100 acres of the
6 site Medium Density Residential, which can support a variety of housing types, and by
7 permitting up to 35 units/acre in the commercial designations. The road and trail system
8 would establish multimodal connections between discrete residential planning areas that
9 would support a mix of housing types and connect new residents to services,
10 employment, and shopping in the Village Core area. Opportunities for affordable housing
11 would be provided on areas designated Medium-High Density Residential, Village Core,
12 and/or Village Commercial. The VESP will complement the City's longstanding efforts
13 to maintain a compact urban form by developing within the City's existing sphere of
14 influence and establishing a long-term growth boundary between urban uses and foothills
15 in the east (VESP Actions LU-2.1 and LU-2.3), consistent with General Plan Policies
16 LU-1.2 and LU-1.3. The VESP reflects clustering development to maintain large
17 amounts of open space, avoiding sensitive natural features and cultural resources, as well
18 as an open space buffer approximately 300 feet wide along its eastern edge to serve as a
19 permanent urban growth boundary, consistent with policies LU-2.5, CD-1.1, OS-1.1, OS-
20 2.5 and OS-3.1. Approximately 286 acres of oak woodlands would be preserved by open
21 space zoning, consistent with Policy OS-2.6. Consistent with General Plan Action LU
22 6.2.4 and Policies CD-2.4, OS-1.3, and OS-2.4, the VESP project design and policy
23 framework will result in the careful location of buildings and infrastructure, reductions
24 in excessive nighttime lighting and will preserve the foothills as a backdrop to the urban
25 form to the extent feasible. Streets in the VESP will be accompanied by an extensive trail
26 and bike path network that will provide a sense of place by linking future homes and the
27 Village Core area to onsite creeks and other open spaces, consistent with Policies CD-
28 2.1, CD-4.1, CIRC-2.1, OS-2.2. The trail and bike path network will also include north-

1 south emergency vehicle connections as shown in VESP Section 4.6, and encourage
2 exercise and active modes of transportation, consistent with Action LU-6.2.4 and Policies
3 CIRC-1.2, CD-3.3 and SUS-1.6. By providing a mix of land uses with walkable access
4 between homes, recreational areas, and the commercial Village Core, the VESP is
5 consistent with General Plan Policies LU-2.3 and LU-3.1 which call for sustainable land
6 use patterns with a mix of uses that meet the needs of the community. The VESP will
7 provide an additional inventory of land with capacity for development with a mix of
8 dwelling types and sizes, consistent with Policies H.3.2, H.3.3 and HE 4.2. Development
9 of the VESP will include internal and adjacent roadway circulation improvement as
10 necessary to safely and efficiently accommodate traffic generated by the project,
11 consistent with Policies CIRC-1.1 and CIRC 1.2, and future development will also be
12 required to pay “fair share” development impact fees to help fund citywide circulation
13 improvements beyond the project boundaries, which will assist the City in maintaining
14 acceptable levels of service on City streets consistent with Policies CIRC 1.3 and CIRC
15 1.4. The EIR evaluated project impacts on circulation in terms of Vehicle Miles Traveled
16 (VMT) using the California Office of Planning & Research’s technical advisory and
17 included mitigation requiring future development to employ travel demand management
18 strategies that have been proven to reduce VMT, consistent with Policies CIRC-1.5 and
19 CIRC-9.1. As supported by VESP Section 5.6 and VESP policies C-1.2 and C-1.10, the
20 project would support public transit as called-for by General Plan Policy CIRC-5.3. The
21 VESP has been designed with large amounts of open space and an extensive network of
22 multi-use trails that will encourage recreational activity by future residents, consistent
23 with General Plan policies that promote a healthy and sustainable lifestyle. The project
24 design and policy framework for the VESP reflect a culture of stewardship and resource
25 conservation by protecting most of the sensitive habitats within the site and elevating
26 quality of life for existing and future citizens in the area by providing a community park
27 and elementary school (PROS-2, PROS-3.4, PROS-4, PROS-4.1 and PROS-4.3). The
28 retention and replacement of trees is required pursuant to the Valley’s Edge Tree

1 Preservation Program contained in Appendix E of the VESP, consistent with Policy SUS-
2 6.4 which calls for continued support for the planting and maintenance of trees in the
3 community to increase carbon sequestration and Policy OS-6.1 which promotes a healthy
4 urban forest to also reduce energy consumption and urban heat gain. Policies and Design
5 Guidelines in the VESP promote drought tolerant landscaping (PROS-4.2, DES-2.12 and
6 Sections 6.2.3, A.5.3, A.6.5, A.6.7, and A.6.8), consistent with Policies SUS-4.2 and
7 SUS-4.3. The project also supports providing local foods, including community gardens
8 within Village Core Park (See VESP Sections 3.2.6 and 4.8.2), and in residential and
9 commercial areas, consistent with General Plan Policy SUS-7.2. Consistent with Policy
10 SUS-6.2, which directs implementation of the City’s Climate Action Plan (CAP), the
11 VESP would help implement the CAP Measures by avoiding the use of natural gas in all
12 new structures within the project (CAP Measure E-2), installing photovoltaic arrays on
13 all residential and HOA buildings per VESP Policies INFR-4.1, DES-2.2, and DES-2.10
14 (CAP Measure E-4), developing a multimodal circulation system that supports transit,
15 bicycles, pedestrians, and neighborhood electric vehicles (CAP Measure T-1), improving
16 electric vehicle infrastructure through VESP Actions C-1.5, C-1.7, and C-1.8, in addition
17 to Title 24 building code requirements (CAP Measure T-2), constructing a park-and-ride
18 lot and transit stops near the Village Core per VESP Policies C-1.9 and C-1.10 (CAP
19 Measure T-3), incorporating a Transportation Demand Management (TDM) plan per air
20 quality EIR mitigation, which will support or expand upon other GHG-reducing efforts,
21 establishing a mixed-use development in one of the City’s new growth areas to reduce
22 VMT (CAP Measure T-5), and increasing carbon sequestration over time by installing
23 street trees along all new roadways and implementing the Valley’s Edge Tree
24 Preservation Program which requires replacement trees for each qualifying tree removed
25 as a part of site development. Therefore, the VESP includes a reasonable range and
26 degree of GHG-reducing measures to be consistent with the CAP and would assist in the
27 attainment of the City’s climate action goals by incorporating CAP measures into future
28 development. As directed by Policy SUS-6.3, increases in GHG emissions were analyzed

1 and mitigated during the EIR process pursuant to the California Environmental Quality
2 Act, though forecasted operational GHG emissions from the project remain significant
3 and unavoidable. The specific plan, as modified by Mitigation Measures AQ-2 through
4 AQ-5 from the EIR, would help the local air basin comply with state and federal ambient
5 air quality standards, consistent with Policy OS-4.1. The VESP will assist in the provision
6 of housing for seniors by reserving approximately one-half of the future units (1,357
7 homes) for age-restricted households of individuals 55 years and older, consistent with
8 Policies H.4.4 and HE 5.1. It is anticipated that some of the senior housing units, as well
9 as any congregate care homes and assisted living facilities, will be constructed with
10 enhanced accessibility features to accommodate older individuals with limited mobility
11 or other accessibility needs, consistent with Policy H.4.1 and HE 1.5. The VESP plans
12 for a variety of residential densities and unit types that will result in a range of housing
13 options, including smaller workforce/attainable housing (e.g., cottages, courtyard homes
14 and patio homes) to accommodate a range of incomes, consistent with Policies H.6.1 and
15 H.6.2. The development agreement expands upon this by requiring the developer to
16 provide a site at least 4 acres in size within or near the Village Core area for an affordable
17 housing project, consistent with Action LU-6.2.1 and Policies HE 1.6 and HE 3.3.
18 Policies, standards, and design guidelines in the VESP include public safety
19 considerations that deal with crime prevention through environmental design (VESP
20 Policy LU-1.5 and Section A.3.1), flooding concerns (Section 6.4), and wildfire concerns
21 (VESP Policies LU-5.1 through LU-5.7 and Section 4.5), consistent with General Plan
22 Policies CD-3.4, S-2.1, S-4.3, and S-5.5. Flooding concerns and drainage plans to reduce
23 the likelihood of future flooding in the area are addressed in detail in Section 4.9 of the
24 EIR and Appendix H of the EIR. The VESP's firewise policies in Section 4.5 address
25 wildfires from five distinct perspectives: Land Planning, Fire Fighting Capability, Fire
26 Resistant Materials and Building Standards, Fuel Reduction Management, and
27 Emergency Preparedness. The VESP project is designed to be consistent with the General
28 Plan and the VESP would provide a reserve of available land to support the long-term

1 growth needs of the City, consistent with Policy HE-4.1 which directs the City to enable
2 sufficient housing construction to meet future needs; and

3 B. The site is physically suitable for the pattern of zoning classifications contained in the
4 VESP and Rezone 19-01, and anticipated future development resulting therefrom,
5 including access which will primarily be from Skyway Road and East 20th Street, the
6 provision of utilities which will be extended as necessary to serve the planned future
7 development, compatibility with adjoining land uses through the use of open space
8 buffers, and the purposeful planning of open space areas throughout the VESP site to
9 avoid physical constraints such as steep slopes, wetlands and ephemeral creeks. There
10 are no physical constraints on the VESP site which would prohibit development and use
11 of the site consistent with the proposed land use designations. City design review of
12 future multi-family residential and commercial land development within the VESP site
13 will ensure that specific elements of those sites are completed in a manner that is
14 compatible with individual lots and adjoining land uses. Areas proposed for long-term
15 preservation are appropriate to set aside and protect, and areas proposed for development
16 are physically suitable for development.

17 **Section 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the
18 application thereof to any person or circumstances, is held to be unconstitutional or to be
19 otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other
20 provisions or clauses of this Ordinance or application thereof which can be implemented
21 without the invalid provisions, clause, or application, and to this end such provisions and
22 clauses of the Ordinance are declared to be severable.

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Section 4. This ordinance shall become effective 30 days following the date of its adoption.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its meeting held on _____, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

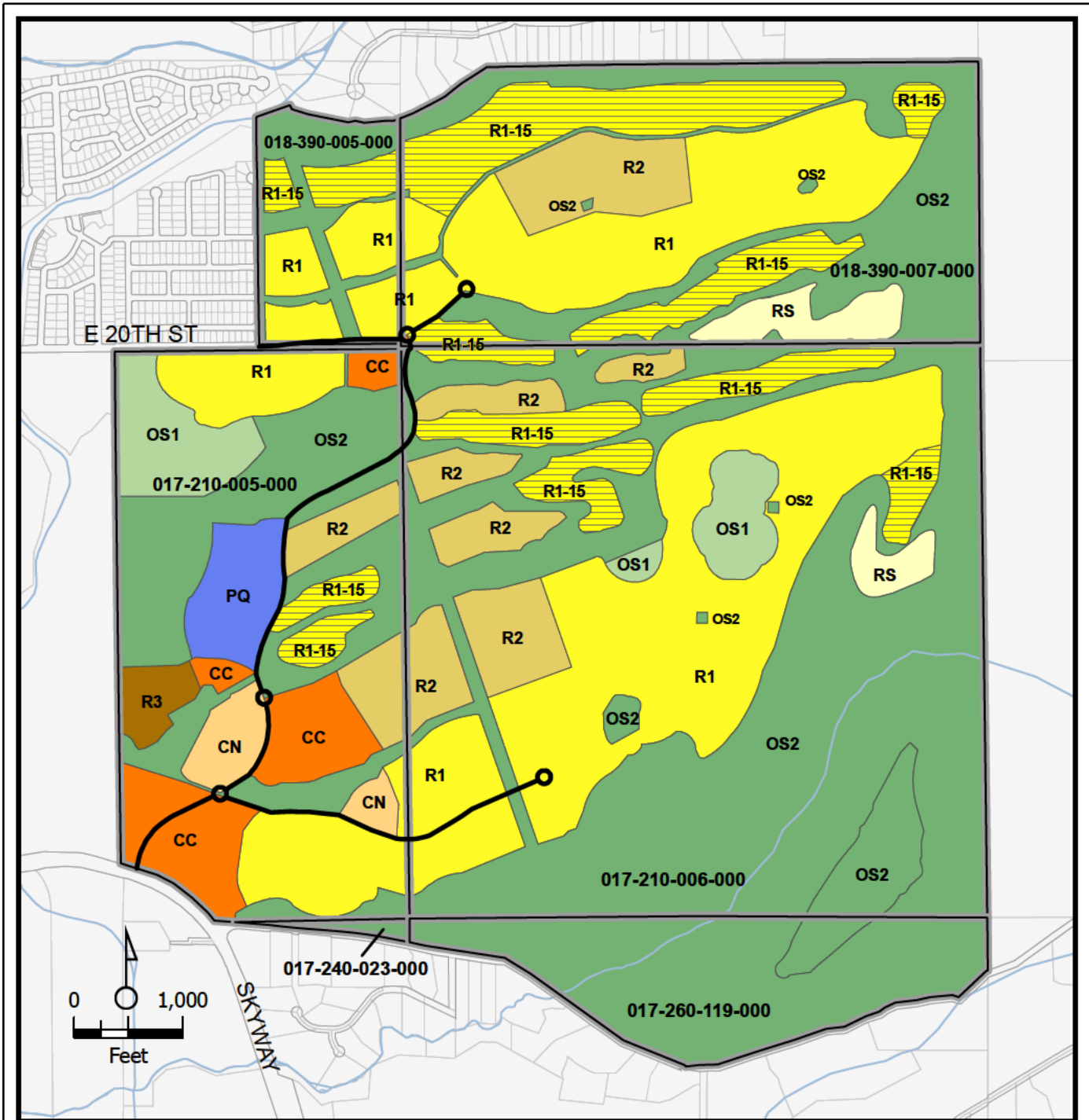
Deborah R. Presson
City Clerk

Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of
the City of Chico, Section 906(E)

Rezone **19-01**

Approval Recommended by
Chico Planning Commission on
by Resolution No. _____.

Approved by Chico City Council on
by Ordinance No. _____.



Rezone 19-01 (Valley's Edge Specific Plan)
APNs 017-210-005, 017-210-006, 017-240-023, 017-260-119, 018-390-005, 018-390-007
From: SPA Special Planning Area
To:

- RS Suburban Residential
- R1-15 Low Density Residential 15,000 sq ft min.
- R1 Low Density Residential
- R2 Medium Density Residential
- R3 Medium-High Density Residential
- CN Neighborhood Commercial
- CC Community Commercial
- PQ Public/Quasi Public Facilities
- OS1 Primary Open Space
- OS2 Secondary Open Space

All Zoning Districts include -VE Valley's Edge zoning overlay



1 process entitlement requests within the Valley’s Edge Specific Plan area.

2 **Section 3.** The City Council finds that:

3 A. Adding the Valley’s Edge (-VE) overlay zone is consistent with the General Plan in that
4 it would facilitate implementation of the Valley’s Edge Specific Plan (VESP), which
5 constitutes the comprehensive planning effort for the particular area identified as the Doe
6 Mill/Honey Run Special Planning Area (SPA-5) by the General Plan. The VESP is
7 consistent with General Plan direction specific to SPA-5, general direction for planning
8 Special Planning Areas (SPAs), and is supportive of and consistent with General Plan
9 policies and objectives pertaining to development projects. The VESP is consistent with
10 General Plan direction for SPA-5 in that both the VESP and General Plan call for: a
11 recreation oriented mixed-use development offering a broad range of housing types and
12 densities; a Village Core and retail along Skyway Road; primary circulation connections
13 to Skyway Road and East 20th Street; incorporating a community park; maintaining open
14 space by clustering development; providing open space buffers along the north, south and
15 easterly boundaries; utilizing visual simulations to ensure that visual impacts are
16 minimized; incorporating special lighting standards to reduce impacts on the nighttime
17 sky; preserving sensitive habitats; and addressing wildland fire considerations (General
18 Plan Action LU-6.2.4 and Written Description for SPA-5 in Appendix C, Page C-6). The
19 VESP, including CA 22-02, is consistent with General Plan direction for planning SPAs
20 in that it would help the City meet its future growth needs for housing and jobs (Policy
21 LU-2.1) by supporting up to 2,777 new residential units and approximately 447,155
22 square feet of new commercial space, with flexibility built into the specific plan’s
23 implementation as well as its zoning by designating 100 acres of the site Medium Density
24 Residential, which can support a variety of housing types, and by permitting up to 35
25 units/acre in the commercial designations. The road and trail system would establish
26 multimodal connections between discrete residential planning areas that would support a
27 mix of housing types and connect new residents to services, employment, and shopping
28 in the Village Core area. Opportunities for affordable housing would be provided on areas

1 designated Medium-High Density Residential, Village Core, and/or Village Commercial.
2 The VESP will complement the City’s longstanding efforts to maintain a compact urban
3 form by developing within the City’s existing sphere of influence and establishing a long-
4 term growth boundary between urban uses and foothills in the east (VESP Actions LU-
5 2.1 and LU-2.3), consistent with General Plan Policies LU-1.2 and LU-1.3. The VESP
6 reflects clustering development to maintain large amounts of open space, avoiding
7 sensitive natural features and cultural resources, as well as an open space buffer
8 approximately 300 feet wide along its eastern edge to serve as a permanent urban growth
9 boundary, consistent with policies LU-2.5, CD-1.1, OS-1.1, OS-2.5 and OS-3.1.
10 Approximately 286 acres of oak woodlands would be preserved by open space zoning,
11 consistent with Policy OS-2.6. Consistent with General Plan Action LU 6.2.4 and Policies
12 CD-2.4, OS-1.3, and OS-2.4, the VESP project design and policy framework will result
13 in the careful location of buildings and infrastructure, reductions in excessive nighttime
14 lighting and will preserve the foothills as a backdrop to the urban form to the extent
15 feasible. Streets in the VESP will be accompanied by an extensive trail and bike path
16 network that will provide a sense of place by linking future homes and the Village Core
17 area to onsite creeks and other open spaces, consistent with Policies CD-2.1, CD-4.1,
18 CIRC-2.1, OS-2.2. The trail and bike path network will also include north-south
19 emergency vehicle connections as shown in VESP Section 4.6, and encourage exercise
20 and active modes of transportation, consistent with Action LU-6.2.4 and Policies CIRC-
21 1.2, CD-3.3 and SUS-1.6. By providing a mix of land uses with walkable access between
22 homes, recreational areas, and the commercial Village Core, the VESP is consistent with
23 General Plan Policies LU-2.3 and LU-3.1 which call for sustainable land use patterns with
24 a mix of uses that meet the needs of the community. The VESP will provide an additional
25 inventory of land with capacity for development with a mix of dwelling types and sizes,
26 consistent with Policies H.3.2, H.3.3 and HE 4.2. Development of the VESP will include
27 internal and adjacent roadway circulation improvement as necessary to safely and
28 efficiently accommodate traffic generated by the project, consistent with Policies CIRC-

1 1.1 and CIRC 1.2, and future development will also be required to pay “fair share”
2 development impact fees to help fund citywide circulation improvements beyond the
3 project boundaries, which will assist the City in maintaining acceptable levels of service
4 on City streets consistent with Policies CIRC 1.3 and CIRC 1.4. The EIR evaluated project
5 impacts on circulation in terms of Vehicle Miles Traveled (VMT) using the California
6 Office of Planning & Research’s technical advisory and included mitigation requiring
7 future development to employ travel demand management strategies that have been
8 proven to reduce VMT, consistent with Policies CIRC-1.5 and CIRC-9.1. As supported
9 by VESP Section 5.6 and VESP policies C-1.2 and C-1.10, the project would support
10 public transit as called-for by General Plan Policy CIRC-5.3. The VESP has been designed
11 with large amounts of open space and an extensive network of multi-use trails that will
12 encourage recreational activity by future residents, consistent with General Plan policies
13 that promote a healthy and sustainable lifestyle. The project design and policy framework
14 for the VESP reflect a culture of stewardship and resource conservation by protecting
15 most of the sensitive habitats within the site and elevating quality of life for existing and
16 future citizens in the area by providing a community park and elementary school (PROS-
17 2, PROS-3.4, PROS-4, PROS-4.1 and PROS-4.3). The retention and replacement of trees
18 is required pursuant to the Valley’s Edge Tree Preservation Program contained in
19 Appendix E of the VESP, consistent with Policy SUS-6.4 which calls for continued
20 support for the planting and maintenance of trees in the community to increase carbon
21 sequestration and Policy OS-6.1 which promotes a healthy urban forest to also reduce
22 energy consumption and urban heat gain. Policies and Design Guidelines in the VESP
23 promote drought tolerant landscaping (PROS-4.2, DES-2.12 and Sections 6.2.3, A.5.3,
24 A.6.5, A.6.7, and A.6.8), consistent with Policies SUS-4.2 and SUS-4.3. The project also
25 supports providing local foods, including community gardens within Village Core Park
26 (See VESP Sections 3.2.6 and 4.8.2), and in residential and commercial areas, consistent
27 with General Plan Policy SUS-7.2. Consistent with Policy SUS-6.2, which directs
28 implementation of the City’s Climate Action Plan (CAP), the VESP would help

1 implement the CAP Measures by avoiding the use of natural gas in all new structures
2 within the project (CAP Measure E-2), installing photovoltaic arrays on all residential and
3 HOA buildings per VESP Policies INFR-4.1, DES-2.2, and DES-2.10 (CAP Measure E-
4 4), developing a multimodal circulation system that supports transit, bicycles, pedestrians,
5 and neighborhood electric vehicles (CAP Measure T-1), improving electric vehicle
6 infrastructure through VESP Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24
7 building code requirements (CAP Measure T-2), constructing a park-and-ride lot and
8 transit stops near the Village Core per VESP Policies C-1.9 and C-1.10 (CAP Measure T-
9 3), incorporating a Transportation Demand Management (TDM) plan per air quality EIR
10 mitigation, which will support or expand upon other GHG-reducing efforts, establishing
11 a mixed-use development in one of the City's new growth areas to reduce VMT (CAP
12 Measure T-5), and increasing carbon sequestration over time by installing street trees
13 along all new roadways and implementing the Valley's Edge Tree Preservation Program
14 which requires replacement trees for each qualifying tree removed as a part of site
15 development. Therefore, the VESP includes a reasonable range and degree of GHG-
16 reducing measures to be consistent with the CAP and would assist in the attainment of the
17 City's climate action goals by incorporating CAP measures into future development. As
18 directed by Policy SUS-6.3, increases in GHG emissions were analyzed and mitigated
19 during the EIR process pursuant to the California Environmental Quality Act, though
20 forecasted operational GHG emissions from the project remain significant and
21 unavoidable. The specific plan, as modified by Mitigation Measures AQ-2 through AQ-5
22 from the EIR, would help the local air basin comply with state and federal ambient air
23 quality standards, consistent with Policy OS-4.1. The VESP will assist in the provision of
24 housing for seniors by reserving approximately one-half of the future units (1,357 homes)
25 for age-restricted households of individuals 55 years and older, consistent with Policies
26 H.4.4 and HE 5.1. It is anticipated that some of the senior housing units, as well as any
27 congregate care homes and assisted living facilities, will be constructed with enhanced
28 accessibility features to accommodate older individuals with limited mobility or other

1 accessibility needs, consistent with Policy H.4.1 and HE 1.5. The VESP plans for a variety
2 of residential densities and unit types that will result in a range of housing options,
3 including smaller workforce/attainable housing (e.g., cottages, courtyard homes and patio
4 homes) to accommodate a range of incomes, consistent with Policies H.6.1 and H.6.2. The
5 development agreement expands upon this by requiring the developer to provide a site at
6 least 4 acres in size within or near the Village Core area for an affordable housing project,
7 consistent with Action LU-6.2.1 and Policies HE 1.6 and HE 3.3. Policies, standards, and
8 design guidelines in the VESP include public safety considerations that deal with crime
9 prevention through environmental design (VESP Policy LU-1.5 and Section A.3.1),
10 flooding concerns (Section 6.4), and wildfire concerns (VESP Policies LU-5.1 through
11 LU-5.7 and Section 4.5), consistent with General Plan Policies CD-3.4, S-2.1, S-4.3, and
12 S-5.5. Flooding concerns and drainage plans to reduce the likelihood of future flooding in
13 the area are addressed in detail in Section 4.9 of the EIR and Appendix H of the EIR. The
14 VESP's firewise policies in Section 4.5 address wildfires from five distinct perspectives:
15 Land Planning, Fire Fighting Capability, Fire Resistant Materials and Building Standards,
16 Fuel Reduction Management, and Emergency Preparedness. The VESP project is
17 designed to be consistent with the General Plan and the VESP would provide a reserve of
18 available land to support the long-term growth needs of the City, consistent with Policy
19 HE-4.1 which directs the City to enable sufficient housing construction to meet future
20 needs; and

21 B. Adding the Valley's Edge (-VE) overlay zone is consistent with other applicable
22 provisions of Title 19 of the Chico Municipal Code in that the -VE overlay zone directs
23 implementation of the Valley's Edge Specific Plan by referring to the specific plan's land
24 use allowances and development standards and directs the use of Title 19 regulations for
25 administration, permitting procedures, and for land use allowances and development
26 standards where the specific plan is silent. The land use allowances and development
27 standards contained in the Valley's Edge Specific Plan are modeled after, and are similar
28 to, Title 19 land use allowances and development standards, with intentional exceptions

to encourage consistency between future development within the specific plan area and the goals and actions contained within the specific plan. For example, the VESP contains special foothill development standards such as reduced height allowances and increased setbacks in response to the site’s prominent position, which advances VESP Actions LU-4.1, LU-4.2 and LU-4.3 directed at minimizing visual impacts from VESP development.

The -VE overlay zone will result in uses which are compatible internally within the specific plan area and between the specific plan area and surrounding sites.

Section 4. Table 4-1, Zoning Districts, of subdivision 19.40.010, Zoning Districts Generally, of Title 19, Land Use and Development Regulations, is amended as follows, in part, with all other existing provisions of Table 4-1 remaining the same:

TABLE 4-1
ZONING DISTRICTS

Zoning Map Symbol	Zoning District Name	Primary General Plan Land Use Designation and Permitted Densities (1)
Overlay Zoning District		
-VE	Valley’s Edge	All designations

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

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Section 6. This Ordinance shall be effective thirty (30) days following its adoption.

THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of the City of Chico held on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of
the City of Chico, Section 906(E)

1 to connect the residential areas to parks, open space, commercial areas, public facilities, and
2 services; and

3 WHEREAS, the Planning Commission considered the Plan, related approvals,
4 recommendations set forth in the staff report and comments submitted at a noticed public hearing
5 held on December 1, 2022, and recommended that the City Council certify the environmental
6 impact report prepared for the Plan, approve the related General Plan amendments, code
7 amendments, zoning map amendments, development agreement, and approve the Plan; and

8 WHEREAS, the City Council, at a public hearing, duly noticed and held in the manner required
9 by law, has considered the recommendation of the Planning Commission and finds that it is in the
10 public interest to approve the Plan; and

11 WHEREAS, the City Council has certified an Environmental Impact Report (EIR) prepared
12 for the Plan and has adopted certain findings regarding the environmental effects, a statement of
13 overriding considerations for those impacts which cannot be mitigated to a level of less than
14 significant, and a mitigation monitoring and reporting program for the Plan; and

15 WHEREAS, the City Council considered the staff report and comments submitted at a noticed
16 public hearing held on _____, 2023.

17 NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as follows:

- 18 1. The Valley's Edge Specific Plan (VESP) is hereby adopted; and
19 2. In approving the VESP the City Council finds that:

20 A. The Plan is consistent with the General Plan and Title 19 of the City of Chico Municipal
21 Code on multiple levels, including direction for planning the Doe Mill/Honey Run Special
22 Planning Area (SPA-5), general direction for planning Special Planning Areas (SPAs), and
23 is supportive of and consistent with General Plan policies pertaining to development
24 projects. The VESP is consistent with General Plan direction for SPA-5 in that both the
25 VESP and General Plan call for: a recreation oriented mixed-use development offering a
26 broad range of housing types and densities; a Village Core and retail along Skyway Road;
27 primary circulation connections to Skyway Road and East 20th Street; incorporating a
28 community park; maintaining open space by clustering development; providing open space

1 buffers along the north, south and easterly boundaries; utilizing visual simulations to ensure
2 that visual impacts are minimized; incorporating special lighting standards to reduce
3 impacts on the nighttime sky; preserving sensitive habitats; and addressing wildland fire
4 considerations (General Plan Action LU-6.2.4 and Written Description for SPA-5 in
5 Appendix C, Page C-6). The VESP is consistent with General Plan direction for planning
6 SPAs in that it would help the City meet its future growth needs for housing and jobs (LU-
7 2.1) by supporting up to 2,777 new residential units and approximately 447,155 square feet
8 of new commercial space, with flexibility built into the specific plan's implementation as
9 well as its zoning by designating 100 acres of the site Medium Density Residential, which
10 can support a variety of housing types, and by permitting up to 35 units/acre in the
11 commercial designations. The road and trail system would establish multimodal
12 connections between discrete residential planning areas that would support a mix of
13 housing types and connect new residents to services, employment, and shopping in the
14 Village Core area. Opportunities for affordable housing would be provided on areas
15 designated Medium-High Density Residential, Village Core, and/or Village Commercial.
16 The VESP will complement the City's longstanding efforts to maintain a compact urban
17 form by developing within the City's existing sphere of influence and establishing a long-
18 term growth boundary between urban uses and foothills in the east (VESP Actions LU-2.1
19 and LU-2.3), consistent with General Plan Policies LU-1.2 and LU-1.3. The VESP reflects
20 clustering development to maintain large amounts of open space, avoiding sensitive natural
21 features and cultural resources, as well as an open space buffer approximately 300 feet
22 wide along its eastern edge to serve as a permanent urban growth boundary, consistent with
23 policies LU-2.5, CD-1.1, OS-1.1, OS-2.5 and OS-3.1. Approximately 286 acres of oak
24 woodlands would be preserved by open space zoning, consistent with Policy OS-2.6.
25 Consistent with General Plan Action LU 6.2.4 and Policies CD-2.4, OS-1.3, and OS-2.4,
26 the Plan design and policy framework will result in the careful location of buildings and
27 infrastructure, reductions in excessive nighttime lighting and will preserve the foothills as
28 a backdrop to the urban form to the extent feasible. Streets in the VESP will be

1 accompanied by an extensive trail and bike path network that will provide a sense of place
2 by linking future homes and the Village Core area to onsite creeks and other open spaces,
3 consistent with Policies CD-2.1, CD-4.1, CIRC-2.1, OS-2.2. The trail and bike path
4 network will also include north-south emergency vehicle connections as shown in VESP
5 Section 4.6, and encourage exercise and active modes of transportation, consistent with
6 Action LU-6.2.4 and Policies CIRC-1.2, CD-3.3 and SUS-1.6. By providing a mix of land
7 uses with walkable access between homes, recreational areas, and the commercial Village
8 Core, the VESP is consistent with General Plan Policies LU-2.3 and LU-3.1 which call for
9 sustainable land use patterns with a mix of uses that meet the needs of the community. The
10 VESP will provide an additional inventory of land with capacity for development with a
11 mix of dwelling types and sizes, consistent with Policies H.3.2, H.3.3 and HE 4.2.
12 Development of the VESP will include internal and adjacent roadway circulation
13 improvement as necessary to safely and efficiently accommodate traffic generated by the
14 Plan, consistent with Policies CIRC-1.1 and CIRC 1.2, and future development will also
15 be required to pay “fair share” development impact fees to help fund citywide circulation
16 improvements beyond the Plan boundaries, which will assist the City in maintaining
17 acceptable levels of service on City streets consistent with Policies CIRC 1.3 and CIRC
18 1.4. The EIR evaluated Plan impacts on circulation in terms of Vehicle Miles Traveled
19 (VMT) using the California Office of Planning & Research’s technical advisory and
20 included mitigation requiring future development to employ travel demand management
21 strategies that have been proven to reduce VMT, consistent with Policies CIRC-1.5 and
22 CIRC-9.1. As supported by VESP Section 5.6 and VESP policies C-1.2 and C-1.10, the
23 Plan would support public transit as called-for by General Plan Policy CIRC-5.3. The
24 VESP has been designed with large amounts of open space and an extensive network of
25 multi-use trails that will encourage recreational activity by future residents, consistent with
26 General Plan policies that promote a healthy and sustainable lifestyle. The Plan design and
27 policy framework for the VESP reflect a culture of stewardship and resource conservation
28 by protecting most of the sensitive habitats within the site and elevating quality of life for

1 existing and future citizens in the area by providing a community park and elementary
2 school (PROS-2, PROS-3.4, PROS-4, PROS-4.1 and PROS-4.3). The retention and
3 replacement of trees is required pursuant to the Valley's Edge Tree Preservation Program
4 contained in Appendix E of the VESP, consistent with Policy SUS-6.4 which calls for
5 continued support for the planting and maintenance of trees in the community to increase
6 carbon sequestration and Policy OS-6.1 which promotes a healthy urban forest to also
7 reduce energy consumption and urban heat gain. Policies and Design Guidelines in the
8 VESP promote drought tolerant landscaping (PROS-4.2, DES-2.12 and Sections 6.2.3,
9 A.5.3, A.6.5, A.6.7, and A.6.8), consistent with Policies SUS-4.2 and SUS-4.3. The Plan
10 also supports providing local foods, including community gardens within Village Core
11 Park (See VESP Sections 3.2.6 and 4.8.2), and in residential and commercial areas,
12 consistent with General Plan Policy SUS-7.2. Consistent with Policy SUS-6.2, which
13 directs implementation of the City's Climate Action Plan (CAP), the VESP would help
14 implement the CAP Measures by avoiding the use of natural gas in all new structures within
15 the Plan area (CAP Measure E-2), installing photovoltaic arrays on all residential and HOA
16 buildings per VESP Policies INFR-4.1, DES-2.2, and DES-2.10 (CAP Measure E-4),
17 developing a multimodal circulation system that supports transit, bicycles, pedestrians, and
18 neighborhood electric vehicles (CAP Measure T-1), improving electric vehicle
19 infrastructure through VESP Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24
20 building code requirements (CAP Measure T-2), constructing a park-and-ride lot and
21 transit stops near the Village Core per VESP Policies C-1.9 and C-1.10 (CAP Measure T-
22 3), incorporating a Transportation Demand Management (TDM) plan per air quality EIR
23 mitigation, which will support or expand upon other GHG-reducing efforts, establishing a
24 mixed-use development in one of the City's new growth areas to reduce VMT (CAP
25 Measure T-5), and increasing carbon sequestration over time by installing street trees along
26 all new roadways and implementing the Valley's Edge Tree Preservation Program which
27 requires replacement trees for each qualifying tree removed as a part of site development.
28 Therefore, the VESP includes a reasonable range and degree of GHG-reducing measures

1 to be consistent with the CAP and would assist in the attainment of the City’s climate action
2 goals by incorporating CAP measures into future development. As directed by Policy SUS-
3 6.3, increases in GHG emissions were analyzed and mitigated during the EIR process
4 pursuant to the California Environmental Quality Act, though forecasted operational GHG
5 emissions from Plan development remain significant and unavoidable. The specific plan,
6 as modified by Mitigation Measures AQ-2 through AQ-5 from the EIR, would help the
7 local air basin comply with state and federal ambient air quality standards, consistent with
8 Policy OS-4.1. The VESP will assist in the provision of housing for seniors by reserving
9 approximately one-half of the future units (1,357 homes) for age-restricted households of
10 individuals 55 years and older, consistent with Policies H.4.4 and HE 5.1. It is anticipated
11 that some of the senior housing units, as well as any congregate care homes and assisted
12 living facilities, will be constructed with enhanced accessibility features to accommodate
13 older individuals with limited mobility or other accessibility needs, consistent with Policy
14 H.4.1 and HE 1.5. The VESP plans for a variety of residential densities and unit types that
15 will result in a range of housing options, including smaller workforce/attainable housing
16 (e.g., cottages, courtyard homes and patio homes) to accommodate a range of incomes,
17 consistent with Policies H.6.1 and H.6.2. The development agreement expands upon this
18 by requiring the developer to provide a site at least 4 acres in size within or near the Village
19 Core area for an affordable housing project, consistent with Action LU-6.2.1 and Policies
20 HE 1.6 and HE 3.3. Policies, standards, and design guidelines in the VESP include public
21 safety considerations that deal with crime prevention through environmental design (VESP
22 Policy LU-1.5 and Section A.3.1), flooding concerns (Section 6.4), and wildfire concerns
23 (VESP Policies LU-5.1 through LU-5.7 and Section 4.5), consistent with General Plan
24 Policies CD-3.4, S-2.1, S-4.3, and S-5.5. Flooding concerns and drainage plans to reduce
25 the likelihood of future flooding in the area are addressed in detail in Section 4.9 of the
26 EIR and Appendix H of the EIR. The VESP’s firewise policies in Section 4.5 address
27 wildfires from five distinct perspectives: Land Planning, Fire Fighting Capability, Fire
28 Resistant Materials and Building Standards, Fuel Reduction Management, and Emergency

1 Preparedness. The Plan is designed to be consistent with the General Plan and the VESP
2 would provide a reserve of available land to support the long-term growth needs of the
3 City, consistent with Policy HE-4.1 which directs the City to enable sufficient housing
4 construction to meet future needs.

5 B. The site is physically suitable for the pattern of land use classifications contained in the
6 VESP, and anticipated future development resulting therefrom, including access which will
7 primarily be from Skyway Road and East 20th Street, the provision of utilities which will
8 be extended as necessary to serve the planned future development, compatibility with
9 adjoining land uses through the use of open space buffers, and the purposeful planning of
10 open space areas throughout the VESP site to avoid physical constraints such as steep
11 slopes, wetlands and ephemeral creeks. There are no physical constraints on the VESP site
12 which would prohibit development and use of the site consistent with the proposed land
13 use designations. City design review of future multi-family residential and commercial
14 land development within the VESP site will ensure that specific elements of those sites are
15 completed in a manner that is compatible with individual lots and adjoining land uses.
16 Areas proposed for long-term preservation are appropriate to set aside and protect, and
17 areas proposed for development are physically suitable for development.

18 3. For decision makers required to make General Plan consistency findings, the decision maker
19 shall also be required to make findings of consistency with Valley's Edge Specific Plan for
20 projects in the Valley's Edge Specific Plan area.

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THE FOREGOING RESOLUTION WAS ADOPTED by the City Council of the City of Chico
at its meeting held on _____, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:
- ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of
the City of Chico, Section 906(E)

1 **Section 1.** The City Council of the City of Chico hereby determines and finds that the facts
2 set forth in the recitals are true and correct and are hereby added as substantive findings.

3 **Section 2.** The Development Agreement, as set forth in Exhibit “I” attached hereto, is
4 hereby approved, based on the following specific findings:

5 A. The DA is in the best interests of the City and will promote the public interest and
6 welfare of the City because it would: (i) help implement adopted City growth plans
7 consistent with General Plan policies as noted below, providing for the orderly long-term
8 growth of the City; (ii) ensure that new development is more self-sustaining and does not
9 overburden City resources; (iii) provide for a variety of future housing, including
10 affordable housing; (iv) declare and establish timing for certain roadway improvements;
11 (v) support the provision of a community park site, which is needed in Southeast City;
12 and (vi) require the provision of multi-modal infrastructure commensurate with project
13 development; and

14 B. The DA supports implementation of the VESP, which is consistent with General Plan
15 direction for planning the Doe Mill/Honey Run Special Planning Area (SPA-5), general
16 direction for Special Planning Areas (SPAs), and are consistent with General Plan
17 policies pertaining to development projects. The VESP is consistent with General Plan
18 direction for SPA-5 in that both the VESP and General Plan call for: a recreation oriented
19 mixed-use development offering a broad range of housing types and densities; a Village
20 Core and retail along Skyway; primary circulation connections to Skyway and East 20th
21 Street; incorporating a community park; maintaining open space by clustering
22 development; providing open space buffers along the north, south and easterly
23 boundaries; utilizing visual simulations to ensure that visual impacts are minimized;
24 incorporating special lighting standards to reduce impacts on the nighttime sky;
25 preserving sensitive habitats; and addressing wildland fire considerations (General Plan
26 Action LU-6.2.4 and Written Description for SPA-5 in Appendix C, Page C-6). The
27 VESP, is consistent with General Plan direction for planning SPAs in that it would help
28 the City’s meet its future growth needs for housing and jobs (LU-2.1) by supporting up to

1 2,777 new residential units and approximately 447,155 square feet of new commercial
2 space, with flexibility built into the specific plan's implementation as well as its zoning
3 by designating 100 acres of the site Medium Density Residential, which can support a
4 variety of housing types, and by permitting up to 35 units/acre in the commercial
5 designations. The road and trail system would establish multimodal connections between
6 discrete residential planning areas that would support a mix of housing types and connect
7 new residents to services, employment, and shopping in the Village Core area.
8 Opportunities for affordable housing would be provided on areas designated Medium-
9 High Density Residential, Village Core, and Village Commercial. The VESP will
10 complement the City's longstanding efforts to maintain a compact urban form by
11 developing within the City's existing sphere of influence and establishing a long-term
12 growth boundary between urban uses and foothills in the east (VESP Actions LU-2.1 and
13 LU-2.3), consistent with General Plan Policies LU-1.2 and LU-1.3. The VESP reflects
14 clustering development to maintain large amounts of open space, avoiding sensitive
15 natural features and cultural resources, as well as an open space buffer approximately 300
16 feet wide along its eastern edge to serve as a permanent urban growth boundary,
17 consistent with policies LU-2.5, CD-1.1, OS-1.1, OS-2.5 and OS-3.1. Approximately 286
18 acres of oak woodlands would be preserved by open space zoning, consistent with Policy
19 OS-2.6. Consistent with General Plan Action LU 6.2.4 and Policies CD-2.4, OS-1.3, and
20 OS-2.4, the VESP project design and policy framework will result in the careful location
21 of buildings and infrastructure, reductions in excessive nighttime lighting and will
22 preserve the foothills as a backdrop to the urban form to the extent feasible. Streets in the
23 VESP will be accompanied by an extensive trail and bike path network that will provide
24 a sense of place by linking future homes and the Village Core area to onsite creeks and
25 other open spaces, consistent with Policies CD-2.1, CD-4.1, CIRC-2.1, OS-2.2. The trail
26 and bike path network will also include north-south emergency vehicle connections as
27 shown in VESP Section 4.6, and encourage exercise and active modes of transportation,
28 consistent with Action LU-6.2.4 and Policies CIRC-1.2, CD-3.3 and SUS-1.6. By

1 providing a mix of land uses with walkable access between homes, recreational areas,
2 and the commercial Village Core, the VESP is consistent with General Plan Policies LU-
3 2.3 and LU-3.1 which call for sustainable land use patterns with a mix of uses that meet
4 the needs of the community. The VESP will provide an additional inventory of land with
5 capacity for development with a mix of dwelling types and sizes, consistent with Policies
6 H.3.2, H.3.3 and HE 4.2. Development of the VESP will include internal and adjacent
7 roadway circulation improvement as necessary to safely and efficiently accommodate
8 traffic generated by the project, consistent with Policies CIRC-1.1 and CIRC 1.2, and
9 future development will also be required to pay “fair share” development impact fees to
10 help fund citywide circulation improvements beyond the project boundaries, which will
11 assist the City in maintaining acceptable levels of service on City streets consistent with
12 Policies CIRC 1.3 and CIRC 1.4. The EIR evaluated project impacts on circulation in
13 terms of Vehicle Miles Traveled (VMT) using the California Office of Planning &
14 Research’s technical advisory and included mitigation requiring future development to
15 employ travel demand management strategies that have been proven to reduce VMT,
16 consistent with Policies CIRC-1.5 and CIRC-9.1. As supported by VESP Section 5.6 and
17 VESP policies C-1.2 and C-1.10, the project would support public transit as called-for by
18 General Plan Policy CIRC-5.3. The VESP has been designed with large amounts of open
19 space and an extensive network of multi-use trails that will encourage recreational
20 activity by future residents, consistent with General Plan policies that promote a healthy
21 and sustainable lifestyle. The project design and policy framework for the VESP reflect a
22 culture of stewardship and resource conservation by protecting most of the sensitive
23 habitats within the site and elevating quality of life for existing and future citizens in the
24 area by providing a community park and elementary school (PROS-2, PROS-3.4, PROS-
25 4, PROS-4.1 and PROS-4.3). The retention and replacement of trees is required pursuant
26 to the Valley’s Edge Tree Preservation Program contained in Appendix E of the VESP,
27 consistent with Policy SUS-6.4 which calls for continued support for the planting and
28 maintenance of trees in the community to increase carbon sequestration and Policy OS-

1 6.1 which promotes a healthy urban forest to also reduce energy consumption and urban
2 heat gain. Policies and Design Guidelines in the VESP promote drought tolerant
3 landscaping (PROS-4.2, DES-2.12 and Sections 6.2.3, A.5.3, A.6.5, A.6.7, and A.6.8),
4 consistent with Policies SUS-4.2 and SUS-4.3. The project also supports providing local
5 foods, including community gardens within Village Core Park (See VESP Sections 3.2.6
6 and 4.8.2), and in residential and commercial areas, consistent with General Plan Policy
7 SUS-7.2. Consistent with Policy SUS-6.2, which directs implementation of the City's
8 Climate Action Plan (CAP), the VESP would help implement the CAP Measures by
9 avoiding the use of natural gas in all new structures within the project (CAP Measure E-
10 2), installing photovoltaic arrays on all residential and HOA buildings per VESP Policies
11 INFR-4.1, DES-2.2, and DES-2.10 (CAP Measure E-4), developing a multimodal
12 circulation system that supports transit, bicycles, pedestrians, and neighborhood electric
13 vehicles (CAP Measure T-1), improving electric vehicle infrastructure through VESP
14 Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements (CAP
15 Measure T-2), constructing a park-and-ride lot and transit stops near the Village Core per
16 VESP Policies C-1.9 and C-1.10 (CAP Measure T-3), incorporating a Transportation
17 Demand Management (TDM) plan per air quality EIR mitigation, which will support or
18 expand upon other GHG-reducing efforts, establishing a mixed-use development in one
19 of the City's new growth areas to reduce VMT (CAP Measure T-5), and increasing
20 carbon sequestration over time by installing street trees along all new roadways and
21 implementing the Valley's Edge Tree Preservation Program which requires replacement
22 trees for each qualifying tree removed as a part of site development. Therefore, the VESP
23 includes a reasonable range and degree of GHG-reducing measures to be consistent with
24 the CAP and would assist in the attainment of the City's climate action goals by
25 incorporating CAP measures into future development. As directed by Policy SUS-6.3,
26 increases in GHG emissions were analyzed and mitigated during the EIR process
27 pursuant to the California Environmental Quality Act, though forecasted operational
28 GHG emissions from the project remain significant and unavoidable. The specific plan,

1 as modified by Mitigation Measures AQ-2 through AQ-5 from the EIR, would help the
2 local air basin comply with state and federal ambient air quality standards, consistent
3 with Policy OS-4.1. The VESP will assist in the provision of housing for seniors by
4 reserving approximately one-half of the future units (1,357 homes) for age-restricted
5 households of individuals 55 years and older, consistent with Policies H.4.4 and HE 5.1.
6 It is anticipated that some of the senior housing units, as well as any congregate care
7 homes and assisted living facilities, will be constructed with enhanced accessibility
8 features to accommodate older individuals with limited mobility or other accessibility
9 needs, consistent with Policy H.4.1 and HE 1.5. The VESP plans for a variety of
10 residential densities and unit types that will result in a range of housing options, including
11 smaller workforce/attainable housing (e.g., cottages, courtyard homes and patio homes)
12 to accommodate a range of incomes, consistent with Policies H.6.1 and H.6.2. The
13 development agreement expands upon this by requiring the developer to provide a site at
14 least 3.5 acres in size within or adjacent to the Village Commercial area for an affordable
15 housing project, consistent with Action LU-6.2.1 and Policies HE 1.6 and HE 3.3.
16 Policies, standards, and design guidelines in the VESP include public safety
17 considerations that deal with crime prevention through environmental design (VESP
18 Policy LU-1.5 and Section A.3.1), flooding concerns (Section 6.4), and wildfire concerns
19 (VESP Policies LU-5.1 through LU-5.7 and Section 4.5), consistent with General Plan
20 Policies CD-3.4, S-2.1, S-4.3, and S-5.5. Flooding concerns and drainage plans to reduce
21 the likelihood of future flooding in the area are addressed in detail in Section 4.9 of the
22 EIR and Appendix H of the EIR. The VESP's firewise policies in Section 4.5 address
23 wildfires from five distinct perspectives: Land Planning, Fire Fighting Capability, Fire
24 Resistant Materials and Building Standards, Fuel Reduction Management, and
25 Emergency Preparedness. The VESP project is designed to be consistent with the General
26 Plan and the VESP would provide a reserve of available land to support the long-term
27 growth needs of the city, consistent with Policy HE-4.1 which directs the City to enable
28 sufficient housing construction to meet future needs.

1 **Section 3.** The Development Agreement is consistent with the provisions of California
2 Government Code §§ 65864 – 65869.5 and Title 19 of the City of Chico Municipal Code.

3 **Section 4.** The effectiveness of the Development Agreement is contingent upon completion
4 of the annexation to the City of the portions of the Project site now located within the
5 unincorporated area of the County of Butte.

6 **Section 5.** On or after the effective date of this ordinance the City Manager is authorized
7 and directed to execute the Development Agreement on behalf of the City of Chico.

8 **Section 6.** Within 10 days after the Development Agreement has been fully executed, the
9 Clerk is authorized and directed to cause it to be recorded in the Office of the Butte County
10 Recorder.

11 **Section 7.** If any section, subsection, sentence, clause, or phrase of this Ordinance, or the
12 application thereof to any person or circumstances, is held to be unconstitutional or to be
13 otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other
14 provisions or clauses of this Ordinance or application thereof which can be implemented without
15 the invalid provisions, clause, or application, and to this end such provisions and clauses of the
16 Ordinance are declared to be severable.

17 **Section 8.** The City Clerk shall certify to the adoption of this Ordinance and cause the same
18 to be posted at the duly designated posting places within the City and published once within
19 fifteen (15) days after passage and adoption as required by law, or in the alternative, the City
20 Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of
21 this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of
22 adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall
23 cause to be published the aforementioned summary and shall post a certified copy of this
24 Ordinance, together with the vote for and against the same, in the Office of City Clerk.

25 **Section 9.** This Ordinance shall be effective thirty (30) days following its adoption.

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THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of
the City of Chico held on _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAINED:
- DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

Vincent C. Ewing, City Attorney*
*Pursuant to The Charter of
the City of Chico, Section 906(E)

**DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF CHICO
AND
CHICO LAND INVESTMENTS, LLC,
FOR THE DEVELOPMENT KNOWN AS
VALLEY’S EDGE SPECIFIC PLAN**

This Development Agreement (“Agreement”) is entered into this _____ day of _____, 2023, by and between the CITY OF CHICO, a municipal corporation (“City”), and _____ (“Developer”), pursuant to California Government Code Section 65864 et seq. Each of the City and Developer are occasionally referred to herein as a “Party” and collectively, as the “Parties.”

Recitals

A. State Authorization. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risks of development, the Legislature of the State of California adopted Government Code Sections 65864 et seq. (“Development Agreement Statute”), which authorizes City to enter into an agreement with any person having a legal or equitable interest in real property regarding the development of such property.

B. City Authorization. Pursuant to Government Code Section 65865, City has adopted procedures and requirements for consideration of development agreements which are contained in Chico Municipal Code Chapter 19.32. This Development Agreement has been processed, considered and executed in accordance with such procedures and requirements.

C. Property Description. The subject of this Agreement is the development of those certain parcels of land consisting of approximately 1448 acres located in the unincorporated territory of the County of Butte, adjacent to the City and within the City’s Sphere of Influence as depicted in Exhibit “A” and more particularly described in Exhibit “B” (“Property”), attached hereto and incorporated herein by reference, which the Developer seeks to annex to the City and develop consistent with the General Plan of the City.

D. Developer's Interest. Developer represents that it has a fee title interest in the Property, and that all other persons holding legal or equitable interests in the Property agree to and shall be bound by this Agreement.

E. Project Description. Developer intends to develop the Property with a mix of up to 2,777 residential units, approximately 57 acres of commercial/retail space, approximately 36 acres of public parks, and approximately 696 acres of private parks and/or open space, as provided in the Valley's Edge Specific Plan, adopted by the City on _____ and incorporated herein by reference.

F. Project Background and Approvals.

1. Environmental Review. In compliance with the California Environmental Quality Act ("CEQA"), on _____, by Resolution No. _____, City certified the Valley's Edge Specific Plan Environmental Impact Report ("EIR") and adopted a Mitigation Monitoring and Reporting Program ("MMRP"). Mitigation measures were identified in the EIR and the MMRP and are incorporated in the Project and in the terms and conditions of this Agreement, as reflected by the findings adopted by the City Council concurrently with the Specific Plan.
2. Approved Land Use Entitlements. For the Property, City has approved the following land use entitlements in furtherance of the Project ("Entitlements"):
 - (a) The Valley's Edge Specific Plan, SP 19-01 ("Specific Plan" or the "Project");
 - (b) General Plan Amendment, GPA 22-03;
 - (c) Rezone, RZ 19-01;
 - (d) Code Amendment, CA 22-01; and
 - (e) Ordinance No. _____, dated _____, 2023, adopting this Agreement, DA 22-01 ("Adopting Ordinance").

G. Consistency with General Plan. Having duly examined and considered this Agreement and having held properly noticed public hearings hereon, the City

Council has found and hereby declares this Agreement and the Entitlements are consistent with the General Plan.

H. Commitment of the Parties. By entering into this Agreement and relying thereupon, Developer is obtaining a vested right to develop the Project on the Property in accordance with the terms and conditions of this Agreement. City, at the request of Developer, intends to assist Developer in development of the Project and the public improvements, which are a part of the Project, through granting vested development rights and assurances, in accordance with the terms of this Agreement. Development of the Project requires a major investment by Developer in public facilities, substantial front-end investment in on-site and off-site improvements, major dedications of land for public purposes and benefit, and substantial commitment of Developer's resources to achieve the public purposes and benefits of the Project for its future residents and for City. Financing certain public facilities and dedicating land for public benefit are key elements of consideration for City's execution of this Agreement. In addition, this Agreement provides City with the assurance of implementation of the General Plan and Specific Plan as Developer proceeds with the development of the Property. City recognizes and has determined that granting vested development rights and assurances in a project of this magnitude will assist Developer in undertaking the development of the Project and thereby achieve the public purposes and benefits of the Project. Without said commitments on the part of City, Developer would not enter into this Agreement nor develop the Project.

I. Intent of this Agreement. By entering into this Agreement, the City desires to encourage the development of the Project, in accordance with the goals and objectives of the City, while reserving to the City the legislative powers necessary to remain responsible and accountable to its residents.

J. Project Benefits. City and Developer desire that the development of the Project pursuant to this Agreement will result in significant benefits to City and Developer by providing Developer with the ability to develop the Property in accordance with this Agreement and providing assurances to City that the Property will be developed in accordance with the General Plan and Specific Plan. Consistent with this desire, City has determined that the Project presents certain public benefits and opportunities, which are advanced by City and Developer in entering into this Agreement. This Agreement will, among other things: (1) reduce uncertainties in planning and provide for the orderly development of the Project; (2) support the Project's mitigation of significant environmental impacts; (3) provide long-term infrastructure solutions and public services; (4) strengthen City's economic base; (5) result in the fair-share funding by Developer of critical new city-wide facilities and other infrastructure improvements

required to serve the Project; (6) provide for and generate substantial revenues for City, (7) provide additional employment opportunities, (8) increase the City’s housing supply, and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted.

K. For the foregoing reasons, the Parties desire to enter into this Agreement for the Project pursuant to the Development Agreement Act, as defined below, and the City’s charter powers upon the terms and conditions set forth herein.

NOW, THEREFORE, pursuant to the authority contained in the Development Agreement Act, as it applies to the City, in consideration of the above Recitals, which are hereby incorporated by this reference as if set forth in full herein, in consideration of the mutual promises, covenants and provisions set forth in this Agreement, and other valuable consideration the receipt and adequacy of which the Parties hereby acknowledge, the Parties agree as follows:

Agreement

ARTICLE 1

1.1 Incorporation of Recitals. The preamble, the Recitals, and all defined terms set forth in both are hereby incorporated into this Agreement as if set forth herein in full. Any reference to a section within this Agreement shall be inclusive of all subsections within that section. By way of example, a reference to Section 2.1 of this Agreement shall incorporate Section 2.1.1, Section 2.1.2, Section 2.1.3, and Section 2.1.4.

1.2 Binding Covenants. The provisions of this Agreement, including the Entitlements, unless otherwise provided in this Agreement or a Transfer Agreement as provided in Section 2.5.1 shall constitute covenants which shall run with the Property and the benefits and burdens of this Agreement shall be binding upon and benefit the Parties and their successors in interest, including any Transferee of Developer.

1.3 Defined Terms.

“Adopting Ordinance” shall have that meaning set forth in Recital F.2(b) of this Agreement.

“Affordable Housing” shall mean a residential development for which the occupants pay no more than 30 percent of their gross income for gross

housing costs, including utilities. Affordable Housing shall serve eligible households as defined by the United States Department of Housing and Urban Development, the California State Department of Housing and Community Development and/or the California Housing Finance Agency, at the discretion of the City.

“Agreement” shall mean this Development Agreement and any amendments hereto.

“Applicable Rules” shall mean the City’s rules, regulations, ordinances, resolutions, codes, guidelines, and officially adopted procedures and official policies governing the use and development of real property, including, but not limited to, the City’s Zoning Code and building regulations, adopted and in effect as of the Effective Date. Among other matters, and except as specified in this Agreement, the Applicable Rules set forth and govern the permitted uses of land, the density or intensity of use, subdivision requirements, the maximum height and size of the proposed buildings, parking requirements, setbacks, and development standards, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction guidelines, standards and specifications applicable to the development of the Property.

“CEQA” shall mean the California Environmental Quality Act (Cal. Public Resources Code Sections 21000 *et seq.*) and the State CEQA Guidelines (Cal. Code of Regs., Title 14, Sections 15000 *et seq.*).

“CFD” shall mean Mello-Roos Community Facilities Districts pursuant to and as authorized by Government Code Sections 53311 *et seq.*

“Changes in the Law” shall have the meaning set forth in Section 3.6.

“City” shall mean the City of Chico, California and shall include, unless otherwise provided, City’s agencies, departments, officials, employees and consultants.

“City Agency” shall mean each and every agency, department, board, commission, authority, employee, and/or official acting under the authority of the City, including, without limitation, the City Council and the Planning Commission.

“City Council” shall mean the City Council of the City and the legislative body of the City pursuant to Section 65867 of the California Government Code.

“CMC” shall mean the City of Chico Municipal Code.

“Community Development Director” shall mean the Director of City’s Department of Community Development or his or her designee.

“Days” shall mean calendar days as opposed to working days.

“Developer” shall have that meaning set forth in the preamble and shall further include, unless otherwise provided, Developer’s successors, heirs, assigns, and transferees.

“Development Agreement Statute” shall mean California Government Code Sections 65864 et seq.

“Discretionary Action” shall mean an action which requires the exercise of judgment, deliberation or a decision on the part of the City and/or any City Agency, in the process of approving or disapproving a particular activity, as distinguished from Ministerial Permits and Approvals and any other activity which merely requires the City and/or any City Agency to determine whether there has been compliance with statutes, ordinances or regulations.

“Effective Date” shall have the meaning set forth in Section 2.2.1.

“EIR” shall mean the environmental impact report described in Recital F.1 and prepared for the Specific Plan pursuant to CEQA.

“Entitlements” shall have the meaning set forth in Recital F.2 of this Agreement and shall also include, for purposes of this Agreement, any Subsequent Entitlements approved by City.

“Exactions” shall mean all development impact fees, connection or mitigation fees, taxes, assessments and other exactions required by City to support the construction of any public facilities and improvements or the provision of public services in relation to development of the Property.

“General Plan” shall mean City’s 2030 General Plan adopted on April 12, 2011, together with all amendments thereto made prior to the Effective Date of this Agreement.

“Lender” shall mean the beneficiary under a deed of trust or the mortgagee under a mortgage, or any other person or entity who has advanced funds to, or is otherwise owed money by a debtor, where the obligation is embodied in a promissory note or other evidence of indebtedness, and where such promissory note or other evidence of indebtedness is secured by a mortgage or deed of trust encumbering the Property or a portion thereof.

“Ministerial Permits and Approvals” shall mean the permits, approvals, plans, inspections, certificates, documents, licenses, and all other actions required to be taken by the City in order for Developer to implement, develop and construct the Project and the Mitigation Measures, including without limitation, building permits, foundation permits, public works permits, grading permits, stockpile permits, encroachment permits, and other similar permits and approvals which are required by the Chico Municipal Code and project plans and other actions required by the Project Approvals to implement the Project and the Mitigation Measures. Ministerial Permits and Approvals shall not include any Discretionary Actions.

“Mitigation Fee Act” shall mean California Government Code Sections 66000 to 66025 (AB 1600).

“Mitigation Measures” shall mean the mitigation measures described in the MMRP in accordance with the requirements of CEQA.

“MMRP” shall mean the Mitigation Monitoring and Reporting Program described in Recital F.1 and adopted in conjunction with the EIR.

“Non-Assuming Transferee” shall have the meaning set forth in Section 2.5.2.

“Open Space Preservation Areas” shall have the meaning set forth in Section 4.5.7.

“Permitted Delay” shall have the meaning set forth in Section 7.4.

“Permitted Delay Notice” shall have the meaning set forth in Section 7.4.

“Planning Commission” shall mean the City Planning Commission and the planning agency of the City pursuant to Section 65867 of the California Government Code.

“Processing Fee” shall mean all processing fees and charges required by the City or any City Agency including, but not limited to, fees for land use applications, project permits, building applications, building permits, grading permits, encroachment permits, tract or parcel maps, lot line adjustments, air right lots, street vacations and certificates of occupancy which are necessary to accomplish the intent and purpose of this Agreement. Expressly exempted from Processing Fees are all fees or exactions which may be imposed by the City on development projects pursuant to laws enacted after the Effective Date, except as specifically provided for in this Agreement. The amount of the Processing Fees to be applied in connection with the development of the Project shall be the amount which is in effect on a City-wide basis at the time an application for the City action is made, unless an alternative amount is established by the City in a subsequent agreement.

“Project” shall mean the overall development of the Property pursuant to this Agreement and the Entitlements.

“Project Approvals” shall mean those Discretionary Actions authorizing the Project which have been approved by the City on or before the Effective Date (irrespective of their respective effective dates) including, but not limited, the Specific Plan.

“Property” shall mean those parcels depicted in Exhibit “A” and more particularly described in Exhibit “B” as set forth in Recital C of this Agreement.

“Public Improvements” shall have the meaning set forth in Section 4.2.

“Reserved Powers” shall mean the rights and authority excepted from this Agreement’s restrictions on the City’s police powers and which are instead reserved to the City. The Reserved Powers include the powers to enact regulations or take future Discretionary Actions after the Effective

Date that may be in conflict with the Applicable Rules and Project Approvals, but: (1) are necessary to protect the public health and safety, and are generally applicable on a City-wide basis (except in the event of natural disasters as found by the City Council such as floods, earthquakes, and similar acts); (2) are amendments to the City's Building or Fire Codes regarding the construction, engineering and design standards for private and public improvements and which are (a) necessary to the health and safety of the residents of the City, and (b) are generally applicable on a Citywide basis (except in the event of natural disasters as found by the City Council such as floods, earthquakes, and similar acts); (3) are necessary to comply with state or federal laws and regulations (whether enacted previous or subsequent to the Effective Date) as provided in Section 3.6; or (4) constitute Processing Fees and charges imposed or required by the City to cover its actual costs in processing applications, permit requests and approvals of the Project or in monitoring compliance with permits issued or approvals granted for the performance of any conditions imposed on the Project, unless otherwise waived by the City. The Parties acknowledge and agree that City is restricted in its authority to limit its police power by contract and that the foregoing limitations, reservations, and exceptions are intended to reserve to City all of its police power that cannot be so limited.

“Specific Plan” shall mean the Valley's Edge Specific Plan.

“Subsequent Approvals” shall mean those certain other land use approvals, entitlements, and permits other than the Project Approvals which are necessary or desirable for implementation of the Project. The Subsequent Approvals may include, without limitation, the following: amendments of the Project Approvals, design review approvals, improvement agreements, use permits, grading permits, excavation permits, plan checks, building permits, lot line adjustments, sewer and water connection permits, certificates of occupancy, subdivision maps, planned development (PD), concept plans, PD project plans, rezonings, development agreements, permits, re-subdivisions, and any amendments to, or repealing of, any of the foregoing.

“Subsequent Entitlements” shall mean all additional and further land use entitlements approved for development of the Property by City following the date of City's approval of this Agreement.

“Subsequent Laws” shall mean those rules, regulations, official policies, standards and specifications (including City ordinances, resolutions and codes) governing permitted uses, building locations, timing of construction, densities, design, and heights that become effective after the Effective Date and that are not set forth in this Agreement, the Applicable Rules, or the Project Approvals.

“Term” shall have the meaning set forth in Section 2.2.1.

“Transfer Agreement” shall have the meaning set forth in Section 2.5.1.

“Transferee” shall mean a third party that has entered into a Transfer Agreement with Developer.

1.4 State Enabling Statute. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted the Development Agreement Act which authorizes any city to enter into binding development agreements establishing certain development rights in real property with persons having legal or equitable interests in such property. Section 65864 of the Development Agreement Act expressly provides as follows:

The Legislature finds and declares that:

(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and a commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

(b) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic cost of development.

Notwithstanding the foregoing, to ensure that the City remains responsive and accountable to its residents while pursuing the benefits of development agreements contemplated by the Legislature, the City: (1) accepts restraints on its police powers contained in development agreements only to the extent and for the duration required to achieve the mutual objectives of the Parties; and (2) to offset such restraints, seeks public benefits which go beyond those obtained by traditional City controls and conditions imposed on development project applications.

1.5 City Procedure and Actions.

1.5.1 City Planning and Commission Action. The City Planning Commission held a duly noticed public hearing and recommended approval of this Agreement on _____, 2022.

1.5.2. City Planning Commission Consideration of EIR. The City Planning Commission on _____, 2022, after conducting a duly-noticed public hearing, based on their independent judgment, and after consideration of the whole of the administrative record, adopted a resolution recommending that the City Council adopt environmental findings pursuant to CEQA, certifying that certain Final Environmental Impact Report for the Valley’s Edge Specific Plan and approved the Project (the “EIR”).

1.5.3. City Council Action. The City Council on _____, after conducting a duly-noticed public hearing, adopted Resolution No. _____ certifying, after making appropriate findings, the EIR and also adopted a Mitigation Monitoring and Reporting Plan for the Project. The City Council also conducted a duly-noticed public hearing on this Agreement on _____. In accordance with the Development Agreement Statute, the City Council adopted Ordinance No. _____, to become effective on the 30th day after its adoption, finding that its provisions are consistent with the City’s General Plan and CMC, and authorized the execution of this Agreement.

1.6 Purpose of this Agreement.

1.6.1. Developer Objectives. In accordance with the legislative findings set forth in the Development Agreement Statute, and with full recognition of the City’s policy of judicious restraints on its police powers, the Developer desires to obtain reasonable assurances that the Project may be developed in accordance with the Applicable Rules and Project Approvals and with the terms of this Agreement and subject to the City’s Reserved Powers. In the absence of this Agreement, Developer would have no assurance that it can complete the Project for the uses and to the density and intensity of development set forth in this Agreement and the Project Approvals. This

Agreement, therefore, is necessary to assure Developer that the Project will not be (1) reduced or otherwise modified in density, intensity or use from what is set forth in the Project Approvals, (2) subjected to new rules, regulations, ordinances or official policies or plans which are not adopted or approved pursuant to the City's Reserved Powers or (3) subjected to delays for reasons other than Citywide health and safety enactments related to critical situations.

1.6.2 Mutual Objectives. Development of the Project in accordance with this Development Agreement will provide for the orderly development of the Project site in accordance with the objectives set forth in the General Plan. Moreover, this Agreement will eliminate uncertainty in planning for and securing orderly development of the Premises, assure attainment of maximum efficient resource utilization within the City at the least economic cost to its citizens and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted. The Parties believe that such orderly development of the Project will provide public benefits, including without limitation: increased tax revenues, creation and retention of jobs, creation of new housing and at least one park area that is publicly accessible. Additionally, although development of the Project in accordance with this Agreement will restrain the City's land use or other relevant police powers, this Agreement provides the City with sufficient reserved powers during the Term hereof to remain responsible and accountable to its residents. In exchange for these and other benefits to City, the Developer will receive assurance that the Project may be developed during the Term of this Agreement in accordance with the Applicable Rules, Project Approvals and Reserved Powers, subject to the terms and conditions of this Agreement.

1.7 Applicability of the Agreement. This Agreement does not: (1) grant height, density or intensity in excess of that otherwise established in the Applicable Rules and Project Approvals; (2) eliminate future Discretionary Actions relating to the Project if applications requiring such Discretionary Action are initiated and submitted by the owner of the Project site after the Effective Date; (3) guarantee that Developer will receive any profits from the Project; (4) amend the City's General Plan, or (5) amend the City's Zoning Ordinance. This Agreement has a fixed Term. Furthermore, in any subsequent actions applicable to the Premises, the City may apply such new rules, regulations and official policies as are contained in its Reserved Powers.

ARTICLE 2

GENERAL PROVISIONS

2.1 Interest of Developer. Developer is the fee owner and holds a legal interest in the Property and all portions thereof and all other persons holding legal or equitable interests in the Property are to be bound by this Agreement. Notwithstanding anything set forth in this Agreement to the contrary:

(a) Subject to Section 3.8 regarding the timing of development, the Property shall be developed in accordance with this Agreement as set forth herein.

(b) Developer is not obligated by the terms of this Agreement to affirmatively act to develop all or any portion of the Property, pay any sums of money, dedicate any land (except as set forth in this Agreement), indemnify any party (except as set forth in this Agreement), or to otherwise meet or perform any obligation with respect to the Property, except and only as a condition to the development of any portion of the Property and even then only to the extent that such act or obligation is necessitated by and in proportion to Developer's development of that portion or phase of the Property.

Any development of a portion of the Property shall be subject to the terms of this Agreement, and all the rights, duties, and obligations of both Parties to this Agreement shall pertain to such Property.

2.2 Term.

2.2.1 Term. The term of this Agreement shall commence upon the effective date of Ordinance No. _____ adopting the agreement ("Effective Date"). Although the rights and obligations of this agreement with respect to the development of the Site are not effective until the date upon which the Property is annexed into the City by way of recordation of the Certificate of Completion for the annexation of the Property into the limits of the City of Chico ("Annexation Date") and shall extend for a period of twenty (20) years after the Effective Date ("Term"), unless said Term is otherwise terminated, modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties hereto. Developer may exercise an option to extend the Term an additional ten (10) years by providing written notice to City of its exercise of its option to extend prior to the expiration of the Term. Should the Annexation Date fail to occur within eight (8) years of the adoption of the Effective Date, this Development Agreement shall terminate and be of no further force or effect, and all rights under this Development Agreement shall cease. Following the expiration of this Term, this Agreement shall terminate and be of no further force and effect; provided, however, that this termination shall not affect any right or duty arising from entitlements or approvals, including the Project Approvals on the Premises, approved concurrently with, or subsequent to, the Effective Date.

2.2.2 The Effective Date and Term of this Agreement shall automatically be extended for the period of time of any actual delay resulting from any enactments pursuant to the Reserved Powers or moratoria, or from legal actions or appeals which enjoin performance under this Agreement or act to stay performance under this Agreement (other than bankruptcy or similar procedures), or from any actions pursuant to Article 12 (Dispute Resolution), or from any litigation related to the Project or Project Approvals, this Agreement or the Premises. The term shall resume upon final disposition of any such challenge and any appeal thereof upholding the validity of this Agreement. In the event that a referendum petition concerning this Agreement or any of the Project Approvals is duly filed in such a manner that the ordinance approving this Agreement is suspended, then the Term is deemed to commence upon City Council certification of the results of the referendum election approving this Agreement.

2.3 Termination. This Agreement shall be terminated and of no further effect upon the occurrence of any of the following events:

- (a) Expiration of the Term;
- (b) Completion of the Project in accordance with the Entitlements and City's issuance of all required approvals and permits and acceptance of all public improvements required to complete the Project under the Entitlements and this Agreement;
- (c) This Agreement shall automatically be terminated, without any further action by either Party or need to record any additional document, with respect to any single-family or multi-family residential lot within a parcel designated by the Specific Plan for residential use, upon completion of construction and issuance by the City of a final inspection for a dwelling unit which causes the lot to achieve the minimum density for zoning of such residential lot and conveyance of such improved residential lot by Developer to a bona-fide good faith purchaser thereof;
- (d) Entry of final judgment (with no further right of appeal) or issuance of a final order (with no further right of appeal) directing City to set aside or withdraw City's approval of this Agreement or any material part of the Entitlements; or
- (e) The effective date of a termination as provided in Article 7 of this Agreement.

2.3.1 Notice of Termination. City shall, upon written request made by Developer to City's Community Development Director, in the manner prescribed in Section 2.6, determine if the Agreement has terminated with respect to any parcel or lot at the Property, and shall not unreasonably withhold, condition, or delay termination as to that lot or parcel. Upon termination of this Agreement as to any lot or parcel, City shall upon Developer's request record a notice of termination that the Agreement has been terminated as to that parcel or lot at the Property. The aforesaid notice may specify, and Developer agrees, that termination shall not affect in any manner any continuing obligation to pay any item specified by this Agreement. Termination of this Agreement as to any parcel or lot at the Property shall not affect Developer's rights or obligations under any of the Entitlements and Subsequent Entitlements, including but not limited to, the General Plan, Specific Plan, Zoning Ordinance and all other City policies, regulations and ordinances applicable to the Project or the Property. City may charge a reasonable fee for the preparation and recordation of any notice(s) of termination requested by Developer.

2.3.2 Amendment of this Agreement. This Agreement may be amended from time to time, in whole or in part by mutual written consent of the Parties hereto or their successors in interest, in accordance with Government Code Section 65868 and as follows:

(a) Minor Amendments. Any Amendment to this Agreement which does not relate to (i) the Term of this Agreement, (ii) permitted uses of the Project, (iii) a substantial increase in density or intensity of use, (iv) changes, modifications or adjustments that are substantially consistent with the Project Approvals; and which can be processed under CEQA as exempt from CEQA, shall be a minor amendment and shall not require a noticed public hearing prior to the Parties executing an amendment to this Agreement, except as otherwise required by state law, provided, however, that City shall retain discretion to hold a public hearing if it so chooses.

(b) Substantial Amendments. Except as otherwise described in Section 2.3.2, amendments to this Agreement shall require notice and a public hearing pursuant to California Government Code Section 65868 and CMC 19.10.

(c) Parties Required to Amend. Where a portion of Developer's rights or obligations have been transferred, assigned, and assumed in accordance with this Agreement, the signature of the person or entity to whom such rights or obligations have been assigned shall not be required to amend this Agreement unless such amendment would materially alter the rights or obligations of such assignee, provided thirty (30)

days' prior written notice of any amendment is provided to such person or entity by the amending parties. In no event shall the signature or consent of any non-assuming assignee be required to amend this Agreement.

2.3.3 Effect of Amendment. Any amendment to this Agreement shall be operative only as to those specific portions of this Agreement expressly subject to the amendment, with all other terms and conditions remaining in full force and effect without interruption. No amendment to this Agreement shall be effective unless contained in a writing executed by both City and Developer, or their successors in interest.

2.4 Project Approval Amendments. To the extent permitted by state and federal law, any Entitlement may, from time to time, be amended or modified in accordance with the procedure outlined in Section 7.5 of the Specific Plan.

2.4.1 Age Restricted Development. The parties understand and agree that portions of the Project will be developed as an age restricted community in accordance with the Specific Plan.

2.4.2 Vesting of Entitlements Made By Amendments. In the event of any change to any Entitlement or Subsequent Entitlement made pursuant to Section 2.4 above, the change to such Entitlement or Subsequent Entitlement shall be a "vested right," as that term is defined under California law, for the Term of this Agreement, or the period of time allowed by applicable statute, whichever is longer.

2.4.3 Subsequent Approvals; Application of Agreement. City shall accept for processing and review any and all applications submitted by Developer for land use entitlements necessary or convenient for the exercise of Developer's rights under the Entitlements for the use and development of the Property.

(a) Tentative maps, or any Subsequent Approval, which are consistent with the Specific Plan and tiering provisions of CEQA, the EIR and MMRP shall not require further CEQA review and shall be approved by the City without the addition of any conditions which are inconsistent with the Entitlements vested hereby.

(b) Architectural design review of single family residential development within those areas of the Specific Plan designated VLDR, LDR and MDR shall be done by the Valley's Edge Architectural Review Committee ("VEARC"), which shall be formed by Developer prior to the construction of homes on the Property. Multi-family and commercial projects within the Property shall first be reviewed by the

VEARC and then submitted to the City for processing pursuant to CMC 19.18 (Site Design and Architectural Review).

2.5 Assignment of Interests, Rights and Obligations. Developer may assign all or any portion of its interests, rights or obligations under this Agreement to third parties acquiring an interest or estate in the Property or any portion thereof in accordance with the provisions of this Article.

2.5.1 Transfer Agreements.

(a) In connection with the transfer or assignment by Developer of all or any portion of the Property, Developer and the Transferee shall enter into a written agreement in the form attached hereto as Exhibit “C” (“Transfer Agreement”) regarding the respective interests, rights and obligations of Developer and the Transferee in and under this Agreement. Such Transfer Agreement shall: (i) release Developer from obligations under this Agreement for the portion of the Property in question, as described in the Transfer Agreement, provided that the Transferee expressly assumes all obligations of this Agreement; (ii) transfer to the Transferee of all rights under this Agreement; and (iii) address any other matter deemed by Developer to be necessary or appropriate in connection with the transfer or assignment.

(b) Each Transferee of any portion of the Project site shall be solely and only liable for performance of such Transferee’s obligations applicable to its portion of the Project site under this Agreement as specified in the applicable Transfer Agreement. Upon the assignment or transfer of any portion of the Project site together with any obligations assignable under this Agreement, the Transferee shall become solely and only liable for the performance of those assigned or transferred obligations so assumed and shall have the rights of a “Developer” under this Agreement; which such rights and obligations shall be set forth specifically in the Transfer Agreement, executed by the transferring Developer, and the Transferee, as of the date of such transfer, assignment or conveyance of the applicable portion of the Premises. The failure of a Transferee of any portion of the Project site to perform such Developer’s obligations set forth in the applicable Transfer Agreement may result, at the City’s option, in a declaration that this Agreement has been breached and the City may, but shall not be obligated to, exercise its rights and remedies under this Agreement solely as it relates to the defaulting Transferee’s portion of the Project site as provided for in Section 7.1 hereof, subject to such defaulting Transferee’s right to notice and opportunity to cure the default in accordance with provisions of Section 7.1 hereof. Any partial termination of this Agreement as it relates to that Transferee’s holding is severable from the entire Agreement and shall not affect the remaining entirety of the Agreement.

(c) With respect to a transfer and assignment of the Developer's interest in the Project site and the related rights and obligations hereunder, upon (1) the effective date of any such transfer and assignment, as evidenced by the execution of a Transfer Agreement pursuant to this Section 2.5.1(b) between Developer and the Transferee and delivery of such Transfer Agreement to the City, Developer shall automatically be released from any further obligations to the City under this Agreement with respect to the Project site (or portions thereof) and obligations so transferred.

(d) A Transferee shall not be liable for any obligations to the City under this Agreement relating to any portion of the Project site other than that portion transferred to such Transferee, and no default by a Developer under this Agreement with respect to such other portions of the Project site shall be deemed a default by such Transferee with respect to the portion of the Project site transferred to such Transferee.

2.5.2 Non-Assuming Transferees. Except as otherwise elected by Developer, upon the sale of any parcel for which all public improvements required for the development thereon have been completed (or for which public improvements adequate financial security for the completion thereof has been posted by Developer and accepted by City) and any financing districts required to include such parcel hereunder have been formed, then the burdens, obligations and duties (but not the rights) of Developer under this Agreement as to such conveyed parcel shall terminate with respect to such transferee. In such event, a Transfer Agreement shall not be required in connection with the conveyance of such parcel and the assignment of the rights, without the obligations, under this Agreement. Nothing in this Section shall exempt any property transferred from payment of applicable fees and assessments or compliance with applicable conditions of approval. A notice of the non-assuming status of the Transferee shall be recorded with the transaction to provide constructive notice to future successors and assigns.

2.6 Notices. All notices required or provided for under this Agreement shall be in writing and shall be sent by: (i) U.S. certified or registered mail, postage prepaid, with return receipt requested; (ii) personally served at the appropriate address by means of professional messenger service or recognized overnight courier service, or hand delivery, provided that any such delivery is confirmed by written receipts signed on behalf of the receiving Party or by adequate proof of service; or (iii) by facsimile with original forwarded by U.S. Mail, to the appropriate address. All addresses of the Parties for receipt of any notice to be given pursuant to this Agreement are as follows, with email copies provided to the email addresses below:

Notice to City:

City of Chico

Attention: City Manager
P. O. Box 3420
Chico, CA 95927

Notice to Developer: Chico Land Investment, LLC
2550 Lakewest Drive, Suite 50
Chico, CA 95928

Notice shall be effective when the postal authorities indicate the mailing was delivered or refusal of delivery, the date delivered in person, or upon receipt of the entire document by the receiving party's fax machine, as evidenced by the sending Party's facsimile confirmation report.

2.7 Development Agreement Controls. In the event of any inconsistency between the terms and provisions of this Agreement, the Specific Plan, and/or the conditions of approval for any tentative subdivision map for the Project, the terms and provisions of this Agreement shall control.

ARTICLE 3

DEVELOPMENT OF THE PROPERTY

3.1 Vested Rights. Except as set forth in Sections 3.4, 3.5, 3.6, and 3.7, Developer shall have the vested right to proceed with development of the Property in accordance with the Entitlements, and to have Subsequent Entitlements considered for approval or denial, based upon the terms, standards and requirements set forth in the CMC and Entitlements. It is the intent of City and Developer that Developer's vested rights shall include: (i) the permitted land uses, density and intensity of use, timing or phasing of development, zoning, provisions for reservation or dedication of land for public purposes, the maximum height and size of proposed buildings, the location and size of public improvements, and the design, improvement, and construction standards and specifications applicable to development of the Property all as set forth in the Entitlements and in this Agreement; and (ii) all other terms and conditions of the development of the Project as set forth in the Entitlements and in this Agreement. Any amendments to this Agreement will affect only those sections amended and shall not affect any other term of this Agreement.

3.2 Extension of Entitlements and Subsequent Entitlements. Pursuant to Government Code Section 66452.6, all vesting tentative subdivision maps, vesting tentative parcel maps, parcel maps, tentative subdivision maps, planned unit development

permits, zonings, re-zonings or land use entitlements of potentially limited duration previously, contemporaneously or subsequently approved by City for the Property subject to this Agreement shall be valid for a minimum term equal to the Term of this Agreement, or for a period of forty-eight (48) months, whichever is longer, but in no event for a period shorter than the maximum period of time permitted by the California Subdivision Map Act or Government Code, including any extensions granted or gained automatically, for such land use entitlements.

3.3 Rules, Regulations and Policies. Except as set forth in Sections 3.5, 3.6 and 3.7, below, the Applicable Rules shall be those in force on the Effective Date of the Agreement and as contained in the Entitlements and this Agreement. In the event of any substantial conflict between the provisions of this Agreement and any ordinance, resolution, rule, regulation or policy of City, the provisions of this Agreement shall control.

3.4 Application of Subsequently Enacted or Modified Rules, Regulations and Ordinances.

3.4.1 Any change in, or addition to, the Applicable Rules, including, without limitation, any change in any applicable general plan, zoning or building regulation, adopted or becoming effective after the Effective Date, including, without limitation, any such change by means of ordinance including but not limited to adoption of a specific plan or overlay zone, City Charter amendment, initiative, referendum, resolution, motion, policy, order or moratorium, initiated or instituted for any reason whatsoever and adopted by the City, City Council, Planning Commission, any City Agency, or any officer or employee thereof, or by the electorate, as the case may be, which would, absent this Agreement, otherwise be applicable to the Project and which would conflict in any way with the Applicable Rules, Project Approvals, or this Agreement, shall not be applied to the Project unless such changes represent an exercise of the City's Reserved Powers, or are otherwise agreed to in this Agreement.

3.4.2 Notwithstanding the foregoing, Developer may, in its sole discretion, give the City written notice of its election to have any subsequent change in the Applicable Rules applied to some portion or all of the Project site to which it has a legal or equitable interest, in which case such subsequent changes in the Applicable Rules shall be deemed to be contained within the Applicable Rules insofar as that portion of the Project site is concerned.

3.4.3 In the event of any conflict or inconsistency between this Agreement and the Applicable Rules, the provisions of this Agreement shall control.

Without limiting the generality of the foregoing, any City law or other action shall be deemed to conflict with the Applicable Rules, the Project Approvals or this Agreement if it would accomplish any of the following results in the absence of the Developer's vested rights as set forth in this Agreement, either by specific reference to the Project or as part of a general enactment which applies to or affects the Project:

- (a) Change any land use designation or permitted use of the Project or the Premises.
- (b) Limit or control the availability of public utilities, services or facilities or any privileges or rights to public utilities, services, or facilities (such as water rights, water connections or sewage capacity rights, or sewer connections) for the Project, other than those actions by the City's utilities that are applied on a uniform and non-discriminatory basis to other utility customers, and further that nothing in this Agreement guarantees that City utilities will be available at all times and in the capacities that may be needed or requested by the Developer.
- (c) Limit or control the location of buildings, structures, grading, or other improvements of the Project in a manner that is inconsistent with or more restrictive than the limitations included in the Project Approvals or the Subsequent Approvals (as and when they are issued).
- (d) Limit or control the rate, timing, phasing or sequencing of the approval, development or construction of all or any part of the Project in any manner except as otherwise expressly provided in this Agreement.
- (e) Apply to the Project affordable housing, attainable housing, inclusionary housing, or other similar programs and requirements not already required by the Applicable Rules or set forth in this Agreement that would require Developer to provide a minimum number of below-market rate housing units at the Property or pay a fee in-lieu of providing below-market rate housing units at the Property.
- (f) Apply to the Project any City law otherwise allowed by this Agreement that is not uniformly applied to all substantially similar types of development projects and project sites.

- (g) Materially delay or materially increase the cost to develop or construct the Project because of the need for additional permits, entitlements, or approvals from the City other than those required by the Applicable Rules.
- (h) Establish, enact, increase, or impose against the Project or the Project Site any fees or other non-tax obligations (including generating demolition permit fees, encroachment permit and grading permit fees) other than those specifically permitted by this Agreement or other connection fees imposed by third party utilities.
- (i) Impose against the Project any condition, dedication or other exaction not specifically authorized by the Applicable Rules, Subsequent Approvals, or this Agreement.
- (j) Limit the processing or procuring of applications and approvals of Subsequent Approvals.

(d) Should any initiative, referendum, or other measure be enacted, and any failure to apply such measure to the Property by City is legally challenged, Developer agrees to fully defend City against such legal challenge with legal counsel selected by Developer and approved by City, which approval shall not be unreasonably withheld, including providing all necessary legal services, bearing all reasonable costs therefore, and otherwise holding City harmless from all costs and expenses reasonably incurred by City in connection with such legal challenge and litigation, but only if City's failure to apply any such measure to the Property was at the written request of Developer. In addition, if Developer is not named as a party in any such litigation, City agrees that it will support Developer's efforts to intervene in any such litigation if Developer should choose to do so.

3.5 California Building Code and Improvement Standards. Except as otherwise specifically set forth in this Agreement, and provided they have been adopted by City and are in effect on a city-wide basis, City may apply to the Property, at any time during the Term of this Agreement, the then current City Improvement Standards and Design Criteria, California Model Building Code ("CBC"), and any other uniform construction codes as approved by City. In addition, development of the Project shall be subject to any changes occurring from time to time in the CMC regarding the construction, engineering and design standards for both public and private improvements provided that these changes are (1) necessary to the health and safety of the residents of

the City, and (2) are generally applicable on a Citywide basis (except in the event of natural disasters as found by the City Council, such as floods, earthquakes and similar disasters).

3.6 State and Federal Law. As provided in California Government Code Section 65869.5, this Agreement shall not preclude the application to the Property of changes in law, permits, regulations, plans or policies, design criteria and improvement standards to the extent that such changes are specifically mandated and required by changes in state or federal laws, regulations or permits (“Changes in the Law”). In the event Changes in the Law prevent or preclude compliance with one or more provisions of this Agreement by either party hereto, such provisions of this Agreement shall be modified or suspended or performance delayed, as may be necessary to comply with Changes in the Law, and City and Developer shall meet and confer in good faith to determine whether the Changes in the Law apply to the Property and whether an amendment to this Agreement is necessary in light of the Changes in the Law. City and Developer shall take such action as may be necessary to meet the minimum requirements of such state or federal law, rule or regulation in a manner which is consistent with the original intent and rights and obligations originally placed on each party by this Agreement. In the event City and Developer, after having engaged in good faith negotiations, are unable to agree on any amendment, they shall consider whether suspension of the Term of this Agreement is appropriate, and if so, what the terms and conditions of any such suspension should be. In the event City and Developer, after having engaged in good faith negotiations are unable to agree on the suspension issues, then Developer shall have the right to terminate this Agreement by giving City sixty (60) days’ written notice of termination. Developer or City shall have the right to institute litigation relating to the Changes in the Law and raise any issues regarding the validity of the Changes in the Law. If such litigation is filed, this Agreement shall remain in full force and effect until final judgment is issued. Provided, however, that if any action that City would take in furtherance of this Agreement would be rendered invalid, facially or otherwise, by the Changes in the Law, City shall not be required to undertake such action until the litigation is resolved, or the Changes in the Law are otherwise determined invalid, inapplicable, or are repealed. In the event that such judgment invalidates the Changes in the Law or determines that it does not affect the validity of this Agreement, this Agreement shall remain in full force and effect, and its Term shall be extended by the amount of time between the effective date of the Changes in the Law, and the effective date of the judgment. In the event that such judgment determines that the validity of this Agreement is, directly or indirectly affected by the Changes in the Law, then the provisions of this Section shall apply.

3.7 Health and Safety Measures. Notwithstanding anything to the contrary contained in this Agreement, nothing herein shall be construed to limit City's general police power to implement, based upon appropriate and adequate findings, specific measures necessary to alleviate legitimate and bona fide harmful and noxious uses, or protect against real, actual, and dangerous threats to the health and safety of City residents, including but not limited to insufficient sewer treatment capacity, in which event any rule, regulation or policy imposed on the development of the Property shall be done to the minimum extent necessary to correct such bona fide harmful and noxious uses or protect against any such real, actual and dangerous threats to the health and safety of City residents.

3.8 Development Timing. This Agreement does not require Developer to proceed with development of the Property or to initiate or complete development of any phase of the development of the Property or any portion thereof within any period of time set by City. The Parties acknowledge that Developer cannot at this time predict when, at what rate, or if the Project would be developed. Such decisions depend upon numerous factors that are not within the control of Developer. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465, (the "Pardee Case") that the failure of the Parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that Developer shall have the right to develop the Project site consistent with the Project Approvals in such order and at such rate and at such times as Developer deems appropriate within the exercise of its sole and subjective business judgment during the term of this Agreement. This provision shall be broadly construed to provide Developer the greatest amount of time and flexibility (in light of the Pardee Case and/or any other similar or distinguishing cases) as necessary or appropriate to permit Developer to complete the development of the Project irrespective of later adopted rules, regulations or initiatives which would otherwise restrict the Developer's time to complete the Project. The City acknowledges that this right is consistent with the intent, purpose and understanding of the Parties to this Agreement. No future modification of City's municipal code or any ordinance or regulation which limits the rate of development over time shall be applicable to the Property.

ARTICLE 4

DEVELOPER OBLIGATIONS

4.1 Fee Obligations. Subject to fee credits and/or fee reimbursements as set forth in this Agreement, Developer shall pay those processing, development and impact fees of every kind and nature imposed or required by the City or other entities covering the actual costs of the City that were in effect as of the Effective Date of this Agreement, and any adjustments to such fees as may be made from time to time. The Property shall not be subject to any newly created fee or Exaction not specifically authorized by the Applicable Rules, Subsequent Approvals, or this Agreement. Nothing in this Agreement shall constitute a waiver of Developer's right to challenge the legality of the amount of, allocation of, or any future increases in, the Exactions applied to the Property, to the extent that such increases exceed a reasonable amount based on the Consumer Price Index or other applicable published index and the Mitigation Fee Act.

4.2 Public Improvements. Developer agrees, subject to the requirements and limitations of the Mitigation Fee Act as well as certain fee credits and/or fee reimbursements as set forth herein, unless already constructed, to construct and/or finance those public infrastructure improvements necessary to serve the Project as set forth in the Specific Plan, including without limitation those public improvements described in Sections 4.3 through 4.6 below ("Public Improvements"). Each of the Public Improvements shall be designed and constructed to City's specifications in effect at the time complete plans are submitted to City for approval, except as may be otherwise provided in Sections 3.4 and 3.5 above. Some of the Public Improvements needed to serve the Project are, or will be, contained within the City's capital improvement plans and may be constructed by the City. In such case, the City shall diligently pursue the permitting, design and completion of such projects in a timely manner, but should the improvements not be completed prior the Developer's need for such improvements, Developer may, upon City approval of the applicable construction drawings, construct the required improvements and receive credits or reimbursements for the reasonable cost of such construction which benefits others. The City understands and agrees that Developer is making a substantial commitment to implement the Specific Plan and is relying on the City's good faith effort to prioritize and complete the required public infrastructure and to cooperate with Developer to ensure its completion in a timely manner.

4.3 Wastewater Facilities. Except as provided in Section 4.2 above, Developer shall construct wastewater facilities in accordance with all Applicable Rules adequate to serve the Project in accordance with adopted sanitary sewer master plans and any supplemental technical memoranda accepted by the Director of Public Works - Engineering. The City agrees that temporary capacity improvements may be utilized, including parallel pipe improvements and the use of peaking tanks as interim measures,

the design of which will be subject to approval by the Director of Public Works - Engineering.

4.4 Drainage. Developer shall design the drainage system for the Project in accordance with all Applicable Rules. Water quality treatment systems shall be maintained by the owners association to be formed by Developer, except where such systems are wholly contained on private property.

4.5 Parks and Open Space.

4.5.1 Community Park Dedication and Fee Requirements. City and Chico Area Recreation District (“CARD”) have entered into a cooperative agreement under which impact fees collected by City for community park acquisition and improvement are programmatically transferred to CARD. Developer shall work with CARD to establish a reimbursement agreement for the dedication of the community park site, anticipated to be approximately 36 acres in size. If Developer’s attempt to establish a mutually agreeable reimbursement agreement with CARD prove unsuccessful prior to the four hundred and fifty first (451st) occupancy in the northern multi-generational neighborhood of the Specific Plan City shall, as a contingency, apply credits to the community park impact fees that would normally be due for residential building permits to compensate Developer for the 36-acre dedication of community park land. The community park impact fee credits applied by City under this contingency shall be equal to the fair market value of the land based on the appraisal of a mutually agreed upon appraiser or \$90,000.00 per acre, whichever is less, plus any reimbursement due for related public right-of-way improvements pursuant to CMC Section 3.85.525. In the event that fair market value is determined to be greater than \$90,000.00 per acre, the difference between the appraised value per acre and \$90,000.00 per acre shall be deemed a gift from the Developer to the City. Nothing in this Agreement shall prevent the City, CARD and the Developer from entering into alternative arrangements to provide for publicly accessible Community Park land and facilities, nor shall such alternative arrangements require an Amendment to this Agreement. The City agrees to provide an accounting for the fees credited and collected by the City for reimbursement to Developer. Developer shall be entitled to assign the right to obtain credits provided by the City herein to successors and assigns and shall provide City with evidence of such an assignment.

4.5.2 Neighborhood Park Dedication and Fee Requirements. City and CARD have established standards for the provision of neighborhood parks based upon the ratio of 1.5 acres per thousand residents. The Project is anticipated to provide housing for approximately 5,654 residents, resulting in an obligation to provide 8.5 acres

of neighborhood parks. The Specific Plan provides approximately 14.5 acres of neighborhood parks, exceeding minimum requirements.

4.5.3 Satisfaction of Neighborhood Park Obligations. Developer's neighborhood park obligations shall be as described in the Specific Plan, acknowledging design refinements and flexibility as described in VESP Chapter 7.4 (Specific Plan Flexibility).

4.5.3.1 Park Boundaries. Precise location of neighborhood park boundaries shall be shown on Tentative Map(s) immediately abutting the perimeter, or portions thereof, of the neighborhood park. Neighborhood parks may be created as a separate parcel, or as part of a larger parcel within the open space network.

4.5.3.2 Consultation with CARD. The Developer shall consult with CARD during the design of neighborhood parks, and shall pursue cooperative opportunities to enhance recreational amenities, maintenance, and programing, in alignment with the principles and policies of the Specific Plan. Such collaboration may, but shall not require, agreements between the Developer and CARD for dedication and maintenance of public parks, including but not limited to neighborhood parks.

4.5.3.3 Timing of Neighborhood Park Improvements. Developer shall complete Homestead Park, Child's Meadows Park and Pioneer Park, as follows:

- (a) Homestead Park shall be completed prior to the 500th residential permit in the area designated as Multi-Generational in the Specific Plan.
- (b) Pioneer Park shall be completed prior to the 500th residential permit in the area designated as "Senior" in the Specific Plan.
- (c) Child's Meadows shall be complete prior to the 1,500th residential permit within the entire Specific Plan.

4.5.3.4 Consistency with Specific Plan. Nothing in this Agreement shall prevent modifications to the neighborhood park boundaries or recreational facilities, provided however, that such modifications are substantially consistent with the Specific Plan and do not result in diminished useable acreage or the level of recreational amenities. Modifications consistent with this provision shall not require an amendment to this Agreement.

4.5.3.5 Phasing. Neighborhood parks may be developed in one or in multiple phases, either at Developer's discretion, provided however that if phased, phases incrementally contribute to the overall plan for the park, and park improvements extend to the easterly boundary abutting any active development.

4.5.3.6 Developer's Park Obligation Satisfied. The City agrees that Developer's commitment to dedicate and improve neighborhood parks in accordance with this Agreement and the Specific Plan fully satisfies Developer's obligation to provide neighborhood park facilities, and as such, Developer shall have no obligation to pay City's neighborhood park impact fee, including both land acquisition fee and improvement fee components.

4.5.7 Open Space Preservation Areas. Developer shall implement the open space plans as set forth in the Specific Plan. Such areas shall be maintained by an owners association or, where appropriate, a qualified land trust. Developer shall be responsible for any and all approvals, permits, or other entitlements required by any County, State, or Federal Agency with jurisdiction over any sensitive habitat or resources on the subject property.

4.5.8 Trails. Developer shall construct Class I trails and "Improved" trail facilities proportional to and concurrently with improvements required for each Tentative Map, provided that the trail improvements connect to existing trail improvements west of the Tentative Map to ensure a continuous system.

4.6 Roadways. Developer shall construct the roadways within the Plan area in accordance with the Master Circulation Plan set forth in the Specific Plan. Major collector roads shall be dedicated to the City for maintenance and the interior residential streets may be dedicated or be owned and maintained by an owners association. Roadways shall be constructed in phases commensurate with the timing of development ensuring that adequate circulation is maintained, provided that the main north-south collector as shown in the Master Circulation Plan shall be constructed prior to the four hundred and fifty first (451st) occupancy in the northern multi-generational neighborhood of the Specific Plan.

4.6.1 Roundabouts at Autumnfields Drive and Village Core. As recommended by the Traffic Study, Appendix K of the Draft EIR (Fehr and Peers, September 13, 2021), and unless demonstrated to be unnecessary based on a subsequent traffic study to the reasonable satisfaction of the Director of Public Works - Engineering, Developer shall construct a roundabout at two intersections instead of a traffic signal; one at the intersection of Autumnfields Way and East 20th Street and one at the second collector street intersection adjacent to the Village Core (Traffic Study Intersections #36 and #57, respectively). The roundabouts shall be shown on tentative maps for subdividing the adjacent lands and shall be completed in conjunction with street improvements for the

respective project phase that will require use of the roundabout intersection, or as deemed necessary by the Director of Public Works- Engineering.

4.6.2 Signal at Skyway Entry. Developer shall construct a signalized intersection instead of a roundabout at the new intersection of Skyway and the primary entrance to the Project (Primary Gateway), with details subject to review and approval by the Director of Public Works – Engineering prior to construction. Alternatively, a roundabout may be constructed at the Primary Gateway intersection, as contemplated by the Specific Plan, if recommended by the Director of Public Works – Engineering and approved by the Planning Commission as part of tentative map approval

4.6.3 Noise Attenuation on East 20th Street. Developer shall be responsible for funding the implementation of Mitigation Measure NOI-6 as set forth in the Mitigation Monitoring and Reporting Program. After completion of the 2,000th unit Developer may fund a noise study to be completed at the direction of the Community Development Director to assess the need and timing for the noise attenuation specified by Mitigation Measure NOI-6. Prior to completion of the 2,222nd unit, or as recommended in the updated noise study, Developer shall either complete the re-paving of the street segment with rubberized asphalt or construct a noise wall as specified by NOI-6. If an updated Noise study is accepted by the Community Development Director and he/she finds that no noise attenuation is necessary to avoid the noise impact described in the EIR (i.e., roadway noise exceeding 65 dBA Ldn at residences on the north side of East 20th Street between Potter Road and Dawncrest Drive), then no further action is needed for this provision.

4.7 Infrastructure, Maintenance and Public Services Finance.

4.7.1 Infrastructure Finance. Upon request by Developer, City and Developer will cooperate to establish one or more CFDs to fund the Public Improvements. Developer may also utilize the Statewide Community Infrastructure Program (“SCIP”) to fund the Public Improvements. To the extent the costs of the Public Improvements exceed the proceeds from CFDs or other financing mechanism(s), Developer shall be solely responsible for such shortfall.

A. Infrastructure CFDs. Except as may otherwise be agreed to by Developer and City during the formation of a CFD for the Property, the following specific provisions shall be included within the applicable terms and conditions of any CFD related to the Property. The CFD shall be consistent with any City adopted finance policies relating to such financing. The term of the special tax to be levied by any CFD against the Property shall be sufficient to support multiple bond sales not to exceed an

authorized amount appropriate for the Project, as determined by City and Developer. Available CFD bond proceeds and/or special tax proceeds may be used to fund subdivision improvements, in addition to acquisition and/or construction of the Public Improvements. When the CFDs are created, City will include provisions that permit the acquisition or construction cost of the Public Improvements to be paid from Pay-As-You-Go Levies in amounts and for time periods to be agreed to in an acquisition agreement entered into in connection with the issuance of bonds. Nothing in this Section shall be construed to limit or change Developer's ability to receive fee credits and/or fee reimbursements for infrastructure improvements in accordance with City policies in effect as of the Effective Date, including but not limited to improvements financed by a CFD or other financing mechanism.

b. Alternative Financing Mechanisms. Nothing herein shall be construed to limit Developer's option to construct any improvements through the use of alternative financing mechanisms, including but not limited to SCIP financing, traditional assessment districts, private financing, and other financing mechanisms as permitted by law and authorized by City.

4.7.2 Maintenance Finance. Prior to approval of a final map for development lots, City and Developer will complete all actions needed to form, annex into, and/or implement the funding mechanism(s), including financing districts and special taxes, to pay to maintain existing and new on-site Public Improvements and facilities exclusively serving the Property excepting those Public Improvements that the City maintains on a City-wide basis (e.g., public roadways, public storm drainage, public sewer, etc.). Developer shall participate in, support, and pay all reasonable costs incurred by City associated with such actions consistent with this Agreement and the Specific Plan. The amount of special taxes or assessments to be included in each new maintenance or services district referred to herein shall not exceed the amounts reasonably determined by City during the formation of such finance district to fund the operations, maintenance and/or services to be financed thereby.

4.7.3 Other Government Permits. Developer shall be responsible for applying for and obtaining approvals and permits required by other governmental agencies having jurisdiction over, or providing services to, the Project. To the extent possible, City shall cooperate with Developer in obtaining all such approvals and permits in as timely a manner as possible. Each Party shall take all reasonable actions, and execute, with acknowledgment or affidavit, if required, any and all documents and writings that may be reasonably necessary or proper to achieve the purposes and objectives of this Agreement.

4.8 Subsidized Housing Program. Commencing on the availability of infrastructure, amenities and other characteristics enabling lands within 3,300 feet of the Village Core to qualify for affordable housing subsidy, as determined by the City, Developer shall identify and make available a minimum of 4 net acres, or multiple viable sites totaling no less than 4 net acres, or one or more viable site(s) sufficient to construct a minimum of 90 deed restricted affordable housing units. Unless otherwise agreed to by City in writing, if for whatever reason one of the identified viable sites becomes unavailable for an affordable housing project, Developer shall identify and make available an alternative viable site. The viable sites for one or more affordable housing projects shall remain continuously available until Developer's obligations under this section have been satisfied. The sales price of land(s) for affordable housing under this section shall be based on 80% of the fair market value of the site, as determined by an appraiser agreed-upon by the City and Developer, as of the date of the purchase and sale agreement. Once at least 4 net acres of land have been sold to a builder of affordable housing, or 90 deed restricted affordable housing units have been constructed within the Project site, Developer has met its obligation under this section.

ARTICLE 5

CITY OBLIGATIONS

5.1 Review and Approval of Improvement Plans and Final Maps. The City agrees that expeditious processing of the improvement plan and final map review is important for the implementation of the Project. In recognition of the importance of timely processing and review of the improvement plans and final maps, the City agrees to work with Developer to establish time frames for processing and reviewing such improvement plans and final maps and to comply with timeframes established in the Project Approvals. The City agrees to expedite all improvement plans and final maps submitted by Developer to the extent practicable, if any. Developer agrees to pay any applicable fee for expedited review and processing time.

5.2 Building Permits.

a. City shall review a construction drawing master plan for each model home ("Master Plan") at the Property prior to construction of said model homes. Once the Developer resolves all City plan check comments, City shall strive to issue a building permit for each model home within seven (7) days of City's finding of a complete building permit application, provided all of the following have occurred: (1) a final map has been recorded for the property; and (2) Developer has paid plan check fees.

b. In the event that an amendment to the CBC results in the need to change the Master Plan, construction of residential units pursuant to the Master Plan shall be allowed to continue for a period of six (6) months from the effective date of the City's adoption of the new code cycle.

ARTICLE 6

ANNUAL REVIEW

6.1 Annual Review.

6.1.1. During the Term of this Agreement, City may once every calendar year review the extent of good faith compliance by Developer with the terms of this Agreement. The cost for City's annual review of this Agreement shall be paid by Developer. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code Section 65865.1.

6.1.2 Upon not less than thirty (30) days' written notice by the Community Development Director, Developer shall provide such information that demonstrates good faith compliance with the terms of this Agreement in an annual monitoring report, in a form reasonably acceptable to the Community Development Director.

6.1.3 Neither the City, nor Developer shall have a duty to notify the other of their respective obligations under this Agreement. Any failure by Developer to timely submit an annual monitoring report shall not (a) affect the rights, protection, and benefits afforded thereto by this Agreement or the Development Agreement Act or (b) constitute a default of Developer's obligations under this Agreement, and in the event of any such failure, this Agreement shall remain in full force and effect and in compliance with the Development Agreement Act.

6.1.4 On or before the yearly anniversary of the Effective Date of the Agreement, the Community Development Director shall make a determination regarding whether or not Developer has complied in good faith with the provisions and conditions of this Agreement. Upon written request by Developer, this determination shall be made in writing with reasonable specificity, and a copy of the determination shall be provided to Developer in the manner prescribed in Section 2.6.

6.1.5 In the event the Community Development Director makes a finding and determination of non-compliance, Developer shall be entitled to appeal that determination to the City Council within twenty-five (25) days from the Community Development Director's decision. After a public hearing on the appeal, the City Council, within twenty-five (25) days, shall make written findings and determinations, on the basis of substantial evidence, whether or not Developer has complied in good faith with the provisions and conditions of this Agreement.

6.2 Period to Cure Non-Compliance. If, as a result of an annual review conducted pursuant to Section 6.1, it is found and determined by the Community Development Director or the City Council on appeal, that Developer has not complied in good faith with the provisions and conditions of this Agreement, the City, after denial of any appeal or, where no appeal is taken, after the expiration of the appeal period described in Section 6.1.5, shall submit to Developer, by registered or certified mail, return receipt requested, a written notice of non-compliance in the manner prescribed in Section 2.6, stating with specificity those obligations of Developer which have not been performed. Upon receipt of the notice of noncompliance, Developer shall commence to cure the identified items of noncompliance at the earliest reasonable time after receipt of the notice of non-compliance and shall complete the cure of such items of non-compliance not later than ninety (90) days after receipt of the notice of non-compliance, or such longer period as is reasonably necessary to remedy such items of non-compliance, by mutual consent of the City and Developer provided that Developer shall continuously and diligently pursue the remedy at all times until the item of non-compliance is cured.

6.3 Failure to Cure Non-Compliance Procedure. If the Community Development Director finds and determines that Developer has not cured an item of non-compliance pursuant to this Section, and that the City intends to terminate or modify this Agreement the Community Development Director shall make a report to the City Council. The Community Development Director shall then set a date for a public hearing before the City Council in accordance with the notice and hearing requirements of Government Code Sections 65867 and 65868. At the time and place set for the hearing on modification or termination, Developer shall be given an opportunity to be heard. If after such public hearing, the City Council finds and determines, on the basis of substantial evidence, that (i) Developer has not cured a default pursuant to this Section, and (ii) that the City may terminate or modify this Agreement, the finding and determination shall be appealable to the City Council in accordance with Section 7.3 hereof. In the event of a finding and determination of compliance, there shall be no appeal by any person or entity.

6.4 Termination or Modification of Agreement. After a finding and determination of noncompliance by the City Council pursuant to Section 6.3, or, where no appeal is taken, after the expiration of the appeal periods described in Section 7.3, the City may terminate or modify this Agreement, or those transferred or assigned rights and obligations. There shall be no modifications of this Agreement unless the City Council acts pursuant to Government Code Sections 65867.5 and 65868, irrespective of whether an appeal is taken as provided in Section 7.3.

6.5 City's Rights and Remedies Against Developer. The City's rights in Article 6 of this Agreement relating to compliance with this Agreement by Developer shall be limited to only those rights and obligations assumed by Developer under this Agreement.

6.6 Estoppel Certificate. Any Party to this Agreement and any Lender may, at any time, and from time to time, request an Estoppel Certificate as set forth in this section. The Party or Lender shall deliver written notice to City requesting City to certify in writing that, to the knowledge of the City: (i) the Agreement is in full force and effect and a binding obligation on the Parties; (ii) the Agreement has not been amended or modified, either orally or in writing, and if so amended or modified, identify the amendments or modifications; and (iii) as of the date of the estoppel certificate, the requesting party (or any party specified by a Lender) is not in default in the performance of its obligations under the Agreement, or if in default to describe therein the nature of any such default and the steps or actions to be taken by the other party reasonably necessary to cure any such alleged default. The party requesting the certificate shall pay all reasonable costs borne by City to complete the certificate. The City Manager, or any person designated by the City Manager, may sign Estoppel Certificates on behalf of the City. A party receiving a request hereunder shall execute and return such certificate or give a written detailed response explaining why it will not do so within ninety (90) days following the receipt of such request. Each party acknowledges that such an estoppel certificate may be relied upon by third parties acting in good faith. An estoppel certificate provided by City establishing the status of this Agreement shall be in recordable form and may be recorded at the expense of the recording party.

ARTICLE 7

DEFAULT, TERMINATION AND ENFORCEMENT

7.1 Defaults by Developer.

7.1.1 Default. In the event Developer or a Transferee of any portion of the Project site fails to perform its obligations under this Agreement applicable to its portion of the Project site as specified in the applicable Assignment Agreement, in a timely manner and in compliance pursuant to Section 6 of this Agreement, the City shall have all rights and remedies provided for at law or equity and provided in this Agreement, including without limitation, modifying or terminating this Agreement, shall relate exclusively to the defaulting Party and such defaulting Party's portion of the Premises, provided that the City has first complied with all applicable notice and opportunity to cure provisions in Section 7.1.2 and given notice as provided in Section 2.6 hereof, and provided further that Developer may appeal such declaration in the manner provided in, and subject to all terms and provisions of, Sections 6.1, 6.2, 6.3 and 6.4. In no event shall a default by a Developer or a Transferee of any portion of the Project site constitute a default by any non-defaulting Developer or a Transferee with respect to such non-defaulting parties' obligations hereunder nor affect such non-defaulting parties' rights hereunder, or respective portion of the Premises.

7.1.2 Notice of Default. The City, through the Community Development Director, shall submit to Developer or Transferee, as applicable, by registered or certified mail, return receipt requested, a written notice of default in the manner prescribed in Section 2.6, identifying with specificity those obligations of Developer or Transferee, as applicable, which have not been performed. Upon receipt of the notice of default, Developer or Transferee shall commence to cure the identified default(s) at the earliest reasonable time after receipt of the notice of default and shall complete the cure of the default(s) not later than ninety (90) days after receipt of the notice of default, or a longer period as is reasonably necessary to remedy the default(s), provided that Developer or Transferee, as applicable, shall continuously and diligently pursue the remedy at all times until the default(s) is cured. In the case of a dispute as to whether Developer has cured the default, the Parties shall submit the matter to dispute resolution pursuant to Article 12 of this Agreement.

7.1.3 Failure to Cure Default Provisions. If after the cure period provided in Section 6.2 has elapsed, the Community Development Director finds and determines that Developer, or its Transferees, successors, and/or assignees, as the case may be, remains in default and that the City intends to terminate or modify this Agreement, or those transferred or assigned rights and obligations, as the case may be, the Community Development Director shall make a report to the Planning Commission and then set a public hearing before the Commission in accordance with the notice and hearing requirements of Government Code Sections 65867 and 65868. If after public hearing, the Planning Commission finds and determines, on the basis of substantial evidence, that Developer, or its Transferees, successors, and/or assigns, remains in

default and that the City intends to terminate or modify this Agreement, or those transferred or assigned right and obligations, as the case may be, the Developer and its Transferees, successors, and/or assigns, shall be entitled to appeal that finding and determination to the City Council in accordance with Section 7.3. In the event of a finding and determination that all defaults are cured, there shall be no appeal by any person or entity. Nothing in this Section or this Agreement shall be construed as modifying or abrogating the CMC or Chico City Charter.

7.1.4 Termination or Modification of Agreement. The City may terminate or modify this Agreement, or those transferred or assigned rights and obligations, as the case may be, relating solely to the defaulting Developer or Transferee and such defaulting party's portion of the Project site after such final determination of the City Council or, where no appeal is taken after the expiration of the appeal periods described in Section 7.3 relating to the defaulting party's rights and obligations. There shall be no termination or modification of this Agreement unless the City Council acts pursuant to Section 7.3.

7.2 Default by City.

7.2.1 Default. In the event the City defaults under the provisions of this Agreement, Developer and Transferee shall have all rights and remedies provided herein or by applicable law, which shall include compelling the specific performance of the City's obligations under this Agreement provided that Developer or Transferee, as the case may be, has first complied with the procedures in Section 7.2.2. No part of this Agreement shall be deemed to abrogate or limit any immunities or defenses the City may otherwise have with respect to claims for monetary damages.

7.2.2 Notice of Default. Developer or Transferee, as the case may be, shall first submit to the City a written notice of default stating with specificity those obligations which have not been performed. Upon receipt of the notice of default, the City shall commence to cure the identified default(s) at the earliest commercially reasonable time after receipt of the notice of default and shall complete the cure of such default(s) not later than ninety (90) days after receipt of the notice of default, or such longer period as is reasonably necessary to remedy such default(s), provided that the City shall continuously and diligently pursue the remedy at all times until such default(s) is cured. In the case of a dispute as to whether the City has cured the default, the Parties shall submit the matter to dispute resolution pursuant to Article 12 of this Agreement.

7.2.3 No Monetary Damages. It is acknowledged by the Parties that the City would not have entered into this Agreement if it were liable in monetary damages

under or with respect to this Agreement or the application thereof. The Parties agree and recognize that, as a practical matter, it may not be possible to determine an amount of monetary damages which would adequately compensate Developer for its investment of time and financial resources in planning to arrive at the kind, location, intensity of use, and improvements for the Project, nor to calculate the consideration the City would require to enter into this Agreement to justify the exposure. Therefore, the Parties agree that each of the Parties may pursue any remedy at law or equity available for any breach of any provision of this Agreement, except that the Parties shall not be liable in monetary damages and the Parties covenant not to sue for or claim any monetary damages for the breach of any provision of this Agreement.

7.3 Appeals to City Council. Where an appeal by Developer or its Transferees, as the case may be, to the City Council from a finding and/or determination of the Planning Commission is created by this Agreement, such appeal shall be taken, if at all, within fourteen (14) days after the mailing of such finding and/or determination to Developer, or its successors, transferees, and/or assignees, as the case may be. The City Council shall act upon the finding and/or determination of the Planning Commission within sixty (60) days after such mailing, or within such additional period as may be agreed upon by the Developer or its Transferees, as the case may be, and the City Council. The failure of the City Council to act shall not be deemed to be a denial or approval of the appeal, which shall remain pending until final City Council action. If City elects to consider the appeal, then City shall give a written notice same to Developer and the matter shall be scheduled for consideration and review by the City Council at a duly noticed and conducted public hearing. Developer shall have the right to offer written and oral evidence prior to or at the time of said public hearing. If the City Council determines that a material default has occurred and is continuing, and elects to terminate this Agreement, City shall give written notice of termination of this Agreement to Developer by certified mail and this Agreement shall thereby be terminated sixty (60) days thereafter.

7.4 Force Majeure. Performance by any Party of its obligations under this Agreement (other than for payment of money) shall be excused during any period of "Permitted Delay" as hereinafter defined. For purposes hereof, Permitted Delay shall include delay beyond the reasonable control of the party claiming the delay (and despite the good faith efforts of the party) which directly affects the party's ability to perform as set forth by this Agreement including: (i) acts of God; (ii) civil unrest; (iii) riots; (iv) acts of terrorism; (v) strikes, picketing or other labor disputes; (vi) epidemics; (vii) damage to work in progress by reason of fire, flood, earthquake or other casualties; (viii) as to Developer only, failure, delay or inability of City to provide adequate levels of public services, facilities or infrastructure to the Project site; (ix) failure, delay or inability of the

other party to act; (x) with respect to completion of the Annual Review, the failure, delay or inability of any party to provide adequate information or substantiation as reasonably required to complete the Annual Review; (xi) delay caused by governmental restrictions imposed or mandated by other governmental entities; (xii) enactment of conflicting state or federal laws or regulations; (xiii) judicial decisions or similar bases for excused performance; (xiv) litigation brought by a third party attacking the validity of this Agreement; (xv) City's inability to issue or sell bonds necessary to finance any public facilities necessary for the Project's development and use; (xvi) building moratoria, water connection moratoria or sewer connection moratoria; (xvii) initiative or referendum; (xviii) processing with governmental agencies other than City; or any other similar causes beyond the control or without the fault of the Party claiming an extension of time to perform. Any Party claiming a Permitted Delay shall notify the other Party in accordance with Section 2.6 of such delay within thirty (30) days after the commencement of the delay, which notice ("Permitted Delay Notice") shall include the estimated length of the Permitted Delay. A Permitted Delay shall be deemed to occur for the time period set forth in the Permitted Delay Notice, or from the time such written notice by the Party claiming such extension is actually sent to the other Party if such written notice is sent more than thirty (30) days after obtaining knowledge of the commencement of the cause, unless a Party receiving the Permitted Delay Notice objects in writing within ten (10) days after receiving the Permitted Delay Notice. In the event of such objection, the Parties shall submit the matter to dispute resolution pursuant to Article 12 of this Agreement. If no mutually acceptable solution can be reached any Party may take action as may be permitted under Section 7.5 of this Agreement. Any act or failure to act on the part of a Party shall not excuse performance by that Party.

7.5 Legal Action. In addition to any other rights or remedies, any Party may institute legal action to cure, correct or remedy any default, to specifically enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation. Notwithstanding anything in this Agreement to the contrary, the Parties acknowledge that City would not have entered into this Agreement had it been exposed to liability for damages from Developer, and that therefore, Developer hereby waives any and all claims for damages against City for breach of this Agreement. Developer further acknowledges that as an instrument which must be approved by ordinance, a development agreement is subject to referendum and that under law, the City Council's discretion to avoid a referendum by rescinding its approval of the underlying ordinance may not be constrained by contract, and Developer waives all claims for damages against City in this regard. Nothing in this Section is intended to nor does it limit Developer's or City's rights to equitable remedies as permitted by law.

ARTICLE 8

DEFENSE AND INDEMNITY/HOLD HARMLESS

8.1 Defense and Indemnity. Developer shall indemnify, defend and hold City, its elected and appointed commissions, officials, officers, agents, representatives, and employees (“City Indemnified Parties”) harmless from and against any and all claim, action, or proceeding (“Proceeding”) against the City Indemnified Parties (i) to set aside, void, or annul, all or any part of this Agreement, or the ordinance approving this Agreement, the Project Approvals, or any Subsequent Development Approvals, or (ii) for any and all actual and alleged damages, costs and liabilities, arising out of this Agreement, including, without limitation, contractual and statutory claims, and those arising out of the personal injury or death of any third party, or damage to the property of any third party, to the extent such damages, claims, costs or liabilities arose out of or in connection with the Agreement or the operations of the Project under this Agreement by Developer or by Developer’s contractors, subcontractors, agents or employees, provided that Developer shall not be obligated to indemnify, defend, or hold City Indemnified Parties harmless for damages, claims, costs and liabilities arising out of City’s sole gross negligence or willful misconduct. Nothing in this Article 8 shall be construed to mean that Developer shall defend, indemnify or hold City Indemnified Parties harmless from any damages, claims, costs or liabilities arising from, or alleged to arise from, activities associated with the maintenance or repair by City or any other public agency of improvements that have been offered for dedication and accepted by City or such other public agency. City and Developer may from time to time enter into subdivision improvement agreements, as authorized by the California Subdivision Map Act, or other agreements related to the Project, which agreements may include defense and indemnity provisions different from those contained in this Article 8. In the event of any conflict between such provisions in any such subdivision improvement agreements or other Project agreements and the provisions set forth above, the provisions of such subdivision improvement agreement or other Project agreements shall prevail.

ARTICLE 9

COOPERATION IN THE EVENT OF LEGAL CHALLENGE

9.1 Cooperation. In the event of any administrative, legal, or equitable action or other proceeding instituted by any person not a party to this Agreement challenging the validity of any provision of any of the Entitlements, Subsequent Entitlements or this Agreement, the Parties shall cooperate in defending such action or proceeding to

dismissal, settlement or final judgment. However, such obligation of the City Indemnified Parties to cooperate in its defense shall not require the City Indemnified Parties to (i) assert a position in its defense of the Proceeding which it has determined, in its sole discretion, has no substantial merit; (ii) advocate in its defense of the Proceeding legal theories which it has determined, in its sole discretion, lack substantial merit; or (iii) advocate in its defense of the Proceeding legal theories which it has determined, in its sole discretion, are contrary to its best interests, or to public policy. Nothing contained in this Section shall require Developer to refrain from asserting in its defense of the Proceeding positions or legal theories that do not satisfy the foregoing requirements.

9.2 Defending the Project Approvals. Developer shall have the obligation to timely retain legal counsel to defend against any Proceeding. The City Indemnified Parties shall have the right if it so chooses, to defend the Proceeding utilizing in-house legal staff, in which case Developer shall pay City's legal defense fees and costs, including attorneys' fees, consistent with Developer's obligations under Section 8.1. Developer shall be liable for any award of damages, judgments, verdicts, court costs, or attorney's fees in any such Proceeding; provided, however, in the event of a conflict of interest that prevents Developer's legal counsel from representing the City Indemnified Parties, and in the event the City Indemnified Parties do not have the in-house legal resources to defend against the Proceeding, the City Indemnified Parties shall also have the right to be represented by outside legal counsel selected by Developer and approved by the City Indemnified Parties, which approval shall not be unreasonably withheld, provided that retaining outside legal counsel causes no delays, and Developer shall be liable for all reasonable legal costs and fees reasonably incurred by the City Indemnified Parties and any award of damages, judgments, verdicts, court costs, or attorney's fees in any such Proceeding. In no event shall City be required to bear the fees or costs of Developer, including Developer's attorneys' fees. If requested by Developer, City agrees to support any efforts made by Developer to intervene or join as a party in any such administrative, legal or equitable proceedings if Developer was not named as a party therein. Developer and the City agree to cooperate in any legal action to set court dates at the earliest practicable date(s) and not to cause delay in the prosecution/defense of the action, provided such cooperation shall not require any Party to waive any rights. Neither Developer nor City shall settle any action or proceeding on grounds that include non-monetary relief or admissions of liability without written consent of the other party. City agrees to not settle any action based upon monetary relief without the written consent of Developer, unless City is solely liable and agrees to pay such monetary relief. In the event of an award by the court or by an arbitrator of attorneys' fees to a party challenging this Agreement or any of the Entitlements or Subsequent Entitlements, then Developer shall be liable for satisfying the payment of any such award of third party's attorneys' fees

9.2 Court Judgment or Order. City and Developer shall meet and endeavor, in good faith to attempt to reach agreement on any amendments needed to allow development of the Property to proceed in a reasonable manner taking into account the terms and conditions of the court's judgment or order. If agreement is reached, the procedures for amending this Agreement as specified herein shall apply. If agreement is not reached, Developer shall have the right to terminate this Agreement by giving City sixty (60) days' notice of termination. In the event that amendment of this Agreement is not required, and the court's judgment or order requires City to engage in other or further proceedings, City agrees to comply with the terms or the judgment or order expeditiously.

ARTICLE 10

MISCELLANEOUS PROVISIONS

10.1 Authority to Execute Agreement. The person or persons executing this Agreement on behalf of Developer warrant and represent that they have the authority to execute this Agreement and the authority to bind Developer to the performance of its obligations hereunder.

10.2 Cancellation or Modification. In addition to the rights provided the parties in Article 5 of this Agreement with respect to City's Annual Review, and Sections 7.1, 7.2, and 7.3 of this Agreement as to default and termination, any Party may propose cancellation or modification of this Agreement pursuant to Government Code Section 65868, but such cancellation or modification shall require the consent of any Parties hereto retaining any legal interest in the Property or any portion thereof.

10.3 Consent. Where consent or approval of a Party is required or necessary under this Agreement, such consent or approval shall not be unreasonably withheld, conditioned or delayed.

10.4 Interpretation of Agreement. All Parties have been represented by legal counsel in the preparation of this Agreement and no presumption or rule that ambiguity shall be construed against a drafting Party shall apply to interpretation or enforcement hereof. Captions on sections and subsections are provided for convenience only and shall not be deemed to limit, amend or affect the meaning of the provision to which they pertain.

10.5 California Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. City and Developer shall each comply with all applicable laws in the performance of their respective obligations under this Agreement

10.6 No Joint Venture or Partnership. City and Developer hereby renounce the existence of any form of joint venture, partnership or other association between City and Developer, and agree that nothing in this Agreement or in any document executed in connection with it shall be construed as creating any such relationship between City and Developer.

10.7 Covenant of Good Faith and Fair Dealing. No Party shall do anything which shall have the effect of injuring the right of another Party to receive the benefits of this Agreement or do anything which would render its performance under this Agreement impossible. Each Party shall perform all acts contemplated by this Agreement to accomplish the objectives and purposes of this Agreement.

10.8 Partial Invalidity Due to Governmental Action. In the event state or federal laws or regulations enacted after the Effective Date of this Agreement, or formal action of any governmental jurisdiction other than City, prevent compliance with one or more provisions of this Agreement, or require changes in plans, maps or permits approved by City, the Parties agree that the provisions of this Agreement shall be modified, extended or suspended only to the minimum extent necessary to comply with such laws or regulations.

10.9 Further Actions and Instruments. The Parties agree to provide reasonable assistance to the other and cooperate to carry out the intent and fulfill the provisions of this Agreement. Each of the Parties shall promptly execute and deliver all documents and perform all acts as necessary to carry out the matters contemplated by this Agreement.

10.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

10.11 No Waiver. No delay or omission by a Party in exercising any right or power accruing upon non-compliance or failure to perform by another Party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver. A waiver by a Party of any of the covenants or conditions to be performed by another Party shall not be construed as a waiver of any succeeding breach or non-

performance of the same or other covenants and conditions thereof. No waiver of any right or remedy with respect to any occurrence or event shall be deemed a waiver of any right or remedy with respect to any other occurrence or event.

10.12 Severability. If any provision, condition, or covenant of this Agreement, or application thereof to any circumstances of either Party shall be adjudicated to be invalid, void, unenforceable, or illegal, it shall in no way affect, impair or invalidate any other provision, condition, covenant, or application of same to persons or circumstances, with the exception of such provision found invalid, void or illegal, and the remainder of this Agreement shall remain in full force and effect to the fullest extent permitted by law.

10.13 Recording. Pursuant to California Government Code Section 65868.5, no later than ten (10) days after City enters into this Agreement, the City Clerk shall record an executed copy of this Agreement in the official records of the Butte County Recorder's Office and thereafter provide Developer with a copy of the recorded Agreement. Developer shall provide the City Clerk with the fees for such recording prior to or at the time of such recording should the City Clerk effectuate recordation.

10.14 Attorneys' Fees. Should any legal action be brought by any Party for breach of this Agreement or to enforce any provisions herein, the prevailing party shall be entitled to reasonable attorneys' fees, court costs and other costs as may be fixed by the Court. Attorneys' fees shall include attorneys' fees on any appeal, and in addition a Party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such actions, taking depositions and discovery, and all other necessary costs incurred in the litigation.

10.15 Venue. Any action arising out of this Agreement shall be brought in Butte County, California, regardless of where else venue may lie.

10.16 Time is of the Essence. Time is of the essence of each and every provision of this Agreement of which time is an element.

10.17 Several Obligations of Owners. Notwithstanding anything to the contrary contained herein, no default in the performance of a covenant or obligation in this Agreement with respect to a particular portion of the Property shall constitute a default applicable to any other portion of the Property, and any remedy arising by reason of such default shall be applicable solely to the portion of the Property where the default has occurred. Similarly, the obligations of Developer and any successor in interest thereof shall be several and no default hereunder in performance of a covenant or obligation by any one of them shall constitute a default applicable to any other owner who is not

affiliated with such defaulting owner, and any remedy arising by reason of such default shall be solely applicable to the defaulting owner and the portion of the Property owned by such defaulting owner.

10.18 Constructive Notice and Acceptance. Every person who now or hereafter owns or acquires any right, title, interest in or to any portion of the Premises, is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Premises.

10.19 Entire Agreement. This Agreement and the exhibits and addenda, if any, attached hereto, constitute the entire agreement between the Parties with respect to the subject matter contained herein, and there are no agreements or representations between the Parties with respect to the same except as expressed herein.

10.20 Counterparts. Any fully executed copy of this Agreement shall be deemed an original for all purposes. This Agreement may be fully executed in one or more counterparts, each of which shall be an original, and all of which together shall constitute a single instrument.

ARTICLE 11

PROVISIONS RELATING TO LENDERS

11.1 Lender Rights and Obligations.

11.1.1 Prior to Lender Possession. No Lender shall have any obligation or duty under this Agreement prior to the time the Lender obtains possession of the Property to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of Developer or Developer's successors-in-interest prior to Lender's possession of the Property, but such Lender shall otherwise be bound by all of the terms and conditions of this Agreement which pertain to the Property or such portion thereof in which it holds an interest. Nothing in this Section shall be construed to grant to a Lender rights beyond those of Developer hereunder or to limit any remedy City has hereunder in the event of default by Developer, including termination or refusal to grant subsequent additional land use entitlements with respect to the Property.

11.1.2 Lender in Possession. A Lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of Developer and which remain unpaid as of the date such Lender takes possession of the Property or any portion thereof. Provided, however, that a Lender shall not be eligible to apply for or receive entitlements with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement and subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of Developer hereunder; provided, further, that no Lender, or successor thereof, shall be entitled to the rights and benefits of Developer hereunder or entitled to enforce the provisions of this Agreement against City unless and until such Lender or successor in interest qualifies as a recognized assignee of this Agreement and makes payment of all delinquent and current City fees and charges pertaining to the Property and executing and delivering to the City, in a form and with terms reasonably acceptable to the City, an assumption agreement of Developer's obligations hereunder.

11.1.3 Notice of Developer's Default Hereunder. If City receives notice from a Lender, in the manner specified herein for giving notices, requesting a copy of any notice of default given Developer hereunder and specifying the address for notice thereof, then City shall deliver to such Lender, concurrently with service thereon to Developer, any notice given to Developer with respect to any claim by City that Developer has committed a default, and if City makes a determination of non-compliance, City shall likewise serve notice of such non-compliance on such Lender concurrently with service thereof on Developer.

11.1.4 Lender's Right to Cure. Each Lender shall have the right, but not the obligation, during the same period of time available to Developer to cure or remedy, on behalf of Developer, the default claimed or the areas of non-compliance set forth in City's notice. Such action shall not entitle a Lender to develop the Property or otherwise partake of any benefits of this Agreement unless such Lender shall assume and perform all obligations of Developer hereunder.

11.1.5 Other Notices by City. A copy of all other notices given by City to Developer pursuant to the terms of this Agreement shall also be sent to Lender at the address provided pursuant to Section 11.1.3 above.

ARTICLE 12

DISPUTE RESOLUTION

12.1 Dispute Resolution. The Parties may agree to dispute resolution proceedings to fairly and expeditiously resolve disputes or questions of interpretation under this Agreement. These dispute resolution proceedings may include: (a) procedures developed by the City for expeditious interpretation of questions arising under development agreements; or (b) any other manner of dispute resolution which is mutually agreed upon by the Parties.

12.2 Arbitration. Any dispute between the Parties that is to be resolved by arbitration shall be settled and decided by arbitration conducted by an arbitrator who must be a former judge of the Butte County Superior Court or Appellate Justice of the California Court of Appeals or the California Supreme Court. This arbitrator shall be selected by mutual agreement of the Parties.

12.2.1 Arbitration Procedures. Upon appointment of the arbitrator, the matter shall be set for arbitration at a time not less than thirty (30) nor more than ninety (90) days from the effective date of the appointment of the arbitrator. The arbitration shall be conducted under the procedures set forth in Code of Civil Procedure Section 638, et seq., or under such other procedures as are agreeable to both parties, except that provisions of the California Code of Civil Procedure pertaining to discovery and the provisions of the California Evidence Code shall be applicable to such proceeding.

ARTICLE 13

EXHIBITS

13.1 Integration Clause and List of Exhibits. The following exhibits are attached to this Agreement and are hereby incorporated herein for all purposes:

- | | |
|-----------|-------------------------------|
| Exhibit A | Overall Project Map |
| Exhibit B | Legal Description of Property |
| Exhibit C | Transfer Agreement |

IN WITNESS WHEREOF, the City of Chico, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Ordinance No. _____, adopted by the

City Council of the City of Chico on the ____ day of _____, 2023, and Developer has caused this Agreement to be executed.

“City”

“Developer”

City of Chico,
A Municipal Corporation

By:

By:

Name:

Name: Mark Sorensen

Title:

Title: City Manager

Date:

Date:

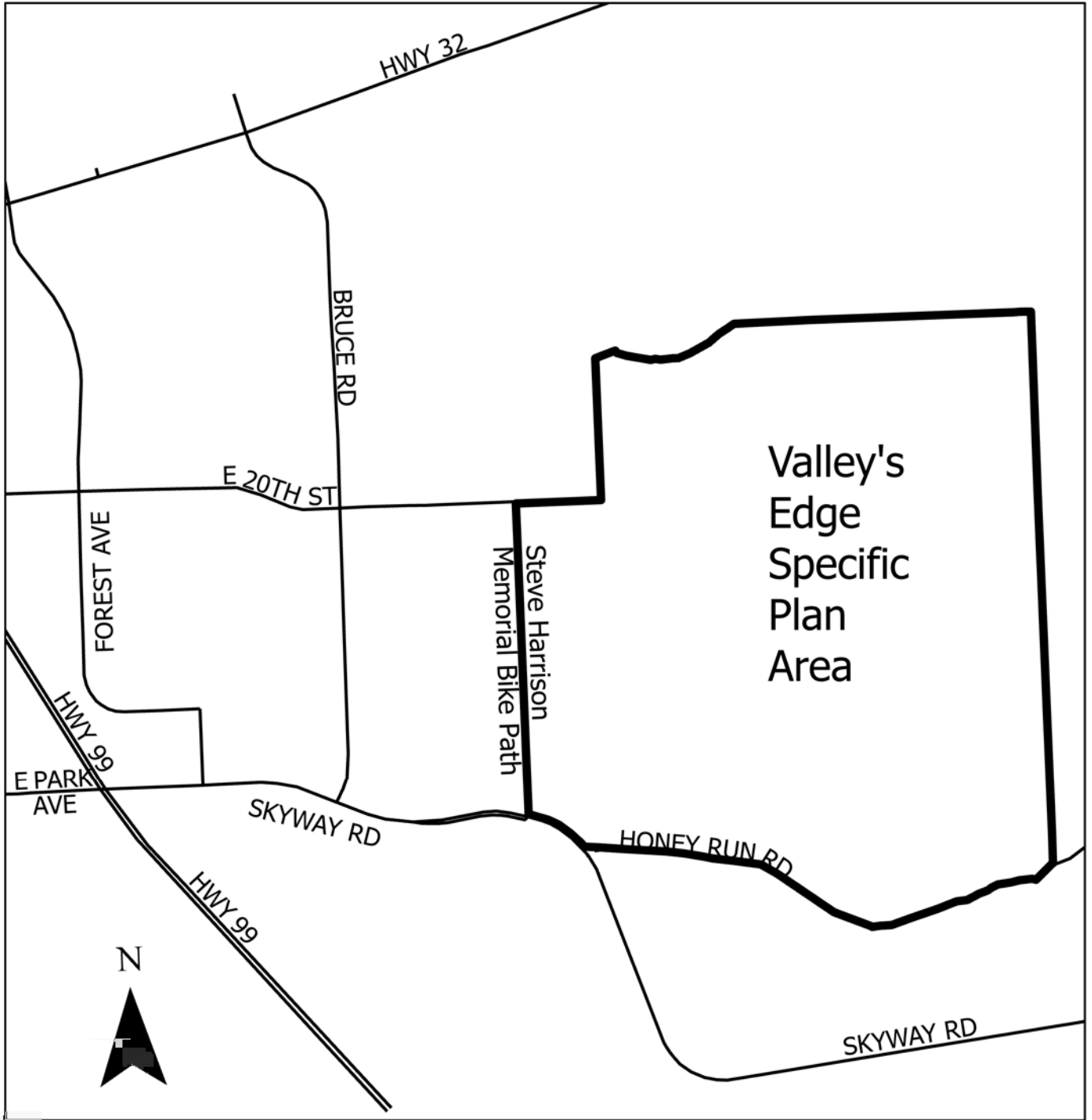
ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Exhibit A



Valley's Edge Specific Plan Overall Project Map

Exhibit A

Attachment A7, Exhibit I

Exhibit B
LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Butte, State of California, described as follows:

PARCEL I:

ALL THOSE PORTIONS OF SECTIONS 4 AND 5, TOWNSHIP 21 NORTH, RANGE 2 EAST, M.D.B. & M., LYING NORTHERLY OF THE CENTERLINE OF THE CHICO-CENTERVILLE ROAD, COMMONLY KNOWN AS HUMBUG ROAD.

PARCEL II:

ALL THOSE PORTIONS OF TOWNSHIP 22 NORTH, RANGE 2 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A. THE SOUTH HALF OF SECTION 28, EXCEPTING A PARCEL OF THE SOUTHWEST QUARTER LYING NORTHERLY OF THE BASE OF ROCKY BLUFF.

B. THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, LYING SOUTHERLY OF THE BASE OF ROCKY BLUFF.

C. THE EAST HALF OF SECTION 32, EXCEPTING THEREFROM ALL THAT PORTION THEREOF LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF SKYWAY, AS DESCRIBED IN DEED FROM O. L. STEPHENS, ET UX, TO THE COUNTY OF BUTTE, RECORDED SEPTEMBER 1, 1948, IN BOOK 288, PAGE 72, OFFICIAL RECORDS.

D. ALL OF SECTION 33.

APN: 017-260-119 (PORTION PARCEL I); 017-240-023 (REMAINDER PARCEL I); 018-390-007 (PARCEL II-A); 018-390-005 (PARCEL II-B); 017-210-005 (PARCEL II-C); and 017-210-006 (PARCEL II-D)

EXHIBIT C

TRANSFER AGREEMENT - [EXAMPLE ONLY]

THIS TRANSFER AGREEMENT (herein, this "Transfer Agreement") is entered into as of _____, 20__, by and between _____, a _____ ("Seller") and _____, a _____ ("Buyer").

RECITALS

A. Seller and Buyer are parties to that certain Agreement with an effective date of _____, 20__, whereby Seller agreed to convey to Buyer, subject to the terms of said Agreement, that certain real property situated in the City of Chico ("City"), County of Butte, State of California, which is more particularly described in Exhibit A attached hereto and incorporated by reference (the "Subject Property").

B. The Subject Property is subject to that certain Development Agreement dated _____, 20__ recorded in the official records of Butte County (the "Records") on _____, 20__, as Instrument No. _____.

C. The Subject Property is part of the Valley's Edge Specific Plan (the "Specific Plan") described in the Development Agreement.

D. Seller and Buyer are executing and recording this Transfer Agreement pursuant to Section 2.5.1 of the Development Agreement.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer agree as follows:

1. This Transfer Agreement is effective upon transfer of title to the Subject Property to Buyer (the "Effective Date").

2. Except as otherwise provided, all defined terms used in this Transfer Agreement shall correspond to the defined terms in the Development Agreement.

3. Seller hereby assigns to Buyer all of Seller's rights, title, interest, burdens and obligations under the Development Agreement related to the Subject Property. Buyer, its successors and assigns hereby expressly assume all such rights and obligations as of the Effective Date.

4. Buyer hereby assumes all rights, title, interest, burdens and obligations of Seller under the Development Agreement, and agrees to observe and fully perform all of the duties and obligations of Seller under the Development Agreement. Buyer agrees that Buyer shall comply with all the provisions of the Development Agreement and with all City rules, regulations and policies regarding the Subject Property which are applicable to the Development Agreement.

5. This Transfer Agreement may be executed in one or more counterparts. All counterparts so executed shall constitute one agreement, binding on all parties, even though all

parties are not signatory to the same counterpart. The parties authorize each other to detach and combine, or cause to be detached and combined, original signature pages and consolidate them into a single identical original for recordation of this Agreement in the Official Records of Butte County, California.

IN WITNESS WHEREOF, the parties hereto have executed this Transfer Agreement as of the date and year first-above written.

Seller:

_____ ,

a _____

By: _____

Name: _____

Title: _____

Buyer:

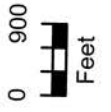
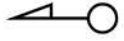
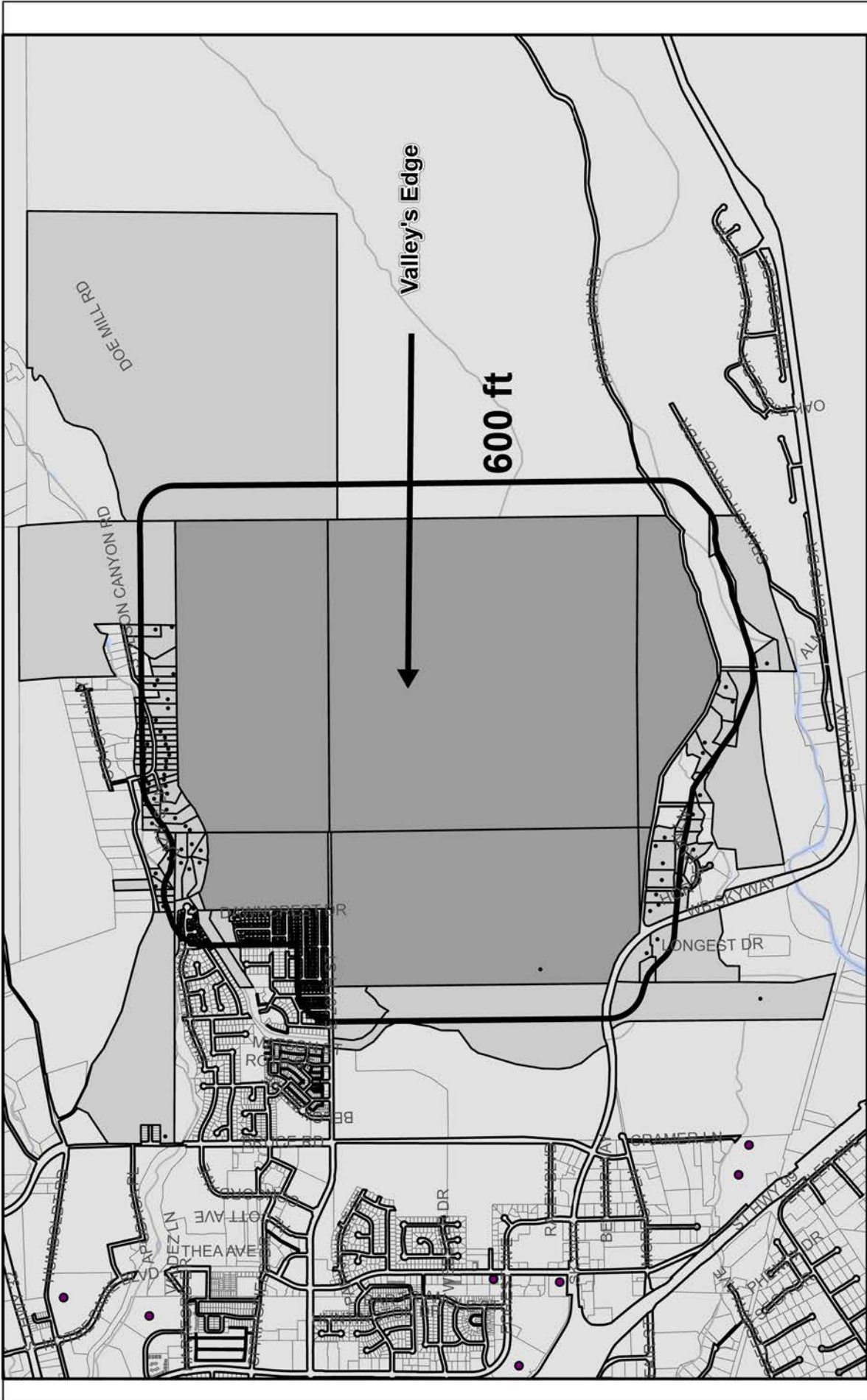
_____ ,

a _____

By: _____

Name: _____

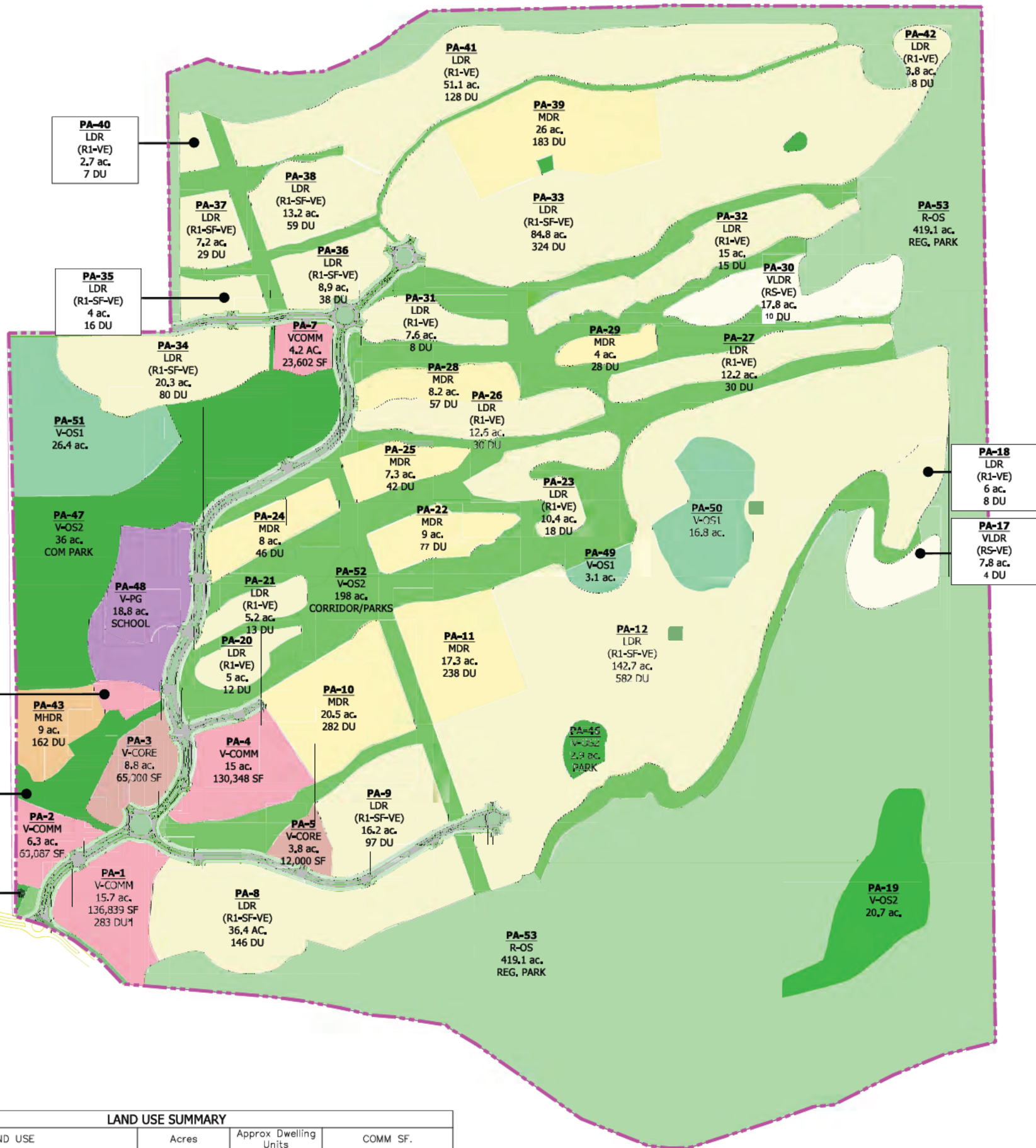
Title: _____



- Noticed Parcels
- Noticed Addresses

PC 12-1-2022 Valley's Edge
 APN 018-390-005, 018-390-007, 017-210-005,
 017-210-006, 017-240-023, and 017-260-119

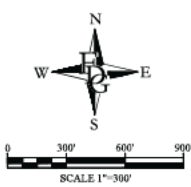
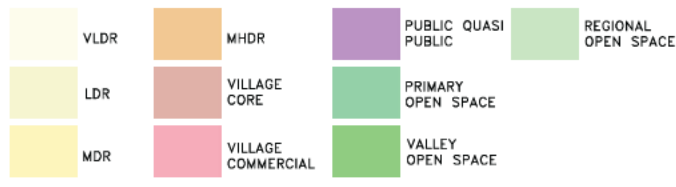
Date Saved: 11/14/2022



LAND USE SUMMARY			
LAND USE	Acres	Approx Dwelling Units	COMM SF.
VLDR - VERY LOW DENSITY RESIDENTIAL	25.6	14	
LDR - LOW DENSITY RESIDENTIAL (R1-VE)	131.4	276	
LDR - LOW DENSITY RESIDENTIAL (R1-SF-VE)	333.7	1,372	
MDR - MEDIUM DENSITY RESIDENTIAL	100.2	953	
MHDR - MEDIUM-HIGH DENSITY RESIDENTIAL	9.0	162	
V-CORE - VILLAGE CORE	12.6		77,000
V-COMM - VILLAGE COMMERCIAL	43.7		370,155
V-PQ - PUBLIC QUASI PUBLIC	18.8		
OS1 - PRIMARY OPEN SPACE	46.3		
V-OS2 - VALLEY OPEN SPACE	267.4		
R-OS - REGIONAL OPEN SPACE	419.1		
PROJECT ROADWAYS	40.4		
TOTAL	1,448.2	2,777	447,155

Note: Planning Areas 13, 14, 15, and 16 have been removed from the Valley's Edge Land Use Figure. The remaining Planning Areas numbering convention has remained so not to conflict with other land use calculations. The total number of units anticipated within the Valley's Edge Specific Plan area remains unchanged and will not exceed 2,777 units.

Legend



Planning Areas



General Plan Consistency

Valley's Edge Specific Plan Project

City of Chico 2030 General Plan Overview

The Chico 2030 General Plan (General Plan) provides the following guidance for using the document:

Given the broad scope of the General Plan, not all goals and policies are obviously complementary, and yet they all support the overarching vision for the City. When making decisions, goals and policies should be examined comprehensively, not individually. It is not the intent of the General Plan to predetermine decisions, but rather to help guide the decision-making process. (Introduction, p. 1-1)

The proposed Valley's Edge Specific Plan (VESP) need not be found consistent with every General Plan policy to warrant a finding of overall consistency with the General Plan, and there is no individual policy in the General Plan that, by itself, prevents finding the VESP consistent with the General Plan. The policy direction is intended to be examined comprehensively.

Although there are no fundamental policies that individually dictate the outcome of a consistency determination, the General Plan text, policies, and actions bear varying degrees of applicability to an evaluation of VESP consistency. For instance, the VESP planning area, which is identified as an area intended for future development on the Land Use Diagram, directly relates to the Doe Mill-Honey Run Special Planning Area (SPA-5) and described in the General Plan, so the policies associated with SPAs are featured most prominently in the following consistency analysis. Policies that deal with land use and development in general are addressed secondarily, and policies that are peripheral or unrelated to the City's consideration of a proposed specific plan are handled lastly or omitted from this evaluation.

Consistency with Direction on SPAs

The General Plan identifies five new growth areas (SPAs) to help meet the City's future housing and job needs. *"Within each SPA, the City has identified a mix of desired land uses in the form of a conceptual land plan. The conceptual land plans do not represent precise proportions or locations for particular land uses. Detailed land use plans will be developed and refined as part of subsequent, comprehensive planning of each area (page 3-15)."* The project site is located within SPA-5, Doe Mill/Honey Run SPA.

The first part of this section addresses the policy language which directly relates to SPA-5, followed by the policies which relate to all five of the SPAs.

Specific Direction for the Doe Mill/Honey Run SPA

The General Plan, Appendix C (*Special Planning Areas*), states: *"General Plan consistency findings for subsequent land use planning will rely on a determination of substantial compliance with the written descriptions of land use concepts and development capacity assumed for each SPA"* (p. C-1). The

development capacity listed on page C-1 for the Doe Mill/Honey Run SPA includes 2,095 dwelling units and 374,247 square feet of non-residential floor area on 1,287 acres.

The written description for the Doe Mill/Honey Run SPA states the following:

Planning for the Doe Mill/Honey Run SPA will result in a recreation oriented, mixed-use development offering a broad range of housing types and densities. The SPA will include a Village Core, retail along Skyway, a variety of residential densities (including very low, low, medium, and medium-high density), open space areas on the SPA's east side, a community park, neighborhood and pocket parks, public uses (potentially an elementary school site), and preserve areas with creekside corridors. Roadways, trails, and bikeways will be integrated into the natural landscape to connect the residential areas to parks, open space, offices, public facilities, and services.

The Village Core Commercial area will provide a mix of office uses, neighborhood retail, and other services. The community park will be designed and programmed with the Chico Area Recreation and Park District to include a variety of recreational amenities. Open space areas will provide a buffer along the entire Stilson Canyon rim to the north and along Honey Run Road to the south and will establish a permanent buffer against foothill encroachment to the east.

Design standards will be developed for site planning, building design, and landscaping to minimize visual impacts and to address wildland fire considerations for this foothill development. Lighting standards will be developed to address dark sky concerns and visual impacts. Special consideration will be given to protecting and preserving sensitive habitats, including the many ephemeral streams that drain the site, as well as the wetland areas on the western edge. Site planning will consider and protect groundwater recharge areas. (Appendix C, p. C-6)

Action LU-6.2.4 (Doe Mill/Honey Run SPA Planning) – Plan the Doe Mill/Honey Run SPA with a broad range of housing types and densities integrated with open space and recreational areas, supporting commercial services, and public facilities. Subsequent planning will:

- Address circulation with primary connections to the site via Skyway and E. 20th Street.
- Incorporate accessible open space on the eastern portion of the SPA, a community park, as well as neighborhood and mini parks.
- Maintain open space by clustering development and providing open space buffers on the northern, eastern, and southern edges of the SPA.
- Include visual simulations to ensure that development is not visually intrusive as viewed from lower elevations.
- Incorporate special lighting standards to reduce impacts on the nighttime sky.
- Address wildland fire considerations. (p. 3-37)

Consistency Analysis: The VESP Land Use Plan (Fig. 4-1) depicts a variety of Land Use Designations across the 1,448-acre planning area, including Very Low Density Residential, Low Density Residential, Medium Density Residential, Medium-High Density Residential, Village Core, Village Commercial, Public/Quasi-Public, Primary Open Space and Secondary Open Space. This mix of Land Use Designations is arranged based on a

hierarchical street network with commercial, public (school/community park) and higher-density residential designations along the main collector roadway connecting the two primary entrances on Skyway and East 20th Street, and lower density residential uses situated easterly, up to the planned permanent easterly edge of the City of Chico. Primary (passive) open space is designated around existing sensitive resources, which are planned for avoidance. Secondary (active) open space is designated to provide a buffer around the northern (Stilson Canyon), eastern (upslope foothills), and southern (Honey Run Road) edges, and to create gaps between development areas that coincide with existing stream channels and steep areas where trees tend to cluster. The VESP includes an extensive trail system following these buffers and open space corridors. The trail system would connect residences near the eastern edge of the site to the neighborhood parks and the predominantly commercial Village Core on the western side of the site. The senior housing area in the southern half of the site would have neighborhood electric vehicle (NEV) lanes to enhance multi-modal access to the Village Core.

It is in these ways that the VESP plans for a recreation oriented, mixed-use development offering a broad range of housing types and densities. In addition to the design of the Land Use Plan, VESP policies and design guidelines would further ensure the preservation of creek corridors and ensure that the built environment is well-integrated into the natural and historical landscape (PROS-1, PROS-2, PROS-4, PROS-4.1, PROS-4.2, PROS-4.3, PROS-5, PROS-5.2, PROS-5.4, PROS-5.6, PROS-5.7, PROS-5.8, PROS-6.2, LU-1.1, LU-4.5, INFR-1.1, INFR-2.2, INFR-3.1, INFR-3.2, and Section A.3.3 of the Design Guidelines). Visual simulations were included and evaluated in the Draft Environmental Impact Report (DEIR). Foothill development criteria is included in the VESP (Section 4.4) to minimize visual impacts by blending structures and improvements into the existing landscape.

Situated near the main entry off Skyway, the Village Core would be approximately 50 acres in size and would provide for a variety of office, neighborhood retail, and other service uses. High density residential uses (up to 35 units/acre) would also be permitted in the Village Core, offering further diversity among housing development options. Requirements and design guidance are also provided by the VESP to address wildfire risks (Section 4.4, LU-5, LU-5.1, LU-5.2, LU-5.3, LU-5.4, LU-5.5, LU-5.6, LU-5.7, and PROS 4.2), and dark sky lighting standards (LU-4.4 and A.3.2).

Wildfire considerations are addressed in detail in the VESP in Section 4.5 *Firewise Guidelines, Standards and Vegetation Management Requirements*. These standards address emergency access requirements, construction standards, and vegetative fuels management at the plan level, subdivision level, and individual home level. The homeowner's association (HOA) would address fuels management in the large open space areas via annual inspections by the Fire Department, developers would establish fire breaks around subdivision phases during construction, and individual owners would be responsible for maintaining defensible space around their residences and outbuildings. Developers and homeowners alike, would be required to use fire-resistant materials and construction methods for structures within the project, consistent with State fire codes for developing in areas subject to wildfire risk.

The development capacity planned for VESP is 2,777 dwelling units and 447,155 square feet of non-residential floor area on 1,408 acres (excludes estimated right-of-way). This is greater than contemplated by the SPA narrative in Appendix C of the General Plan; the VESP would yield an average density of 1.97 dwelling units per acre instead of 1.63 dwelling units per acre (a 21% increase), and a non-residential floor-area ratio of 0.0073 instead of 0.0067 (a 9% increase).

The higher VESP density relative to the General Plan forecast is offset by the VESP's limitation of approximately one-half of the dwelling units (1,357) to senior housing, because senior housing contains approximately 30% fewer occupants and generates approximately 50% fewer vehicle trips as general-market single family dwellings (see DEIR p. 2-10 and Traffic Study p. 17, respectively). The accommodation of more commercial space by the VESP relative to the General Plan forecast will provide additional flexibility for achieving a mixed-use development pattern that will reduce external trips for residents to obtain goods and services to serve their everyday needs. Given these moderating factors, and the large size of the planning area, the differences between the General Plan's capacity estimate and development proposed under the VESP are not significant and are further contemplated as part of the CEQA review for the project.

General Direction for Development of SPAs

Special Planning Areas, or SPAs, are defined in Table LU-2 of the General Plan as follows: *"This designation identifies areas for significant new growth that require subsequent comprehensive planning. Horizontal or vertical mixed-use is required (except for the Bell-Muir SPA). The General Plan includes a conceptual land plan for each SPA. Subsequent planning efforts for each area shall be found to be in substantial compliance with relevant SPA provisions and policies in the General Plan."* (p. 3-14)

The General Plan includes the following policy direction specific to SPAs in the Land Use Element:

"New Growth Areas. The General Plan identifies 5 new growth areas to help meet the City's future housing and job needs. These areas are designated as Special Planning Areas with conceptual land use plans, assumed development capacities, and policies guiding their detailed master planning. The Special Planning Areas are to be developed as connected and complete neighborhoods with a mix of housing types, services, employment and shopping opportunities, parks, and open space." (p. 3-7)

"Special Planning Areas. The Land Use Diagram includes five Special Planning Areas (SPAs). This designation identifies areas with significant new growth potential and carries a requirement for subsequent planning prior to development. Within each SPA, the City has identified a mix of desired land uses in the form of a conceptual land plan. The conceptual land plans do not represent precise proportions or locations for particular land uses. Detailed land use plans will be developed and refined as part of subsequent, comprehensive planning of each area" (p. 3-15)

Goal LU-6: Comprehensively plan the Special Planning Areas to meet the City's housing and jobs needs.

Policy LU-6.1 (Special Planning Area Designation) - To meet the City's growth needs, *support* development in the following five Special Planning Areas: Bell Muir, Barber Yard, Doe Mill/Honey Run, North Chico, South Entler. (emphasis added)

Policy LU-6.2 (Special Planning Area Implementation) – Allow flexibility when planning the Special Planning Areas in order to meet changing community housing and jobs needs.

Action LU-6.2.1 (SPA Planning Requirements) – Require more detailed land use planning in the form of a specific plan, planned development, or other comprehensive plan for each Special Planning Area (SPA) prior to development occurring on vacant land within an SPA. In addition to the Actions specific to each SPA, subsequent land use planning shall:

- Create a parcel-specific land use plan based on site, infrastructure, and environmental analysis.
- Include public facility financing plans, infrastructure phasing plans, and other studies as applicable.
- Consider opportunities for the provision of housing units affordable to very low, low, and/or moderate income households within the SPA using governmental subsidies or other incentives.
- Include the range of uses identified on the SPA conceptual land use plan (a conceptual land use plan is not intended to direct specific acreage or organization of land uses, but is intended to depict the general mix of desired land uses within the project area).
- Have no significantly greater traffic, air quality, or noise impacts than those analyzed in the General Plan environmental analysis (residential and non-residential development assumptions for each SPA are provided in [General Plan] Appendix C).
- Be consistent with the corresponding text for the SPA found in Appendix C.

Policy LU-1.3 (Growth Plan) - Maintain balanced growth by encouraging infill development where City services are in place and allowing expansion into Special Planning Areas.

Consistency Analysis: The proposed arrangement of land use designations in the VESP reflects a horizontal mix-use project with potential to establish vertical mixed-use developments (up to 35 units/acre) on sites within the Village Core and Village Commercial areas. Consistent with General Plan direction for planning SPAs, the VESP reflects the same desired mix (or range) of land uses shown on the conceptual plan for the Doe Mill/Honey Run SPA, though the proportions and locations of particular land uses differ based on various special studies and intentional balancing of competing values. For instance, the acreage and extent of Primary Open Space areas in the VESP are based on recommendations from multiple years of biological studies that map and evaluate sensitive areas of the site. The Medium-High Density Residential land use designation, which allows structures up to 45 feet in height, is of limited size and situated adjacent to the Village Core at the lowest elevation of the planning area to minimize the visual effect of tall structures within the project.

The VESP would help meet the City's future growth needs for housing and jobs by supporting up to 2,777 new residential units and approximately 447,155 square feet of new commercial space. Flexibility is built into the VESP as a footnote in Table 4.1 (*Land Use Summary*) and an expanded discussion in Section 7.4 (*Specific Plan Flexibility*), which explains that minor adjustments in Land Use Plan boundaries may be made at the tentative map stage based on more-detailed information that will be available at that stage. Flexibility is also provided by designating 100 acres of the site Medium Density Residential, which can support a variety of housing types, and by permitting up to 35 units/acre in the commercial designations.

The road and trail system would establish multimodal connections between discrete residential planning areas that would support a mix of housing types and connect new residents to services, employment, and shopping in the Village Core area. A variety of parks and open space corridors are designated throughout the planning area which will provide ample recreational opportunities and promote alternative modes of transportation.

All parcels within the SPA are planned with specific land use designations based on the site (topography, viewshed, surrounding uses, etc.), existing infrastructure (streets, sewers, Bike Path), and environmental analysis which mapped sensitive resource areas, waterways, and trees. Section 7.3 of the VESP (*Facilities Financing Plan*) provides a variety of financing options for shared facilities within the project, and Section

7.7 (*Infrastructure Phasing*) shows how the expected pattern of development will either begin at the southern entry on Skyway or the northern entry at East 20th Street and generally proceed easterly, with the main collector roadway connecting the two entries by 450th dwelling units.

Opportunities for affordable housing, which typically require density allowances in the range of 20-30 units per acre in the City of Chico, would be provided on areas designated Medium-High Density Residential, Village Core, and/or Village Commercial. Although the VESP is planned to have more residential units and commercial square footage than anticipated by the General Plan environmental analysis, it would not have significantly greater traffic, air quality or noise impacts than those analyzed in the General Plan EIR because these impacts are each reduced to a less than significant level by the Valley's Edge EIR and were deemed significant and unavoidable by the General Plan EIR.

Based on all the above, the VESP is consistent with General Plan policy direction for the Doe Mill/Honey Run Special Planning Area, as well as broader General Plan policy direction for the development of SPAs. Allowing City expansion into the Doe Mill/Honey Run SPA is consistent with Policy LU-1.3 (*Growth Plan*).

Consistency with General Direction for Development

Land Use Element Policies

Policy LU-1.2 (Growth Boundaries/Limits) - Maintain long-term boundaries between urban and agricultural uses in the west and between urban uses and the foothills in the east, and limit expansion north and south to produce a compact urban form.

Policy LU-1.3 (Growth Plan) - Maintain balanced growth by encouraging infill development where City services are in place and allowing expansion into Special Planning Areas.

Policy LU-2.1 (Planning for Future Housing and Jobs) - Maintain an adequate land supply to support projected housing and job needs for the community.

Policy LU-2.3 (Sustainable Land Use Pattern) - Ensure sustainable land use patterns in both developed areas of the City and new growth areas.

Policy LU-2.5 (Open Space and Resource Conservation) - Protect areas with known sensitive resources.

Policy LU-3.1 (Complete Neighborhoods) - Direct growth into complete neighborhoods with a land use mix and distribution intended to reduce auto trips and support walking, biking, and transit use.

Community Design Element Policies

Policy CD-1.1 (Natural Features and Cultural Resources) - Reinforce the City's positive and distinctive image by recognizing and enhancing the natural features of the City and protecting cultural and historic resources.

Policy CD-2.1 (Walkable Grid and Creek Access) - Reinforce a walkable grid street layout and provide linkages to creeks and other open spaces.

Policy CD-2.4 (Context Sensitive Foothill Development) – Protect viewsheds from foothill development, through the careful location and design of roads, buildings, lighting, landscaping, and other infrastructure.

Policy CD-3.3 (Pedestrian Environment and Amenities) – Locate parking areas and design public spaces within commercial and mixed-use projects in a manner that promotes pedestrian activity.

Policy CD-3.4 (Public Safety) – Include public safety considerations in community design.

Policy CD-4.1 (Distinctive Character) – Reinforce the distinctive character of neighborhoods with design elements reflected in the streetscape, landmarks, public art, and natural amenities.

Circulation Element Policies

Policy CIRC-1.1 (Transportation Improvements) – Safely and efficiently accommodate traffic generated by development and redevelopment associated with build-out of the General Plan Land Use Diagram.

Policy CIRC-1.2 (Project-level Circulation Improvements) – Require new development to finance and construct internal and adjacent roadway circulation improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities.

Policy CIRC-1.3 (Citywide Circulation Improvements) – Collect the fair share cost of circulation improvements necessary to address cumulative transportation impacts, including those to state highways, local roadways, and transit, pedestrian and bicycle facilities, through the City's development impact fee program.

Policy CIRC-1.4 (Level of Service Standards) – Maintain LOS D or better for roadways and intersections at the peak PM period, except as specified.

Policy CIRC-1.5 (Vehicle Miles Travelled Analysis) – Consistent with State law, implement Vehicle Miles Travelled (VMT) assessments as part of the environmental review process under CEQA.

Policy CIRC-2.1 (Complete Streets) – Develop an integrated, multimodal circulation system that accommodates transit, bicycles, pedestrians, and vehicles; provides opportunities to reduce air pollution and greenhouse gas emissions; and reinforces the role of the street as a public space that unites the City.

Policy CIRC-5.3 (Transit Connectivity in Projects) – Ensure that new development supports public transit.

Policy CIRC-9.1 (Reduce Peak-Hour Trips) – Strive to reduce single occupant vehicle trips through the use of travel demand management strategies.

Sustainability Element Policies

Policy SUS-1.6 (Public Health) - Emphasize the importance of public health in land use planning, infrastructure planning, and implementing City policies and programs.

Policy SUS-4.2 (Water Efficient Landscaping) - Promote drought tolerant landscaping.

Policy SUS-4.3 (Green Development Practices) - Promote green development practices in private projects.

Policy SUS-6.2 (Greenhouse Gas Inventory and Climate Action Plan) – Maintain a Greenhouse Gas Emissions Inventory and implement the Climate Action Plan to make progress toward meeting the City's greenhouse gas emissions reduction goal.

Policy SUS-6.3 (Greenhouse Gas Emissions and CEQA) - Analyze and mitigate potentially significant increases in greenhouse gas emissions during project review, pursuant to the California Environmental Quality Act.

Policy SUS-6.4 (Community Trees) - Continue to support the planting and maintenance of trees in the community to increase carbon sequestration.

Policy SUS-7.2 (Support Community Gardens) – Support community gardens in appropriate locations in the City.

Housing Element Policies (2014)

Policy H.3.2: Enable sufficient housing construction to meet future needs.

Policy H.3.3: Promote a mix of dwelling types and sizes throughout the City.

Policy H.4.1: Make housing accessible to persons with disabilities.

Policy H.4.4: Assist in the provision of housing for seniors.

Policy H.6.1: Promote homeownership opportunities for all economic sectors of the population.

Policy H.6.2: Expand homeownership opportunities for first-time homebuyers.

Policy H.7.1: Continue to enforce energy standards required by the State Energy Building Regulations and California Building Code, and reduce long-term housing costs through planning and applying energy conservation measures.

Housing Element Policies (2022)

Policy HE 1.5: Move toward more balanced and integrated living patterns by addressing accessible housing needs for people with disabilities.

Policy HE 1.6: Move toward more balanced and integrated living patterns by addressing disparities in access to opportunity in relation to economic, education, and environmental outcomes, and job proximity.

Policy HE 3.3: Provide incentives to affordable housing developers and property owners that increase the production of affordable units.

Policy HE 4.1: Enable sufficient housing construction to meet future needs.

Policy HE 4.2: Promote a mix of dwelling types and sizes throughout the City.

Policy HE 5.1: Assist in the provision of housing for youth, seniors, people with disabilities, and those experiencing homelessness.

Open Space Element Policies

Policy OS-1.1 (Native Habitats and Species) – Preserve native species and habitat through land use planning, cooperation, and collaboration.

Policy OS-1.2 (Regulatory Compliance) – Protect special-status plant and animal species, including their habitats, in compliance with all applicable state, federal and other laws and regulations.

Policy OS-1.3 (Light Pollution) – Reduce excessive nighttime light and glare.

Policy OS-2.2 (Creek Corridors and Greenways) – Expand creekside greenway areas for open space and additional pedestrian/bicycle routes.

Policy OS-2.3 (Foothill Accessibility) – Support public access to publicly held foothill areas for non-intensive recreational purposes, where appropriate.

Policy OS-2.4 (Foothill Viewshed) – Preserve the foothills as a natural backdrop to the urban form.

Policy OS-2.5 (Creeks and Riparian Corridors) – Preserve and enhance Chico's creeks and riparian corridors as open space for their aesthetic, drainage, habitat, flood control, and water quality values.

Policy OS-2.6 (Oak Woodlands) – Protect oak woodlands as open space for sensitive species and habitat.

Policy OS-3.1 (Surface Water Resources) – Protect and improve the quality of surface water.

Policy OS-3.3 (Water Conservation and Reclamation) – Encourage water conservation and the reuse of water.

Policy OS-4.1 (Air Quality Standards) – Work to comply with state and federal ambient air quality standards and to meet mandated annual air quality reduction targets.

Policy OS-6.1 (Healthy Urban Forest) – Ensure the continued protection and management of the urban forest to reduce energy demand, increase carbon sequestration, and reduce urban heat gain.

Safety Element Policies

Policy S-2.1 (Potential Flood Hazards) - When considering areas for development, analyze and consider potential impacts of flooding.

Policy S-4.3 (Fire Safety Standards and Programs) – Support the development and implementation of standards and programs to reduce fire hazards and review development and building applications for opportunities to ensure compliance with relevant codes.

Policy S-5.5 (Design to Deter Crime) – Support the deterrence of crime through site planning and community design.

Consistency Analysis:

Note: General Plan Policies are shown in bold to help differentiate them from VESP policies and other references.

The VESP will complement the City's longstanding efforts to maintain a compact urban form by developing within the City's existing sphere of influence and establishing a long-term growth boundary between urban uses and foothills in the east (VESP Actions LU-2.1 and LU-2.3), consistent with General Plan Policies **LU-1.2** and **LU-1.3**. The proposed 2,777 new residential units and approximately 447,155 square feet of new commercial space will help maintain an adequate land supply to support projected housing and job needs for the community, consistent with Policy **LU-2.1**.

Supported by an array of VESP Actions (PROS-3.3, PROS-3.7, PROS-4.1, PROS-4.3, PROS-5.2, PROS-5.4, PROS-5.7, PROS-5.8, PROS-6.2, LU-2.4, INFR-1.1, INFR-2.2 and IMP-1.7), the Specific Plan's Land Use Plan (Figure 4.1) reflects clustering development to maintain large amounts of open space, avoiding sensitive natural features and cultural resources, as well as an open space buffer approximately 300 feet wide along its eastern edge to serve as a permanent urban growth boundary (**LU-2.5**, **CD-1.1**, **OS-1.1**, **OS-2.5** and **OS-3.1**). Specifically, the VESP design: (1) avoids sensitive natural features containing endangered species habitat for Butte County Meadowfoam by zoning the area for Primary Open Space; (2) plans to retain at least 90% of the existing historic rock walls and visible wagon ruts, supported by VESP Policies PROS-5.1 through PROS-5.7 and Appendix D; and (3) avoids sensitive riparian woodland habitat along Comanche Creek. Approximately 286 acres of oak woodlands would be preserved by open space zoning, consistent with Policy **OS-2.6**, and another 200 acres of oak woodlands mostly coincides with planned parks and Low/Very Low Density Residential areas where impacts to oak woodlands can be minimized with thoughtful placement of amenities and residences.

Similar to the EIR adopted for the 2030 General Plan, the EIR for Valley's Edge concluded that development associated with the specific plan would result in cumulatively significant aesthetic impacts due to the conversion of undeveloped landscapes in the foothill transition area to a developed environment. However, the VESP project design and policy framework combine many elements that reduce the potential degree of these aesthetic changes, including: situating parks and open space along most of the westerly site boundary, locating more-intense land uses at the lowest elevations of the site in the Village Core near Skyway while also limiting structure heights close to the existing bike path, minimizing viewshed impacts along Honey Run Road and Stilson Canyon Road with open space buffers, imposing Foothill Development Standards (VESP Section 4.4), and providing Design Guidelines to blend streets and structures into the foothill backdrop (VESP Sections A.3.3, A.5.3, and A.6.5). The VESP Foothill Development Standards require blending structures with surrounding terrain through careful siting, avoiding steep areas, height limits, unit grouping, special setbacks, strategic landscaping, "dark sky" exterior lighting, use of earth tone colors, and other techniques that will minimize viewshed impacts from foothill development. Efforts to minimize aesthetic changes from project development are supported by VESP policies PROS-1, PROS-2, PROS-3.6, PROS-3.7, PROS-6.2, LU-1.1, LU-3.1, LU-3.5, LU-4.1, LU-4.2, LU-4.3, LU-4.4, LU-4.5, DES-2.7, and DES-2.9. Consistent with General Plan Action **LU-6.2.4** and Policies **CD-2.4**, **OS-1.3**, and **OS-2.4**, the VESP project design and policy framework will result in the careful location of buildings and infrastructure, reductions in excessive nighttime lighting and will preserve the foothills as a backdrop to the urban form to the extent feasible.

As a Chico Area Recreation District (CARD) facility, the proposed 36-acre Community Park will provide public access to a foothill area for intensive recreation, and the proposed 419-acre Regional Park would provide conditional public access to members of the general public registered with the homeowner's association for non-intensive recreation, implementing Policy **OS-2.3** to varying degrees.

The uneven topography of the site will necessitate a modified grid street layout (consistent with Foothill Development standards) with some cul-de-sacs and longer block lengths, however, streets will be accompanied by an extensive trail and bike path network that will provide a sense of place by linking future homes and the Village Core area to onsite creeks and other open spaces, consistent with Policies **CD-2.1**, **CD-4.1**, **CIRC-2.1**, **OS-2.2**. The trail and bike path network will also include north-south emergency vehicle connections as shown in VESP Section 4.6, and encourage exercise and active modes of transportation, consistent with Action **LU-6.2.4** and Policies **CIRC-1.2**, **CD-3.3** and **SUS-1.6**.

The VESP will provide for a mix of uses that will support up to 2,777 new housing units projected over the next 20-plus years, which is needed in Chico given its low vacancy rate and higher than normal persons per housing unit following the Camp Fire in 2018. A 2020 post-Camp Fire study from the Butte County Association of Governments (BCAG) indicates that Chico is expected to need almost 12,000 units from 2020 to 2040 (Post Camp Fire Regional Growth Forecasts Memorandum, BCAG, 1/21/2021).

The VESP would also provide for future commercial and recreational uses, resulting in a complete neighborhood intended to reduce vehicle trips by residents to accommodate their everyday needs. By providing a mix of land uses with walkable access between homes, recreational areas, and the commercial Village Core, the VESP is consistent with General Plan Policies **LU-2.3** and **LU-3.1** which call for sustainable land use patterns with a mix of uses that meet the needs of the community. The VESP will provide an additional inventory of land with capacity for development with a mix of dwelling types and sizes, consistent with Policies **H.3.2**, **H.3.3** and **HE 4.2**.

New development associated with buildout of the VESP will be required to construct internal and adjacent roadway circulation improvement as necessary to safely and efficiently accommodate traffic generated by the project, as determined by the Traffic Study included as Appendix K of the EIR and supported by the City's subdivision process, consistent with Policies **CIRC-1.1** and **CIRC 1.2**. Future development will also be required to pay "fair share" development impact fees to help fund citywide circulation improvements beyond the project boundaries, which will assist the City in maintaining acceptable levels of service on City streets consistent with Policies **CIRC 1.3** and **CIRC 1.4**. The EIR evaluated project impacts on circulation in terms of Vehicle Miles Traveled (VMT) using the California Office of Planning & Research (OPR)'s *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018) and included mitigation requiring future development to employ travel demand management strategies that have been proven to reduce VMT, consistent with Policies **CIRC-1.5** and **CIRC-9.1**. As supported by VESP Section 5.6 and VESP policies C-1.2 and C-1.10, the project would support public transit as called-for by General Plan Policy **CIRC-5.3**.

The VESP has been designed with large amounts of open space and an extensive network of multi-use trails that will encourage recreational activity by future residents, consistent with General Plan policies that promote a healthy and sustainable lifestyle. The project design and policy framework for the VESP reflect a culture of stewardship and resource conservation by protecting most of the sensitive habitats within the site and elevating quality of life for existing and future citizens in the area by providing a community park and

elementary school (PROS-2, PROS-3.4, PROS-4, PROS-4.1 and PROS-4.3). The retention and replacement of trees is required pursuant to the Valley's Edge Tree Preservation Program contained in Appendix E of the VESP, consistent with Policy **SUS-6.4** which calls for continued support for the planting and maintenance of trees in the community to increase carbon sequestration and Policy **OS-6.1** which promotes a healthy urban forest to also reduce energy consumption and urban heat gain. Policies and Design Guidelines in the VESP promote drought tolerant landscaping (PROS-4.2, DES-2.12 and Sections 6.2.3, A.5.3, A.6.5, A.6.7, and A.6.8), consistent with Policies **SUS-4.2** and **SUS-4.3**. The project also supports providing local foods, including community gardens within Village Core Park (See VESP Sections 3.2.6 and 4.8.2), and in residential and commercial areas, consistent with General Plan Policy **SUS-7.2**.

Consistent with Policy **SUS-6.2**, which directs implementation of the City's Climate Action Plan (CAP), the VESP would help implement the CAP Measures by committing to the following actions:

- Avoiding the use of natural gas in all new structures within the project (CAP Measure E-2).
- Installing photovoltaic arrays on all residential and HOA buildings per VESP Policies INFR-4.1, DES-2.2, and DES-2.10 (CAP Measure E-4).
- Developing a multimodal circulation system that supports transit, bicycles, pedestrians, and neighborhood electric vehicles (CAP Measure T-1).
- Improving electric vehicle infrastructure through VESP Actions C-1.5, C-1.7, and C-1.8, in addition to Title 24 building code requirements (CAP Measure T-2).
- Constructing a park-and-ride lot and transit stops near the Village Core per VESP Policies C-1.9 and C-1.10 (CAP Measure T-3).
- Incorporating a Transportation Demand Management (TDM) plan per air quality EIR mitigation, which will support or expand upon the above GHG-reducing efforts.
- Establishing a mixed-use development in one of the City's new growth areas to reduce VMT (CAP Measure T-5).
- Increasing carbon sequestration over time by installing street trees along all new roadways and implementing the Valley's Edge Tree Preservation Program which requires replacement trees for each qualifying tree removed as a part of site development.

Hence, the VESP includes a reasonable range and degree of GHG-reducing measures to be consistent with the CAP and would assist in the attainment of the City's climate action goals by incorporating CAP measures into future development.

As directed by Policy **SUS-6.3**, increases in GHG emissions were analyzed and mitigated during the EIR process pursuant to the California Environmental Quality Act, though forecasted operational GHG emissions from the project remain significant and unavoidable. It is noted, however, that the finding of significant and unavoidable GHG emissions due to the project is based on many assumptions that may play out differently than forecasted due to an ever-changing State and federal regulatory environment surrounding the use of gasoline- and diesel-powered vehicles, and the unknown degree to which future residents of the project will utilize the multi-modal transportation network connecting residents to parks and the Village Core area to serve their everyday needs. The VESP includes various actions and policies which would help reduce GHG emissions resulting from operation of the proposed project. Specifically, the proposed project would further reduce mobile GHG

emissions through compliance with VESP actions PROS-3.1, LU-2.8, C-1.1, C-1.2, and C-1.7, which would promote a multimodal transportation network (i.e., walking, bicycling, transit, and vehicles) throughout the plan area. In addition, Actions C-1.5, C-1.7, and C-1.8 would promote alternative methods of transportation by requiring the proposed project develop NEV and EV infrastructure. Further, the proposed project would promote energy efficiency and water conservation through implementation of actions PROS-4.2, INFR-4.1, DES-2.1, DES-2.2, DES-2.3, DES-2.10, and DES-2.14. These measures would require the proposed project to incorporate drought tolerant landscaping and incorporate water efficient fixtures to reduce outdoor and indoor water consumption (also consistent with Policy **OS-3.3**), install PV systems on all residential buildings, and exceed the CALGreen mandatory building code requirements. Consistent with Policy **H.7.1**, the City will continue to enforce State energy efficiency standards as part of building plan reviews in addition to the VESP policies listed above.

The specific plan, as modified by Mitigation Measures AQ-2 through AQ-5 from the EIR, would help the local air basin comply with state and federal ambient air quality standards, consistent with Policy **OS-4.1**.

The VESP will assist in the provision of housing for seniors by reserving approximately one-half of the future units (1,357 homes) for age-restricted households of individuals 55 years and older, consistent with Policies **H.4.4** and **HE 5.1**. It is anticipated that some of the senior housing units, as well as any congregate care homes and assisted living facilities, will be constructed with enhanced accessibility features to accommodate older individuals with limited mobility or other accessibility needs, consistent with Policy **H.4.1** and **HE 1.5**.

The VESP plans for a variety of residential densities and unit types that will result in a range of housing options, including smaller workforce/attainable housing (e.g., cottages, courtyard homes and patio homes) to accommodate a range of incomes, consistent with Policies **H.6.1** and **H.6.2**. The development agreement expands upon this by requiring the developer to provide a site at least 3.5 acres in size within or adjacent to the Village Commercial area for an affordable housing project, consistent with Action **LU-6.2.1** and Policies **HE 1.6** and **HE 3.3**.

Policies, standards, and design guidelines in the VESP include public safety considerations that deal with crime prevention through environmental design (VESP Policy LU-1.5 and Section A.3.1), flooding concerns (Section 6.4), and wildfire concerns (VESP Policies LU-5.1 through LU-5.7 and Section 4.5), consistent with General Plan Policies **CD-3.4**, **S-2.1**, **S-4.3**, and **S-5.5**. Flooding concerns and drainage plans to reduce the likelihood of future flooding in the area are addressed in detail in Section 4.9 of the EIR and Appendix H of the EIR. The VESP's firewise policies in Section 4.5 address wildfires from five distinct perspectives: Land Planning, Fire Fighting Capability, Fire Resistant Materials and Building Standards, Fuel Reduction Management, and Emergency Preparedness.

Overall, the VESP project is designed to be consistent with the General Plan and it would provide a reserve of available land to support the long-term growth needs of the City, consistent with Policy **HE-4.1** which directs the City to enable sufficient housing construction to meet future needs.



CITY OF CHICO FIRE-RESCUE

P.O. Box 3420
Chico, California 95927
(530) 897-3400

To Whom it may concern;

The purpose of this letter is to acknowledge early coordination and collaboration between the Valley's Edge planning term and the City of Chico and the Fire Department to ensure the proposed Valley's Edge Specific Plan will be better prepared to withstand a wildland-urban interface fire.

In order to accomplish this goal, the Chico Fire Department worked with Mr. Brouhard and his team on the Valley's Edge Specific Plan (VESP) to incorporate numerous FireWise guidelines into the document.

With the Fire Department's input, the range of programs and practices outlined in the VESP are designed to protect people, property, and the area's natural resources from the destructive impact from wildland-urban interface fires.

The Chico Fire Department appreciates the level of engagement and collaboration Mr. Brouhard facilitated to help make Valley's Edge a safer community.

Respectfully,

Steve Standridge
Fire Chief

Attachment E

Fire Station 1
842 Salem Street
(530) 897-3411

Fire Station 2
182 E. 5th Ave.
(530) 897-3422

Fire Station 4
2405 Notre Dame Blvd.
(530) 897-3444

Fire Station 5
1777 Manzanita Ave.
(530) 897-3455



CHICO UNIFIED
SCHOOL DISTRICT

Administrative Offices
1163 East Seventh Street
Chico, CA 95928-5999
530.891.3000
WWW.CHICOUSD.ORG

August 10, 2021

Bill Brouhard
Valley's Edge Planning Manager
2550 Lakewest Drive, Suite 50
Chico, Ca 95928

Mr. Brouhard,

It is a fundamental responsibility of the Chico Unified School District "CUSD" to seek early engagement with land owners, Developers, and local Planning Agencies to serve our common constituency. Early outreach and collaboration fosters more sustainable, right sized and properly located school campuses.

For many years, CUSD worked with you and your planning team on the property identified in the Chico General Plan as the Doe Mill/Honey Run Special Planning Area (SPA), now known as Valley's Edge, located east of Bruce Road, between 20th Street and the Skyway on the south eastern side of town. As directed by the General Plan, you and your team consulted with CUSD on the particulars of an elementary school campus within the plan area, including District coordination with the California Department of Education (CDE) school site approval process and requirements. This collaborative process helped inform parcel size, location, and circulation elements best suited for a future school site.

You and your team communicated an intent to implement all of the goals of the City of Chico 2030 General Plan regarding cooperative efforts to plan joint-use facilities for community recreation and other public purposes. The aim of this collective planning process, including both CUSD and CARD, has been to fashion public facilities as a well-planned, inclusive, and active addition to the Chico community.

CUSD analyzes the growth or decrease in birth rates within District boundaries on an annual basis in order to project the impact to the district's enrollment in the future. Informed projections of student enrollment for future years is key to proper planning. Consistent with the Chico General Plan, CUSD recognizes southeast Chico as a residential growth area, tracking housing construction on a continual basis. If and when the Valley's Edge Planning Area comes to fruition, a new elementary school site will be necessary to serve students residing in and around the plan area. Early collaboration in land planning is important to ensure that school facilities will be in place to meet the needs of future growth.

Attachment E

The Valley's Edge Specific Plan is proposing a future school site that meets the educational needs of the Chico community. The conceptual lay-out of the proposed school site and abutting circulation network has been designed to promote safe transportation to and from school with efficient turning lanes, drop-off and pick-up traffic patterns. The proposed trailway system will promote walking, biking and riding, public transit and/or carpooling to and from the school site, and throughout the residential and commercial villages of the overall planning area.

District staff will continue to monitor the progress of the Valleys Edge Specific Plan through the public and environmental review processes.

Sincerely,



Kevin Bultema
Assistant Superintendent, Business Services
Chico Unified School District

Both the Chico General Plan and CARD's Master Plan(s) identify the need for a Community Park in southeast Chico, notably within the 1,448 acre Valley's Edge Special Planning Area (SPA).

The Parks, Public Facilities and Services (PPFS) Element of the Chico General Plan encourages early collaboration between developers of Special Planning Areas (SPAs) and public agencies like CARD and CUSD, including exploring opportunities for joint use planning of school and park facilities.

The Valley's Edge planning team reached out to CARD and CUSD to collaborate on conceptual designs for a joint use Community Park and Elementary School. The Developers approach to cooperative planning resulted in a functional campus style concept for recreational and educational facilities, all connected to a backbone bike and pedestrian system serving residents in and outside of Valley's Edge.

The Chico Area Recreation District wishes to extend its appreciation to the Valley's Edge planning team for its proactive approach to prioritizing parks and recreation in a manner exceeding the requirements of the Chico General Plan.

Ann Willmann | General Manager

Chico Area Recreation & Park District

545 Vallombrosa Ave. Chico, CA. 95926

Phone: 530-895-4711 | Fax: 530-895-4721

Have you PLAYed Today?



Attachment E

The Chico Police Department acknowledges that the design guidelines of the Valley's Edge Specific Plan align with CPTED. CPTED plays an important role in deterring crime and is integral in the planning of a safe, vibrant community.

- Chief Matt Madden, Chico Police Department



Attachment E

From: [Stina Cooley](#)
To: [All City Council](#)
Cc: [All City Clerk](#); [Paul Hahn](#); [Brendan Vieg](#); [Mike Sawley](#)
Subject: Correspondence - Nancy Chapman -FW: Chico's plan to grow at Valley's Edge would add 2,777 residential units
Date: Thursday, May 12, 2022 9:06:08 AM

*Good Morning,
Please find the email below that was received in our office.
Thank you.*

From: Nancy Chapman <nancy19692003@yahoo.com>
Sent: Wednesday, May 11, 2022 6:31 PM
To: Debbie Presson <debbie.presson@Chicoca.gov>; Dani Rogers <dani.rogers@Chicoca.gov>; Stina Cooley <stina.cooley@Chicoca.gov>
Subject: Chico's plan to grow at Valley's Edge would add 2,777 residential units

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

I came across this article regarding "Chico is on the path to develop its largest housing development in its history called the Valley's Edge".

I would really like to understand how the City of Chico thinks this is a good thing by putting in huge housing tracts when the current population is not going to have enough water or electricity this year and possibly beyond into the future. And what about the impact on schools, police, and our hospital.

Very truly,

Nancy Chapman

From: [Mike Sawley](#)
To: [Nancy Chapman](#)
Bcc: [Brendan Vieg](#); bill@gbrealestate.net
Subject: RE: Welcome to the Power Saver Rewards Program!
Date: Friday, May 13, 2022 12:15:00 PM
Attachments: [image001.png](#)

Nancy Chapman,

Respectfully, I'm having trouble with the premise. I don't know that it follows that Cal Water asking customers to avoid wasteful water use practices and PG&E incentivizing green energy sources means that "the current population is not going to have enough water or electricity this year and possibly beyond into the future."

Water levels in the aquifer fluctuate over time, and the management regime described by Cal Water involves issuing advisories and imposing progressive restrictions during times of drought. Doing so allows the groundwater level to bounce back more effectively during the next wet year. When they see customers using more water on average during a drought year, there's some justifiable urgency behind compelling users to reverse the trend. I would suggest that two statements can be true: there can be "enough water," and the water agency can ask customers to avoid wasteful practices during a drought.

As for PG&E, your Power Saver Rewards Program tries to incentivize usage patterns that favor "green" energy sources. I believe that means PG&E has a certain amount of renewable energy generation that can power the grid, but during the peak times they must also rely upon traditional (more pollutive) power plants to meet the demand. Incentivizing customers to avoid peak usage times allows them to meet demands with greater proportion of renewable energy sources. As time goes on, PG&E's power generation sources are becoming cleaner and cleaner. Therefore, the Rewards Program is in response to a preference to use a certain type of energy (green energy), not in response to PG&E's inability to generate sufficient energy for current or future demands.

One important thing to realize about a large specific plan like the one in the article is that it has a long build-out horizon. Construction might not begin for several years, and the entire area would take decades to build out. "Largest housing development in its history" sounds profound, but homes would only be produced at a certain rate in any given year. Having plans for these large projects in place at the outset allows utilities (and the city) to plan infrastructure investments according to the future needs of that build-out and the surrounding context. It is in this way that a large project like a specific plan holds distinct advantages over a piecemeal approach to development.

I don't expect this reply to necessarily assuage all of your concerns, but I wanted to share some of the nuances I see around the issues you've raised.

Best Regards,
Mike

Mike Sawley, AICP
Principal Planner (Environmental Program Manager)
City of Chico Community Development Dept.
P.O. Box 3420, Chico, CA 95927
(530) 879-6812
<http://www.ci.chico.ca.us/>

Attachment F

<http://chico.facilitiesmap.com/>



From: Nancy Chapman <nancy19692003@yahoo.com>
Sent: Friday, May 13, 2022 5:39 AM
To: Mike Sawley <mike.sawley@Chicoca.gov>
Subject: Fw: Welcome to the Power Saver Rewards Program!

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Mr. Sawley,

I have enclosed two documents, an email that I received yesterday from PGE and information from Cal Water that all of us received in the mail last week.

I am going back to my original email that I sent regarding how is the City of Chico going to handle these two very important issues.

Cal Water also reminds residents and businesses to continue observing the prohibited uses of water that have been in effect. Please see the [prohibited uses of water](#) page for the full list of water-wasting activities, which include, in part:

- Using water on outdoor landscaping that causes runoff onto adjacent properties or paved areas
- Not repairing leaks within five days of notification
- Irrigating outdoors between 8 a.m. and 6 p.m., unless stated otherwise by local city ordinance
- Using a hose to wash vehicles unless the hose has a shutoff nozzle or similar device
- Using water in a fountain or other decorative water feature, except where part of a recirculating system.

We thank our customers for their cooperation and remind them that we are always here to help them use water wisely. See the [Conservation](#) and [Conservation Resources](#) sections of this web site or [contact us](#) for information on the many water conservation programs and resources we offer.

Water Shortage Contingency Plan Stages

Attachment F

- [Water Shortage Contingency Plan \(Schedule 14.1\)](#)

0. Stage 2 status has been applied for in Chico, Marysville, Oroville, Stockton, and Willows, with an expected effective date of May 22
1. Stage 2 in effect for Bakersfield, Bayshore, Bear Gulch, East Los Angeles, Kern River Valley, Livermore, Los Altos, Rancho Dominguez, Redwood Valley, Visalia, and Westlake
2. Stage 1 in effect in all other districts

- [Stage 2 drought presentations](#)

Stage 2 Drought Presentations

Past and upcoming presentations related to California Stage 2 drought policies, procedures, and practices for 20...

Welcome to the Power Saver Rewards Program!



Hello JOHN,

Welcome to the **Power Saver Rewards Program**, where you can be rewarded for using less energy. Your home at [REDACTED] has been enrolled in this statewide program and you are being given the opportunity to help ensure that California is using clean and reliable energy.

How it works: It is a simple program at no cost to you, meaning you will only save money and never pay more. If you reduce your energy use from 4 p.m. to 9 p.m. on select hot summer days when demand for electricity is high, we'll reward you. Receive a credit on your bill after the program season for helping on days when the California energy grid needs it the most.

We'll send you an email the day before an event between May 1 and October 31

Attachment F

from notifications@em.powersaver.pge.com. Save this email address to your contacts to ensure you receive program communications. Or we can text you if you'd like. Update your contact information [here](#).

It's easy! These simple steps will help reduce your energy during Power Saver Rewards events:



Turn it up

Set your thermostat to 78°F or higher and switch to using fans, health permitting



Shut it down

Turn off lights not in use



Take a break

Wait to use big appliances, such as washers, dryers, and electric ovens until after 9 p.m.



Disconnect

Unplug EVs and battery operated electronic devices such as laptops, tablets, and phones

If you enroll in another energy reducing, peak hour program (with the exception of SmartRate™), we will automatically remove you from the Power Saver Rewards Program – no action needed on your part. You will also no longer earn rewards through this program when you reduce your energy use on hot summer days. To learn more about your options, visit pge.com/easygreen.

Together, we can help California lead the nation to a 100% clean energy future.

Questions?

- Visit powersaver.pge.com

Thank you,
Power Saver Rewards Program Team

Administered to Pacific Gas and Electric Company (PG&E) customers
by Olivine, Inc. with ClimateResponse™:



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[Español](#) | [Tagalog](#) | [中文](#) | [한국어](#) | [русский](#)

To disenroll from the program and stop earning rewards, click [here](#).

[Terms and conditions](#)

PG&E refers to Pacific Gas and Electric Company, a subsidiary of PG&E Corporation.

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The program is implemented and managed by Olivine, Inc. and their authorized representatives.

The Power Saver Rewards program is a pilot authorized through 2025 under the Emergency Load Reduction Program in rulemaking 20-11-003.

PG&E is a registered trademark of PG&E Corporation.

Olivine is a registered trademark of Olivine, Inc. and ClimateResponse™ is a trademark of Olivine, Inc. The parties, PG&E and Olivine are not responsible for any other content, names or marks in these program materials.

For inquiries, please do not reply to this email.



May 31, 2022

Mike Sawley, AICP
Principal Planner, Community Development Department
411 Main Street, 2nd Floor
P.O. Box 3420
Chico, CA 95928

RECEIVED

JUN 02 2022

CITY OF CHICO
PLANNING SERVICES

Re: Valley's Edge Specific Plan

Dear Mr. Sawley:

The Mount Lassen Chapter of the California Native Plant Society (CNPS) opposes the Valley's Edge Specific Plan project.

The project site contains valuable and increasingly scarce native habitat, including multiple bands of blue oak foothill pine woodland that cross the site. CNPS recognizes that plants are the foundation of our ecosystems, and oak trees are recognized as important keystone species in California. As the UC Oaks Website notes, "[o]ak woodlands are one of the richest broad habitats in the state with well over 300 terrestrial vertebrates utilizing woodlands at some time during the year. They are also extremely important for a wide range of insect life." (UC Davis Agriculture and Natural Resources, <https://oaks.cnr.berkeley.edu/wildlife/>). Approximately 20 percent of the site's trees would be lost to project development – that's more than 1,000 trees. The remaining bands of blue oak foothill pine woodland would be flanked on all sides by development, mostly low density residential, that would be interspersed throughout the 1,448-acre site. The fragmentation of the site as a whole could degrade the value of the remaining bands of undeveloped woodland as wildlife habitat. In addition, the increased proximity to development would increase the potential that any remaining undeveloped areas would be degraded by, for example, the introduction of non-native invasive species, stormwater runoff from roads and other impervious surfaces, and increased human disturbance.

Grassland areas of the site include native wildflowers with occurrences of the federal and state endangered Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*) with associated wetlands, including vernal pools and swales. It is not obvious that Specific Plan provisions and Draft EIR mitigation measures would protect Butte County meadowfoam from potential indirect impacts during project construction and operation, such as runoff or dust. These concerns are raised in the Draft EIR, but not specifically mitigated.

The project would have other adverse environmental impacts including the following:

- Increased traffic congestion
- Vulnerability to wildland fire in the Wildland Urban Interface
- Increased greenhouse gas emissions
- Decreased visual quality of the native landscape

The site's important and largely irreplaceable natural resources would be sacrificed for residential development that would do little to alleviate Chico's urgent housing shortage. As the City's recently released draft Housing



Element makes clear, what the city mostly needs is moderate- to extremely-low-income housing – *not* low-density luxury housing. The City has in the past failed to meet its target for moderate-, low-, very-low-, and extremely-low income housing, and this project would not help meet them.

In conclusion, the proposed Valley's Edge Specific Plan project should not proceed. The loss of natural resources and habitat that would be incurred, in addition to other adverse impacts, far exceeds any societal benefit this project may conceivably provide.

Sincerely,

Chris Mueller
CNPS Mount Lassen Chapter Executive Board

- cc: **Nick Jensen, CNPS Conservation Program Director.**
Deborah Halfpenny
Lisa Williams
Cindy Weiner
Nancy Praizler
Hesh Kaplan
Marjorie McNairn
David Popp
Woody Elliott
Suellen Rowilson

Mike Sawley

From: Stina Cooley
Sent: Tuesday, July 5, 2022 8:30 AM
To: All City Council
Cc: All City Clerk; Paul Hahn; Mike Sawley; Brendan Vieg; Jennifer Macarthy
Subject: Correspondence - Brian Pope-FW: No to Stonegate & Valley's Edge

Good Morning,
Please find the email below that was received in our office.

Thank you.

From: Brian Pope <bhpope@gmail.com>
Sent: Sunday, July 3, 2022 12:38 PM
To: Debbie Presson <debbie.presson@Chicoca.gov>; Dani Rogers <dani.rogers@Chicoca.gov>; Stina Cooley <stina.cooley@Chicoca.gov>
Subject: No to Stonegate & Valley's Edge

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Dear Council Members:

Stonegate and Valley's Edge proposed developments are not concurrent with the community design elements of the general plan.

Chico doesn't need more of this type of development. We can't get our viewshed and agricultural lands back. Please stop our city from sprawling and stick to the 'plan'.

Thank You,

Brian Pope

Gabrielle Broche
5100 Cliffhanger Lane
Paradise, California
95969

August 24, 2022

Dear Planning Commission;

My name is Gabrielle Broche. I am a resident of Butte County. I lived in Chico and currently live in Paradise. I oppose the Valley Edge Development Project for several concerns. I will focus on three issues.

We are in the 3rd year of extreme drought conditions. Chico is dependent on ground water. Chico is on water rationing. It is unreasonable and careless to consider adding the needs of 5654 people to an already stressed system.

The propose site is beautiful, filled with heritage trees and important irreplaceable natural resources. It is antithetical for Chico to consider its destruction. It does not make any sense to kill what we love about our area. We are Chico, we know better. Valley Edge would cause irreparable loss of habitat and biodiversity, destruction of grasslands, oak woodlands, vernal pools (90%of the California vernal pools are already lost), wildflowers, fish, coyotes, native and migratory birds and turtles.

The Valley Edge Development Project obstructs State and local climate goals. Transforming natural ecosystem to urban development will emit significant greenhouse gas emissions and reduces the ability of the landscape within the project site to sequester carbon. We have direct trauma of the effects of climate change. The wildfires are beyond a summer threat, they have evolved to a constant threat. Our lands are hot and dry. Valley Edge will cause exceptional higher greenhouse gas from the construction, to its residents needs for heating and cooling. In addition to their dependence on automobiles. The significant increase in traffic and congestion will effect our air quality.

Planning Commission make your legacy as "THE PLANNING COMMISSION". A planning commission that demands more from developers. Have developers propose smart development. This means they include sustainable measures, smart infrastructure, be wholistic and inclusive of our ecology, sociology and attempts to be part of our solutions for our cities needs and our environments. So we all live better. Save our precious land.

Sincerely
Gabrielle Broche

From: [Wendy Smith](#)
To: [Nicole Acain](#)
Subject: Letter For The Planning Commission
Date: Tuesday, August 30, 2022 8:02:46 AM

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Hi Nicole,
Could you please distribute my letter to each of the Planning Commissioners?
Thank you so much!
Wendy Smith

Dear Members Of The Planning Commission: Chair Toni Scott, Vice Chair Richard Ober, Paul Cooper, Dennis Deromedi, Bryce Goldstein, Lindsay Poulin, and Larry Wahl,

As 31 year residents of Butte Creek Canyon and 37 year residents of Chico, I would like to express our strong opposition to the Valley's Edge Development Project!

Valley's Edge is not designed to meet our town's housing needs for moderate, low and very-low income housing. 234.6 acres are proposed for one-half to two or greater acre lots. Chico needs higher density infill and redevelopment.

Valley's Edge would go against state and local climate goals. Valley's Edge would cause exceptionally high greenhouse gas emissions due to the extremely large size of many of the residences and the necessity of cars.

Valley's Edge would put its residents and the City of Chico at a higher risk of wildfire. "Sprawl development in California's blaze-prone wildlands increases ignition risk, puts more people in danger and harms ecosystems and wildlife," according to the Center for Biological Diversity, "Built to Burn: California's Wildlands Developments Are Playing With Fire." February 2021.

"Valley's Edge would cause irreparable loss of habitat and biodiversity by altering the flow of water," according to the SGA fact sheet at smartgrowthchico.org

The City of Chico cannot afford more urban sprawl and neither can the planet earth! Smart growth is the way for Chico to meet its housing needs, create a sustainable city and keep our wetlands safe!

Wendy and Matt Smith

Attachment F

From: [Stina Cooley](#)
To: [All City Council](#)
Cc: [All City Clerk](#); [All City Manager](#); [Brendan Vieg](#); [Kelly Murphy](#); [Nicole Acain](#)
Subject: Correspondence - Linda & Doug Calbreath-FW: Hotel in Cal Park
Date: Tuesday, September 6, 2022 8:33:14 AM

*Good Morning,
Please find the email below that was received in our office.*

Thank you.

From: lindzer2 <lindzer2@aol.com>
Sent: Monday, September 5, 2022 9:25 AM
To: Debbie Presson <debbie.presson@Chicoca.gov>; Dani Rogers <dani.rogers@Chicoca.gov>; Stina Cooley <stina.cooley@Chicoca.gov>
Subject: Hotel in Cal Park

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Hello.

I am writing to document that both my husband and I feel the City Council should take the advise of the City planners and reject the suggestion for a hotel on the corner of Bruce Road and Hwy 32. The area is not suited for a hotel for a number of reasons.

Linda and Doug Calbreath
Blackstone ct.

Sent from my Verizon, Samsung Galaxy smartphone

Attachment F

Mike Sawley

From: Pamela Kather <pkather99@gmail.com>
Sent: Friday, October 7, 2022 10:35 AM
To: Nicole Acain
Subject: Proposed project

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

I am writing to protest the approval of the Valley's Edge development, which is proposed for the rangeland and foothills east of Bruce Road, between Butte Creek and Little Chico Creek.

This enormous development of 1446 acres proposes over 2000 houses, few of which will be affordable for many of the people in Chico who need housing. Chico's City's newly adopted Housing Element makes it clear that what the city mostly needs is moderate- to extremely-low-income housing – not low-density luxury housing.

There are many other reasons to oppose this project.

First, the greenhouse gas emissions from the construction of this project and the thousands of car trips would obstruct state and local climate goals. This impact, according to the Draft Environmental Impact Report—cannot be mitigated. Chico's Climate Action Plan calls for zero net emissions by 2045. However, the proposed Valley's Edge project, with as many as 5000 residents would lead to vastly increased traffic and greenhouse gas emissions.

Developers suggest that public transit could reduce that load, but the notion that people in luxury homes will take the bus to town is unlikely at best. And the lack of density of this project makes it improbable that any sort of convenient transit would serve this neighborhood.

The increased traffic in this area would be awful. A traffic study conservatively estimated that Valley's Edge would generate 23,162 vehicle trips a day, with about 21 percent of the trips being within the project. This amounts to residents and employees driving 26.1 miles every day (from the southern to the northwestern ends of Chico is slightly over 8 miles).

In addition, this riparian woodland with vernal pools, wetlands, and oak trees is home to 38 species of nesting and migratory birds, including burrowing owls, the loggerhead shrike, yellow warblers, and Swainson's hawks. Also threatened are vernal pool shrimp, a number of bat species, and the Western Pond Turtle. While the developers claim they could mitigate the impact on the land, there is no way to move a vernal pool or re-establish the endangered Butte County Meadowfoam elsewhere.

Moreover, fire danger would also be increased. The Valley's Edge site burned in 1999, 2007, and 2018. This sort of sprawl development in California's blaze-prone wildlands increases risk and puts the whole of Chico in harm's way.

Water is another pressing issue for this enormous sprawl development in a wetlands area. Currently we are in a drought. The pressures on our water system are already challenging. Moreover, this project will disrupt the movement of water in this area, potentially damaging Little Chico Creek.

This project is both a social and an environmental disaster. Please oppose it.

Pamela Kather
530 5132893

Sent from my iPhone

Mike Sawley

From: Pamela Kather <pkather99@gmail.com>
Sent: Friday, October 7, 2022 10:39 AM
To: Nicole Acain
Subject: Project proposal

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Please distribute this letter to our planning commissioners:

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This project is both a social and an environmental disaster. Please oppose it.

Thank you!
Pamela Kather
530 513-2893

Sent from my iPhone

Mike Sawley

From: melinda teves <neighborhoodhabitat.mt@gmail.com>
Sent: Friday, October 7, 2022 3:32 PM
To: Nicole Acain
Subject: opposed to Valley's Edge

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Nicole Acain,

Thank you for giving this note to all of the members of the City Planning Dept.

My family and I are opposed to Valley's Edge. We are opposed because we want to preserve what's left of our oak and cottonwood forests, habitat for wildlife, and open space that prevents sprawl and congestion.

Thank you,

Melinda

Mike Sawley

From: Vita Segalla <vitasegalla@gmail.com>
Sent: Thursday, October 13, 2022 8:22 AM
To: Nicole Acain
Subject: valley edge development

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Dear Nicole:

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This project is both a social and an environmental disaster. Please oppose it.

Thank you -
Vita Segalla

October 23, 2022

To: City of Chico Planning Commissioners

Toni Scott- Chair
Richard Ober- Vice Chair
Paul Cooper
Dennis Deromedi
Bryce Goldstein
Lindsay Poulin
Larry Wahl

Cc: Mike Sawley, Principal Planner, City of Chico

Dear City of Chico Planning Commissioners,

State officials, developers, some fire scientists, and local governments are assuring the public that building in the wildfire urban interface in California can be reasonably safe. State legislation is in the works to force an alignment between insurance coverage and new standards for development in areas prone to fire. The Final EIR for the Valley's Edge Development follows this script. It dedicates a "Master" section to the wildfire threat, given that this was a point raised in many of the more than fifty letters that responded to the Draft EIR last year. The response is to promise a complex and costly set of conditions that are difficult to maintain and enforce. Even after every conceivable precaution is considered, the environmental impact review examines the project's exacerbation of wildfire risk to be "potentially significant." The question for the planners, politicians and public is whether the risk is worth it for this development, not only for the 8,000 or so new residents but for surrounding communities that could be affected by a wind-driven wildfire carried from structure to structure.

While I agree that communities and individuals should do all they can to lower their vulnerability to wildfire, recent fires around California and right in our backyard illustrate the difficulties in achieving this goal, especially when fire behavior and frequency defy most previous fire suppression and mitigation standards. A large development in the oak woodlands under today's environmental conditions is an untested experiment in land use planning and engineering. To argue that the building standards and landscaping exceed California requirements is not saying much because what is state-of-the-art today could be woefully inadequate when the next fire happens.

To implicitly contrast this engineered future with past failures --as if people had done nothing to prepare for recent catastrophes—sidesteps the fact that fire is increasingly unpredictable, frequent and dangerous. The speed of the Camp Fire made the defense of housing impossible. Creeks, rivers, roads and intentional fuel breaks could not slow that fire. "Only" about 50% of

newer homes in Paradise burned compared to 82% of those built to pre-1980 standards. This is a significant advantage but those odds are still not good. The wind hurled embers miles beyond the front and took advantage of every lapse in fire safe practices in yards, roads, parks, and open space to spread further.

One of the key sources cited in the Final EIR to justify the risk of the Valley's Edge project is a case study about Montecito, in Santa Barbara County (Kolden et al. 2019). Despite being in a high fire severity zone and having suffered many fires in the past, Montecito fared well in the Thomas fire in 2017, with only a few homes lost. The Final EIR uses this as evidence that communities can be made relatively fire safe. The article details the complex efforts over two decades that led to this accomplishment—including active, engaged and primarily wealthy landowners; well-funded emergency responders; large lots that are ideal for defensible space; education programs and signage; and a good network of well-maintained fuel breaks. It was an exception that proved the rule, and would be difficult to replicate. Montecito is better known for the debris flow that killed 23 people and destroyed 500 homes the following rainy season. This secondary catastrophe originated in the burn scar miles away, underscoring the interdependent nature of disasters.

Our county and communities also have award-winning fire safe councils which have many projects in evacuation planning, fuel breaks, prescribed burning, chipper services incentives to homeowners to maintain defensible space, and Firewise education. These actions have not failed; instead, fires here have become catastrophic beyond the means to effectively plan or predict outcomes.

The National Institute of Standards and Technology (NIST Technical Note 2135) report on the Camp Fire concluded that no matter how much Paradise planned and prepared, the fire exceeded all imaginable circumstances:

This study has identified that Butte County and the Town of Paradise were well prepared to respond to a WUI fire, that the Camp Fire grew and spread rapidly and that multiple factors contributed to the rapid growth and spread of the Camp Fire (2021, iii)

It's hubris to think that a development hugging this region's foothills can be made reasonably safe from fire. The recently updated Butte County Community Wildfire Protection Plan (August 2022) notes its concern with development in foothills surrounding Chico:

The State Responsibility Area (SRA), which is east of Highway 99, is covered primarily by oak woodland and grass with some brush below 1000' elevation. The foothills immediately surrounding the City of Chico mainly consist of light to medium fuels such as annual grasses, oak woodland, and chaparral brush mix. Combined with the topography and recent structural development, these fuels create a fire suppression concern due to their ability to readily support ignition and fire spread, especially under windy conditions.

The City of Chico's Draft Community Wildfire Protection Plan (April 2022) echoes these concerns, specifying several neighborhoods along the northern and eastern edges of Chico that

are particularly vulnerable to fire. Valley's Edge will join this group of highly problematic areas once it is annexed to the City. This is one finding of the report:

Wildfires do not obey jurisdictional boundaries. As evidenced by the 2018 Camp Fire, under extreme conditions, a large fire originating almost 20 miles away can threaten the city within a day. Future large wildfires in the foothills above Chico are a certainty.

The eastern foothills are Chico's "sacrifice zone." In lieu of more thoughtful and creative in-fill urbanization, the city simply pushes eastward. What is being sacrificed? Ecological functions, including the function of fire, for one thing. As my colleague Don Hankins wrote in a letter last year, the presence of housing makes it hard to manage fire in more sustainable ways. Fire will come, and one way to keep fire from becoming catastrophic to the rest of Chico would be to apply prescribed burning in our foothills, including in the area of this project. Also being sacrificed is the function of animal grazing, which can reduce the likelihood of large wildfires in the habitats that surround and permeate Chico.

It's important to note that the fire mitigations described in the Final EIR for Valley's Edge will rely on the intense use and sequestration of water. The threat of fire, in effect, is being raised as an excuse to squander water. In Master Response 1 the document states that "*Vegetation within landscaped areas and around homes would be required to be irrigated to reduce available fuel loads.*" This expectation of generous water supplies leaves little room for the likely worsening of water availability and accompanying restrictions on its use. Will this community be somehow exempt from water reductions that the rest of us must endure? In addition, a "quasi-public" lake included in the project is touted as serving fire fighting capabilities as water sources, yet it is also mentioned that plans for the lake (and other smaller lakes) are not final and will undergo additional review by the City of Chico if the project is approved See response to Letter 38 and the following quote from section 4.14 "Wildfire:"

***Supplemental Water.** If it is determined feasible to construct a lake in Big Meadows Park water from the lake could be used for fire suppression, if needed. Installation of these features would not result in additional temporary or permanent impacts from exacerbating wildfire risk beyond those identified in impact 4.14-2.*

Whether the lakes are approved or not, I believe their contribution to fire safety is being used to make them acceptable to people who might see a "quasi-public" lake as an elitist diversion of scarce water.

I am grateful for the EIR process that allowed many people to rally their expertise in opposition to the Valley's Edge project last December. As a former county planning commissioner, I understand that once a jurisdiction is committed to a project, protests and counter-evidence are often brushed aside. Land use planning for wildfire is not a science, but a range of debatable and competing propositions. Some of the more optimistic scenarios might hold up in a laboratory or in isolated cases, but they are untested in the real world and they often fail to see projects in their regional context. We've seen built-up suburbs burn to the ground in California in recent years, driven by catastrophic circumstances that originate miles away. To engage a cliché, this is the "new normal."

We are being asked to trade the risk of building into the foothills with a poorly-justified need for the kind of housing the developers want to build. I hold an advanced degree in Urban Planning from UCLA. What I learned there, and what I've tried to pass along to students in my years of teaching Geography and Planning at Chico State, is skepticism towards self-interested claims in planning and development. Claims about a great need for housing are overstated and too generic. Chico's growth is slowing. How long will people use the disruption of the Camp Fire and to justify reckless projects? This project will not respond to the real crisis which is in affordable housing. In response, this project uses a new buzzword, "attainable housing," and points to a tiny sliver of the project dedicated to high density housing. If the project could be considered on the basis of housing needs, it would have to be rejected.

Sincerely,

Dr. Jacquelyn Chase
Professor Emerita, Department of Geography and Planning
California State University, Chico
Chico, CA 95929-0425
jchase@csuchico.edu

October 24, 2022

Subject: Valley's Edge Specific Plan Planning Commission Item

Please forward this letter to all and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Dear Planning Commissioners:

Do not certify the Valley's Edge Environmental Impact Report for the following reasons:

- 1. Significant and Unavoidable Impact of Greenhouse Gas Emissions & Exacerbating Climate Change Impacts.** The projects' greenhouse gas emissions are significant and unavoidable, and they exceed the City's newly updated Climate Action Plan reduction targets, obstructing the plan. The mitigation measures are measly, and will not do much to mitigate emissions. The project exceeds the greenhouse gas emissions thresholds with mitigations, so the impact is considered significant and unavoidable.
The land use change from grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions, and reduce the ability of the landscape within the project to capture and store carbon. With the replacement of green spaces that reduce heat with development and landscapes that absorb heat, the project will increase the climate change impacts we already experience: extreme heat. The concrete will trap heat, and add to the urban heat island effect Chico feels daily during the extremely hot summers.
- 2. Detrimental to vulnerable and at-risk species.** The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a "qualified" biologist to help with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environment and are better tracked over several years. Additionally, there is a striking conflict of interest in the developer and construction firm being in charge of the surveys and hiring of the biologist.
- 3. It is estimated that the additions of 2777 residential units will result in an additional 23,000 vehicle miles traveled (VMT) per day.** The result will be greater pollution to our community, increased carbon contributing to the climate crisis and increased traffic for current Chico residents, particularly those neighborhoods adjacent to the proposed Valley's Edge.

The alternative is smart growth and planning that enhances people's opportunities to bike, walk and take public transportation to the markets, schools and community gathering places. Valley's Edge, while it boasts the cosmetic attempts at sustainability (bike paths, electric vehicle parking spaces, open space) is yet another example of the reasons communities like Chico look more and more like San Jose or the Bay Area in general. It is antithetical to the reasons we live here – open, natural spaces, clean air, water and land, local healthy foods and active and healthy lifestyles. Smart growth promotes people and community over profit, long-term sustainability and resilience over unsustainable and short-term gain.

Let's do something different, something visionary, today and into the future, for the health and well being of all. That starts with not certifying large and sprawling developments like Valley's Edge.

Eric Nilsson



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NOV 02 2022

CITY OF CHICO
PLANNING SERVICES

Attachment F

October 31, 2022

Subject: Valley's Edge Specific Plan Planning Commission Item

Please forward this letter to all and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Dear Planning Commissioners:

Please do not certify the Valley's Edge Environmental Impact Report for the following reasons. First I will share my more personal reasons, and then share the more scientific perspective from my view.

Given the current climate conditions, water availability for me is a very pressing issue. Because we are dependent upon a well, Valley 's Edge is not a smart approach given the times. I think we need to focus on living communities that reflect the 21st century. I don't think wealth gives permission to developers to do whatever regardless of consequences.

I have read that by building in this area, you impact fire response time and prevention which again, given our current climate situation feels very unwise.

I also am a nature lover and feel like your development endangers the habitat and the current residents. I find this plan unnecessary and myopic. Why can't we be smart, proactive and fair across the board.

Thank you.

Below my concerns are more articulately and thoroughly stated, information shared from a friend who has also sent a letter. I hope you commissioners make a wise decision for all community members.

Thank you,
Patty Haley

- **Significant and Unavoidable Impact of Greenhouse Gas Emissions & Exacerbating Climate Change Impacts.** The projects' greenhouse gas emissions are significant and unavoidable, and they exceed the City's newly updated Climate Action Plan reduction targets, obstructing the plan. The mitigation measures are measly, and will not do much to mitigate emissions. The project exceeds the greenhouse gas emissions thresholds with mitigations, so the impact is considered significant and unavoidable.

The land use change from grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions, and reduce the ability of the landscape within the project to capture and store carbon. With the replacement of green spaces that reduce heat with development and landscapes that absorb heat, the project will increase the climate change impacts we already experience: extreme heat. The concrete will trap heat, and add to the urban heat island effect Chico feels daily during the extremely hot summers.

- **Detrimental to vulnerable and at-risk species.** The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a “qualified” biologist to help with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environment and are better tracked over several years. Additionally, there is a striking conflict of interest in the developer and construction firm being in charge of the surveys and hiring of the biologist.
- It is estimated that the additions of 2777 residential units will **result in an additional 23,000 vehicle miles traveled (VMT) per day.** The result will be greater pollution to our community, increased carbon contributing to the climate crisis and increased traffic for current Chico residents, particularly those neighborhoods adjacent to the proposed Valley’s Edge.

RECEIVED
FEB 02 2022
CITY OF CHICO
PLANNING SERVICES

Nicole Acain

Subject: FW: Valley's Edge Public Comment

From: Marc Kessler <mkessler@chicousd.net>

Sent: Sunday, November 6, 2022 4:33 PM

To: Debbie Presson <debbie.presson@Chicoca.gov>; Dani Rogers <dani.rogers@Chicoca.gov>; Stina Cooley <stina.cooley@Chicoca.gov>

Subject: Valley's Edge Public Comment

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Hi Debbie,

I'm a teacher at Chico High School and my Environmental Science students just completed a review of the Valley's Edge Development by researching the VESP Environmental Impact Report. Some of my students have expressed interest in sending their presentations and findings to the Chico City Council. Is this the correct email address to give them for submitting public comments? Most likely their public comment will be attached in a Google Slides or Google docs format.

Many thanks,

Marc Kessler

--

Marc Kessler
Chico High School
Science Department Chair
AP Environmental Science, Chemistry

"I have the audacity to believe that peoples everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits." Dr. Martin Luther King Jr.

Date: November 8, 2022

To: City of Chico Planning Commissioners

Toni Scott- Chair
Richard Ober- Vice Chair
Paul Cooper
Dennis Deromedi
Bryce Goldstein
Lindsay Poulin
Larry Wahl

Cc: Mike Sawley, Principal Planner, City of Chico

Re: Valley's Edge

Dear City of Chico Planning Commissioners,

I am a fire refugee. I moved to Chico 2 years ago to decrease my risks of living in a wild fire prone area. In my former hometown, Guerneville, Sonoma County we were at risk from the Walbridge Fire. We were evacuated several times for weeks, we lost power, lost time at work and lost food due to power shut offs. We lived in stress and were in constant readiness for evacuations and power shut offs.

The move to Chico seemed better because of the buffer between the forests and the town.

Now with the Valley's Edge project being considered in the wildfire urban area this safety is diminished. The Camp Fire showed that embers were hurled by the wind into areas that were thought to be safe. Paradise wasn't safe and I fear that the wild fire that is inevitable will move into the town of Chico. Is the Valley's Edge development worth this risk?

I live in Merian Park. Evacuation would be difficult with the thousands of evacuates from Valley's Edge. There are not enough roads.

I have personally seen the devastation in Santa Rosa where suburban neighborhoods went up in flames after crossing Hwy. 101. My fire captain friend had his fire hose melt while battling an impossible fire.

You are the leaders of Chico and you are personally responsible for making decisions that will affect how close fires come into Chico. A huge development with un-affordable houses in a wild fire buffer area is just not right.

Thank you for the work that you do.

Jean Marquardt, jeanmarquardt@gmail.com, Chico, CA, 707-227-7316

Attachment F

RECEIVED

NOV 08 2022

CITY CLERK
CITY OF CHICO

Chico City Council

411 Main Street

Chico, CA 95928

November 4, 2022

Subject: Valley's Edge Development

Attention: Debbie Presson

Please forward this letter to all and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Dear City Council Members:

Please oppose the Valley's Edge development for the following reasons:

1. It is **not consistent with Chico's General Plan** because a) Only 6% of the 2,777 planned housing units would qualify as affordable housing and b) While it claims to be mixed use, it is designed such that it will produce an additional 23,000 vehicle miles traveled a day resulting in increased greenhouse gases and greater traffic congestion.

2. **Significant and Unavoidable Impact of Greenhouse Gas Emissions & Exacerbating Climate Change Impacts.** The projects' greenhouse gas emissions are significant and unavoidable, and they exceed the City's newly updated Climate Action Plan reduction targets, obstructing the plan. The mitigation measures are measly, and will not do much to mitigate emissions. The project exceeds the greenhouse gas emissions thresholds with mitigations, so the impact is considered significant and unavoidable.

The land use change from grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions, and reduce the ability of the landscape within the project to capture and store carbon. With the replacement of green spaces that reduce heat with development and landscapes that absorb heat, the project will increase the climate change impacts we already experience: extreme heat. The concrete will trap heat, and add to the urban heat island effect Chico feels daily during the extremely hot summers.

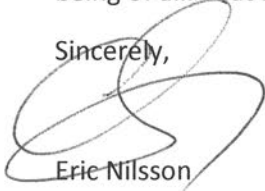
3. **Detrimental to vulnerable and at-risk species.** The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a "qualified" biologist to help with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environment and are better tracked over several years. Additionally, there is a striking conflict of interest in the developer and construction firm being in charge of the surveys and hiring of the biologist.
4. **Depletion of Groundwater and Wetlands.** Adding 2,777 residential and commercial units will put an additional strain on an already depleted groundwater system and permanently alter to natural wetlands of the area.
5. **Increased Wildfire Impact.** Sprawl development in California's blaze-prone wildlands increases ignition risk, puts more people in danger and harms ecosystems and wildlife.

Attachment F

The alternative is smart growth and planning that enhances people's opportunities to bike, walk and take public transportation to the markets, schools and community gathering places. Valley's Edge, while it boasts the cosmetic attempts at sustainability (bike paths, electric vehicle parking spaces, open space) is yet another example of the reasons communities like Chico look more and more like San Jose or the Bay Area in general. It is antithetical to the reasons we live here – open, natural spaces, clean air, water and land, local healthy foods and active and healthy lifestyles. Smart growth promotes people and community over profit, long-term sustainability and resilience over unsustainable and short-term gain.

Let's do something different, something visionary, today and into the future, for the health and well-being of all. That starts with not certifying large and sprawling developments like Valley's Edge.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Nilsson". The signature is stylized with several loops and a long horizontal stroke at the end.

Eric Nilsson

1178 Filbert Avenue

Chico, CA 95926

Letter to Chico City Council – VESP Opposition

###

Chico City Council
411 Main Street
Chico, CA 95928
Subject: Valley's Edge Specific Plan
Attention: Debbie Presson

Please forward this letter to all and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Dear City Council Members:

I am a constituent of this community invested in the healthy growth and sustainability of our area for ALL who live here. This letter is to urge you to please oppose the Valley's Edge Specific Plan for the following reasons:

1. It is **not consistent with Chico's General Plan** because a) Only 6% of the 2,777 planned housing units would qualify as affordable housing and b) While it claims to be mixed use, it is designed such that it will produce an additional 23,000 vehicle miles traveled a day resulting in increased greenhouse gases and greater traffic congestion.
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3. **Increase Air Quality Pollutants.** Butte County already is not meeting federal and state standards for ozone. It is estimated that the additions of 2,777 residential units will result in an additional 23,000 vehicle miles traveled (VMT) per day. The result will be greater pollution to our community, increased carbon contributing to the climate crisis and increased traffic for current Chico residents, particularly those neighborhoods adjacent to the proposed Valley's Edge.
4. **Detrimental to vulnerable and at-risk species.** The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a "qualified" biologist to help with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environments and are better tracked over several years. Additionally, there is a

Attachment F

striking conflict of interest in the developer and construction firm being in charge of the surveys and hiring of the biologist.

5. **Depletion of Groundwater and Wetlands.** Developing the open space in the foothills inhibits the ability for water to permeate into the groundwater system, especially when oaks are removed. This increase in water runoff will put an additional strain on an already depleted groundwater system and permanently alter to natural wetlands of the area. It will also strain our city's capacity to manage stormwater runoff and mitigate flash flooding. These issues all have an impact on the seasonal wetlands that we find in these foothills, which also perpetuates the wildfire hazard that we are becoming increasingly concerned about in the face of a warming climate.
6. **Increase Wildfire Impact.** Sprawl development in California's blaze-prone wildlands increases ignition risk, puts more people in danger and harms ecosystems and wildlife. Many of the above reasons, in addition to minimal egress in the plan with few arterial roads to allow for sufficient traffic flow in an emergency, not only increase the risk of ignition and catastrophic wildfire but also put the citizens for Chico, Butte Creek Canyon, Stilson Canyon, Paradise, and Forest Ranch all at risk due to impacts of evacuation efficiency and safety.

The alternative is smart growth and planning that enhances people's opportunities to bike, walk and take public transportation to the markets, schools and community gathering places. Valley's Edge, while it boasts the cosmetic attempts at sustainability (bike paths, electric vehicle parking spaces, open space) is yet another example of the reasons communities like Chico look more and more like San Jose or the Bay Area in general. It is antithetical to the reasons we live here – open, natural spaces, clean air, water and land, local healthy foods and active and healthy lifestyles. Smart growth promotes people and community over profit, long-term sustainability and resilience over unsustainable and short-term gain.

We are asking you to be part of a vision of development that enhances clean transportation – walking, biking, and public transportation – focusing on infill and multi-use developments that subvert the need for the automobile and ensures clean air, water, and land. The housing policy focus of the city, to meet these goals, should be on redevelopment and rezoning in currently developed areas of the city that have the infrastructure already in place rather than developing further and further from the city core and exacerbating the strained infrastructure finances the city currently experiences. Improving city infill and focusing on redevelopment and rezoning strategies to increase housing density closer to the city core will have the greatest positive impact on the three pillars of a sustainable society - social, environmental, and economical viability.

Let's do something different, something visionary, today and into the future, for the health and well-being of all. That starts with not certifying large and sprawling developments like Valley's Edge. Thank you for considering these critical issues.

Sincerely,

Mary Kay Benson, Chico District 2

###

Please take the liberty to copy and paste this text into a Word document, then personalize the letter before submitting it to the city by emailing it to:

debbie.presson@chicoca.gov, dani.rogers@chicoca.gov, stina.cooley@chicoca.gov

If known, include the agenda item number in the email subject line.

Council Meeting Participation- The public is encouraged to participate in the City's decision-making process and is invited to attend City Council meetings or view them live on Channel 11 or via streaming video. If you can't attend a meeting, you can always submit your comments at Civic Engaged: <https://chico-ca.granicusideas.com/>

The Council meets the 1st Tuesday of each month at 6:00 p.m. in the Council Chamber and usually adjourns to the 3rd Tuesday of each month at 6:00 p.m., as well as other meeting dates when required.

More information can be found at <https://chico.ca.us/participate-council-meetings>

Chico City Council

411 Main Street

Chico, CA 95928

Subject: Valley's Edge Specific Plan

Attention: Debbie Presson, Dani Rogers, Stina Cooley

Dear City Council Members:

My name is Stella Villett, a recent graduate from Chico State with a degree in Social Science, pursuing my Master, and native to San Jose. Although I lived in Chico for a short time (2 years), I love this city. I quickly fell in love with its structures, history, and art culture. Walkability is something that my generation greatly values. I work with students on campus and often hear stories of enjoying the walking & biking experience in Chico. Please consider sustainable development for future generations who wish to make Chico their home. Commuting into town 15-20min from an outer development is not something my peers or I desire. As someone who grew up in South San Jose, I am so glad that I no longer need to drive down the freeway/expressway a minimum of 15 minutes to get to where I want to go. There are lots located more central to downtown that can be developed into apartment/community-style living. I urge you against urban expansion and suggest re-development.

Below are resources I urge your committee to read regarding suburban expansion before deciding on the Valley's Edge Plan. All are published works that I have read and analyzed in my studies at Chico State.

[Suburban Decline: The Next Urban Crisis](#)

[Green Manhattan](#)

[Urban Sprawl and Public Health](#)

I am a constituent of this community invested in the healthy growth and sustainability of our area for ALL who live here. This letter is to urge you to please oppose the Valley's Edge Specific Plan for the following reasons:

1. It is not consistent with Chico's General Plan because a) Only 6% of the 2,777 planned housing units would qualify as affordable housing and b) While it claims to be mixed-use, it is designed such that it will produce an additional 23,000 vehicle miles traveled a day resulting in increased greenhouse gases and greater traffic congestion.
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Attachment F

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3. Increase Air Quality Pollutants. Butte County already is not meeting federal and state standards for ozone. It is estimated that the additions of 2,777 residential units will result in an additional 23,000 vehicle miles traveled (VMT) per day. The result will be greater pollution to our community, increased carbon contributing to the climate crisis and increased traffic for current Chico residents, particularly those neighborhoods adjacent to the proposed Valley's Edge.

4. Detrimental to vulnerable and at-risk species. The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a "qualified" biologist to help with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environments and are better tracked over several years. Additionally, there is a

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Thank you for considering these critical issues.

Sincerely,

Stella J Villett

Nicole Acain

Subject: FW: Correspondence - Stella Villett -FW: Opposition to Valleys Edge Development
Attachments: Chico City Council.docx

From: Stella J Villett <sjvillett@csuchico.edu>
Sent: Wednesday, November 9, 2022 12:13 PM
To: Debbie Presson <debbie.presson@Chicoca.gov>; Dani Rogers <dani.rogers@Chicoca.gov>; Stina Cooley <stina.cooley@Chicoca.gov>
Subject: Opposition to Valleys Edge Development

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Please see my attached letter regarding the development

Dear City Council Members:

My name is Stella Villett, a recent graduate from Chico State with a degree in Social Science, pursuing my Master, and native to San Jose. Although I lived in Chico for a short time (2 years), I love this city. I quickly fell in love with its structures, history, and art culture. Walkability is something that my generation greatly values. I work with students on campus and often hear stories of enjoying the walking & biking experience in Chico. Please consider sustainable development for future generations who wish to make Chico their home. Commuting into town 15-20min from an outer development is not something my peers or I desire. As someone who grew up in South San Jose, I am so glad that I no longer need to drive down the freeway/expressway a minimum of 15 minutes to get to where I want to go. There are lots located more central to downtown that can be developed into apartment/community-style living. I urge you against urban expansion and suggest re-development.

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[Suburban Decline: The Next Urban Crisis](#)

[Green Manhattan](#)

[Urban Sprawl and Public Health](#)

Stella Jo Villett



September 27, 2022

To Whom it May Concern,

This letter is from RRM Design Group (RRM), authors of the Valley's Edge Specific Plan. At RRM, we believe in the importance of planning for the future of our communities. Our team of planners value cultivating plans that will support and shape long-term growth for a community's needs through environmentally sensitive practices.

Land planning is a key first step in the creation of places and communities. From a small residential or infill site to a large, master planned community, the land plan is the foundation of the vision. RRM excels at this aspect of design and we ensure the plan is coordinated between competing and various interests, including public agencies, landowners, and the public, and is delivered with a consistent vision that respects the existing topography, sensitive habitats, and oak trees to minimize environmental impacts. With numerous specific plans under our belt, RRM has specialized in unique specific plan projects up and down the state. We pride ourselves as being sensitive to the land with thoughtful site planning that will tribute or enhance the land, as well as benefit those in the community. Valley's Edge is a model plan with quality design that complements Chico's roots and responds to the City and County's housing needs.

As envisioned by the Chico General Plan (GP 2030), the Valley's Edge Specific Plan is an exemplary project with a land plan that implements the vision and directives of the GP 2030, coined the Doe Mill/Honey Run Special Planning Area. Valley's Edge will be a recreation-oriented, mixed-use development offering a broad range of housing types and densities, as well as alternative modes of transportation, including approximately 20-25 miles of an interconnected trail system and a designated community park.

In conclusion, Valley's Edge is an excellent example of planning done right. It is designed for all generations to live, work, and play within walking distance to parks and amenities. We do not take these plans lightly and intentionally craft a feasible plan that meets the goals of the larger community while balancing the conditions or constraints of the land.

We are excited to share the latest Public Review Draft of the Valley's Edge Specific Plan and to bring to fruition the goals outlined in the Chico General Plan.

Thank you for your consideration,


Debbie Rudd, LEED AP
Principal
RRM Design Group


Rachel Raynor, AICP
Associate Planner
RRM Design Group

3765 S. Higuera St. Ste. 102 • San Luis Obispo CA 93401

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Attachment F

Nicole Acain

From: Pamela Kather <pkather99@gmail.com>
Sent: Wednesday, November 9, 2022 6:44 PM
To: Nicole Acain
Subject: Valleys edge comments

Categories: Meeting Packet Distribution

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VOTE NO VALLEY'S EDGE

THIS IS A PROPOSED MEGA DEVELOPMENT OF 2,777 UNITS

- It has plans for only 1.3% affordable housing

- IT REQUIRES ANNEXATION BY THE CITY

- IT WOULD BE AN ENVIRONMENTAL DEVASTATION TO 1448 ACRES OF OAK WOODLANDS

PLEASE DISTRIBUTTE MY LETTER TO ALL COMMISSIONERS!!

THANK YOU!
PAMELA KATHER Sent from my iPhone

Nicole Acain

From: Kirk Monfort <KMonfort@csuchico.edu>
Sent: Monday, November 14, 2022 12:38 PM
To: Nicole Acain
Subject: Valley's Edge.

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Nicole, would you please forward the following to the Planning Commissioners:

Planning Commission:

The Legislative Analyst's Office (LAO) recently issued a report on climate change and housing (<https://lao.ca.gov/Publications/Report/4584>) We on the Chico Climate Commission received copies of all six reports, all of them dealing with facets of climate change that have big policy implications. I urge you to read the report on housing while you consider the Valley's Edge project.

Personally, after reading this report when I heard of the VE project my thought was, "Just as the LAO is telling us not to build anything more in the urban-wildland interface, Chico is getting ready to do just that." After looking at the VE specific plan and the EIR, I still have major qualms about this project and doubts about whether it is consistent with the Climate Action Plan which the city just passed.

This is a car dependent population. Unless everyone in VE has an electric car, for anyone to get anywhere outside the project they will have to drive. Even if buses could financially be routed that far east, why would this population use it? Ingress and egress must either be by 20th street or skyway. How does this work for evacuation from Paradise ridge and Butte Creek canyon?

The LAO report on housing concludes with a list of items policy makers need to consider as they attempt to deal with climate change. One of them is this: "What actions should the state take to respond to climate change impacts on the residential insurance market? " We already know the consequences of climate change on

insurance rates for those living in the Urban-wildland interface are extreme. The only relief that can be provided ultimately must fall on all rate-payers.

In spite of the very slick, costly VESP, this is the wrong kind of project built in the wrong place.

Sincerely,

Kirk Monfort

227 W. 3rd Ave

530 343-9401

Nicole Acain

From: GRACE M MARVIN <g-marvin@comcast.net>
Sent: Tuesday, November 15, 2022 6:20 PM
To: Nicole Acain
Subject: Letter opposing Valley's Edge. Please let me know if you can send the PC this letter

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To: City of Chico Planning Commissioners
Toni Scott- Chair
Richard Ober- Vice Chair
Paul Cooper
Dennis Deromedi
Bryce Goldstein
Lindsay Poulin
Larry Wahl
Cc: Mike Sawley, Principal Planner, City of Chico

Dear City of Chico Planning Commissioners,

Please know a bit about my background. I have lived in Chico since 1984 when I was hired by Chico State to teach Sociology focusing on community studies - since that was the focus of my dissertation at U.Va. I am now retired and have increased my involvement with Chico's community issues. Of particular concern to me has been the growing amount of poverty in Chico, and now, the city's extensive homelessness. As most of us know, there is insufficient affordable housing - even for those who are not homeless. My other major area of interest is the environment. As the Conservation Chair of the local Blue Oak Group of the Sierra Club (covering 5 counties), I am concerned about the quality of the air, water, and other natural resources for all Chicoans and Butte County residents. I join many others in wanting this city to take a lead in helping us to significantly decrease
1-Greenhouse gasses (GHG); 2- overuse of our aquifers; 3-unnecessary destruction of other natural resources that especially need protection.

On December 12, 2021, as Conservation Chair of the Sierra Club's Blue Oak Group, I wrote a letter in response to the DEIR for Valley's Edge. It is included in the FEIR. In

this letter I will limit my topics to responses in the FEIR to me about housing and related “smart growth” policies and GHG emissions. .

Valley’s Edge does not plan housing for very low income Chicoans; nor does it plan for smart growth (see my comment about the need for *more high-density, urban infill projects and access to transit, jobs, schools, and shopping...*). Instead, the Valley’s Edge Specific Plan (prepared for Chico’s Community Development Department) includes the note to me that they will share my related concerns with the decision makers. Thus, I am asking you as members of the Planning Commission , major decision-makers, to consider that both Butte County and the City of Chico specifically address the need for truly affordable housing. Thus, I would like you to recognize the serious deficiencies in the FEIR:

The goals of the Butte County Housing Element (2022) update include the following:
Goal H-1: Provide for the County’s regional share of new housing for all income groups and future residents as identified in the Housing Needs Assessment. Goal H-2: Encourage the provision of affordable housing in the Unincorporated Area. Goal H-3: Partner with property owners to preserve and rehabilitate the existing supply of housing. Goal H-4: Collaborate with existing service providers to meet the special housing needs of homeless persons, elderly, large families, disabled persons, and farmworkers. Goal H-5: Facilitate rebuilding of communities impacted by wildfires. Goal H-6: Ensure equal housing opportunity. Goal H-7: Promote energy conservation.

Certainly, the proposed turning over of County land to Chico for development of Valley’s Edge does not diminish the need for affordable housing in our County. To this point: I attended a Chico Housing Element meeting in August 2021, in which it was pointed out that its own survey found that “the majority of survey takers, wanted to talk about affordable housing.” At that same meeting, we learned that in Chico, there is a “demand for nearly 7000 subsidized units for low-income households that have been unmet.” (Enterprise Record “*Housing Element...*” 8/13/21) . Note that Chico’s *Housing Element* for 2022-2030 is only in Draft form.

The city responded to my comments and to Butte Environmental Council’s concerns about affordable homes, by stating “The project is not intended to resolve the City’s needs for specific types of housing and industry....” (9-68) and “it is premature at this time to theorize if, or how much affordable housing would be constructed within the project(9-68).” Yet there is no evidence presented to explain why affordable housing cannot be constructed. Afterall, grants will be available for such low-income housing. Zoning regulations have already changed. For example, this past September, Governor Newsom signed two bills making commercial land newly available for housing, while permitting unskilled workers to construct affordable housing.(Think

about Kmart and its parking lot in North Chico as well as empty buildings and lots in the Southern end of downtown Chico.) And consider that we could employ the unemployed, skilled laborers, and volunteers, including from groups such as Habitat for Humanity and North State Shelter Team. Our community could create lovely infill projects with a range of housing, including for those with low and very low incomes.

Moreover, the question arises: why approve this project ahead of the completion of the eight-year city housing plan (2022 to 2030)? Why not be safe rather than be very sorry that a huge project gets developed that does not meet the needs of many thousands of Chicanos (and which would only anger very many of us)?

The question about timing also applies to another point I made in the DEIR letter concerning smart growth, *i.e.*, what Chico really needs is high density, urban infill projects that promote walkable neighborhoods, and easy access to work, schools and shopping. This easy access would reduce GHG emissions as much as possible, *i.e.*, with bicycle trips and low GHG mass transit alternative and not with many thousands of trips via gasoline powered vehicles . That is why I am calling on the Planning Commission to not allow this project to advance.

Note that the FEIR states that the planners cannot know how much GHG will be produced. But that does not negate the responsibility of the City to make commuter plans that would significantly reduce the GHG. We are in a time where Greenhouse Gases are destroying our planet in numerous ways. We do not need a project in Chico that contributes significantly to the harm of our families, neighbors, and the planet. Let us wait for the completion of the Housing Plan for Chico (2022-2030), and then facilitate citizen input into deciding where Chico should take care of the housing needs of Chico's moderate, and much lower income citizens.

p.s. The fact that the project is in the FEMA Flood Zone X that is supposedly not subject to major flooding, does not diminish the actual amount of flooding that has occurred in that area. In October 2022, I spoke with residents directly across from land where the project is planned, who were very alarmed by flooding possibilities. They spoke of one lot where an entire house was destroyed by floods and of their fear that their homes would succumb to more future flooding. The residents said that the water came from the foothills next to land where Valley's Edge is planned.(

Sincerely,

Dr. Grace Marvin
Conservation Chair, Blue Oak (formerly Yahi),Group, Sierra Club

Professor Emerita, Department of Sociology
California State University , Chico

Home:1621 N. Cherry St., Chico, CA 95926

g-marvin@comcast.net

Nicole Acain

Subject: FW: Comments Opposing Valley's Edge Special Project

From: Nelson Kaiser <NHK2018@outlook.com>
Sent: Wednesday, November 16, 2022 8:33 PM
To: Debbie Presson <debbie.presson@Chicoca.gov>
Subject: Fw: Comments Opposing Valley's Edge Special Project

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Sent from [Outlook](#)

From: Nelson Kaiser
Sent: Wednesday, November 16, 2022 7:41 PM
To: debbie.presson@chicoca.gov <debbie.presson@chicoca.gov>
Subject: Comments Opposing Valley's Edge Special Project

Dear Ms. Presson, the Valley's Edge "development" (in quotes because what are we developing here, a garden or perhaps a cancerous growth?) is not at all what Chico or the North Valley as a whole needs. The objective fact is that we can see many areas in California that once were nice places to live, but are no longer. Creating sprawl will cost far more than it contributes. If the population of this area must grow, we need less car-dependent neighborhoods with groceries and other services within walking distance or reachable on public transportation. We need more energy-efficient structures and less water-dependent arrangements of houses and streets. Building another cookie-cutter "development" will not address any of the real needs of our town, or our state.

Thanks for your attention.

Nelson H. Kaiser
1890 Hooker Oak Ave.
Chico Ca 95926

nhk2018@outlook.com

Sent from [Outlook](#)

Nicole Acain

From: Suzette Welch <booksontape@rocketmail.com>
Sent: Wednesday, November 16, 2022 10:21 PM
To: Nicole Acain
Subject: Concerning Valley's Edge Development

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Nicole,
I would appreciate it if you would make this email available to the members of the Chico Planning Commission and Mike Sawley.
Suzette Welch

Chico does need more housing but Valley's Edge is not the answer. We need more housing for people who make minimum wage at our local businesses, housing for homeless, and senior low income housing but not large expensive houses that attract out of town wealthy and investors. Small well planned housing tucked into vacant lots around town is a more practical solution to our housing needs.

The planned development will take away 1448 acres of undeveloped land. They say the development provides protection of the beauty of the land for picnics in the parks, hiking trails, greenways and open space but these are only available to people who live there. So this area of open space will now be closed to wildlife and most of the people living in Chico..

The addition of an estimated 6 thousand residents will further strain our groundwater supply not counting the water that will be used on all of the lawns of the planned single family homes.

The cars necessary for all of these households will add to our already clogged city streets and add to the city's greenhouse gas emissions. Walking to jobs and shopping is not possible from this area and there is no good public transportation to support this tacked on sprawl development.

So I urge you to vote no on Valley's Edge.

Suzette Welch

13 Hilda Way, Chico, CA.

booksontape@rocketmail.com 430 570-3240

Nicole Acain

From: Bruce Jones <brucemjones@gmail.com>
Sent: Wednesday, November 16, 2022 7:16 PM
To: Nicole Acain
Subject: Fwd: Comments Opposing Valley's Edge Special Plan

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----- Forwarded message -----

From: Bruce Jones <brucemjones@gmail.com>
Date: Wed, Nov 16, 2022 at 7:12 PM
Subject: Comments Opposing Valley's Edge Special Plan
To: <nicole.acain@chico.gov>

Hi Nicole

Please forward this to the Planning Comissioners.

I am writing to express my distaste for the Valleys Edge development and to voice my opposition. The land in question is beautiful and has many wonderful attributes such as the great oaks, indian grinding sites, and wide open spaces in a part of Chico that is being developed at a crazy rate. The traffic is already a complete mess and will soon rival Cohasset road and East avenue in being nearly impossible.

The Valleys Edge Subdivision will only bring more high end houses which relates to new people arriving, while not doing anything to address the needs of the local population in a city that needs more affordable housing and open spaces to maintain what semblance of small town that is left post fire.

There are areas much more suited to subdivision, if we need them at all, such as north of town and south of town, or IN town that are not supporting diverse habitat and natural beauty.

Dumping thousands more cars onto skyway and Bruce Avenue is not going to help this town maintain any quality of life. We dont need to make a few builders wealthy while destroying a wonderful tract of land. There are other options.

Thank you Bruce Jones

Nicole Acain

From: Tim Calhoon <tdcalhoon@gmail.com>
Sent: Wednesday, November 16, 2022 4:36 PM
To: Nicole Acain
Subject: Letter in opposition to Valleys Edge Development - effects on Butte Creek and Canyon

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For distribution to Planning Commissioners: Toni Scott, Richard Ober, Paul Cooper, Dennis Deromedi, Bryce Goldstein, Lindsay Poulin, Larry Wahl

Dear Planning Commission Member,

Thank you for taking a moment to read my email. While I agree with many of the sentiments regarding fire danger and the direct environmental impact to the foothills this project evokes, I believe there are significant impacts to the adjacent Butte Creek Canyon and the sensitive environment of Butte Creek.

While the developer of the Valleys Edge Development is attempting to mitigate problems within their scope of influence, a large problem looms in facilitating homes for over 5000 people next to Butte Creek and the sensitive environment of the Canyon. Below is a bullet point list of issues that planning has not addressed.

- Public access to Butte Creek is limited to a very few areas (less than a few acres) as most of the frontage is private land. Currently Butte Creek residents provide volunteer trash collection in these public access areas (THERE ARE NO PUBLIC SERVICES), but an influx of such a large population in a sensitive environment facilitated by minimal public services will damage the environment and prove unmanageable as there is no plan to provide for public services and public creek access.
- Gold prospecting is a popular pastime along Butte Creek in the limited public access areas, but so many people, so close to Butte Creek, will surely lead to damage to the shoreline of the creek from excavation holes. There is no plan to mitigate this problem.
- Fishing on Butte Creek is strictly prohibited to protect the endangered spring run salmon population. While California game wardens attempt to stop poachers, an influx of such a large population near the creek will surely lead to more illegal fishing as there is no plan to expand year round law enforcement.
- Cycling is very popular along the winding and narrow Honey Run and Centerville roads leading up into the canyon. While cyclists and motorists attempt to share the road, dangerous near misses and accidents occur as impatient motorists make mistakes. An influx of such a large population of people near the canyon will surely lead to more cyclists using the road and more accidents as there is no plan to provide bike lanes.
- As the Camp Fire clearly showed, areas of the county that have limited escape routes are a death trap for residents. Placing a huge development with egress points in direct competition to Butte Creek Canyon residents will surely lead to deaths in the future.
- No matter the supposed efficacy of engineered storm water abatement methods. The flash flooding event in the weeks following the Camp Fire clearly showed that such a large development's storm runoff would have a high probability to make it to Butte Creek and damage its sensitive environment for salmon and other native fish populations.

Butte Creek and Butte Creek Canyon, jewels of our area, are often taken for granted by the County and City which provide minimal funding and services to the Canyon. I urge you to reject this development as presented and consider

protection of not only the foothill environment that it will irrevocably replace, but also the dangers and damage that will occur to the environment of Butte Creek and Butte Creek Canyon.

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

Tim Calhoon
11921 Castle Rock Ct.
Chico CA 95928

Nicole Acain

Subject: FW: Correspondence: David Simmen: Valley Edge

From: David Simmen <desimmen@gmail.com>
Sent: Wednesday, November 16, 2022 4:10 PM
To: Dani Rogers <dani.rogers@Chicoca.gov>
Subject: Valley Edge

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Dani, would you please forward my letter to all members of the City Council.

Are you planning on buying a new car soon? Are you thinking about a vacation? We are lucky, because we live in America; we get to make these decisions. As a Family we might be thinking about landscaping our front lawn, maybe adding a pool or planning on which college to send our Kids. These are all decisions that an American Individual and Family get to make about their lives and the style they want to live. It is also our Right to share with our fellow Voters the style, civic persuasion and development of the Community in which we live; the balance of parks and recreation, traffic, police and fire protection, protection of property values, taxation of its citizens and the residential density in which we live.

We are truly blessed to live in a Country that allows us to make these choices by giving us the Liberty to exercise our rights in a free and fair Democracy. Liberty is the state of being free within society from oppressive restrictions imposed by authority on one's way of life, behavior, or political views. We who live in America get to make these decisions about our Personal and Family environments and so too, we should have the right to determine the style and shape of the Community we live in.

I understand that in Representative Democracy we elect individuals to aid us in making some of these "general" decisions, but when a decision is of such magnitude that it affects and influences our lives and environment in which we live, we should have the absolute Right to vote as a Community, our preferences.

It would be totally irresponsible for our Civic Leaders to adopt or make a determination on the Valley's Edge Subdivision without a Community Referendum! It would be a violation of Liberty which we all hold dear. Whether you are an advocate, for or against, the proposed Subdivision, it is your Right and Duty to vote your determination on the style and quality of the Community in which we live.

David Simmen
280 E 1st Avenue
Chico, Ca

Pamela Posey
2024 W. Sacramento Ave.
Chico, CA 95973

November 16, 2022

Planning Commission/Community Development Department
411 Main St, Second Floor
Chico, CA

Subject: Valley's Edge Specific Plan Planning Commission Item
Please forward this letter to all and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Dear Planning Commissioners,
Do not certify the Valley's Edge Environmental Impact Report and the Statement of Overriding Considerations for the impact of Significant and Unavoidable Greenhouse Gas Emissions.

As a resident of the Chico area since 1970, I am very concerned for the foothills of Chico and the future of our community by the impacts of the proposed Valleys Edge development. These impacts being:

1. Significant and Unavoidable Impact of Greenhouse Gas Emissions & Exacerbating Climate Change Impacts. The projects' greenhouse gas emissions are significant and unavoidable, and they exceed the City's newly updated Climate Action Plan reduction targets, obstructing the plan. The mitigation measures are measly, and will not do much to mitigate emissions. The project exceeds the greenhouse gas emissions thresholds with mitigations, so the impact is considered significant and unavoidable. The land use change from grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions and reduce the ability of the landscape within the project to capture and store carbon. With the replacement of green spaces that reduce heat with development and landscapes that absorb heat, the project will increase the climate change impacts we already experience: extreme heat. The concrete will trap heat and add to the urban heat island effect Chico feels daily during the extremely hot summers.
2. Increase Air Quality Pollutants. Butte County already is not meeting federal and state standards for ozone.
3. Detrimental to vulnerable and at-risk species. The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a "qualified" biologist to help with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environments and are better tracked over several years. Additionally, there is a striking of interest in the developer and construction firm being in charge of the surveys and hiring of the biologist, which is comparable to having the fox guard the henhouse.

4. Depletion of Groundwater and Wetlands. Adding 2,777 residential and commercial units will put an additional strain on an already depleted groundwater system and permanently alter the natural wetlands of the area. This flies in the face of the water conservation measures that farmers and ranchers already being asked to do.
5. Increase Wildfire Impact. Sprawl development in California's blaze-prone wildlands increases ignition risk, puts more people in danger and harms ecosystems and wildlife.
6. It is estimated that the additions of 2777 residential units will result in an additional 23,000 vehicle miles traveled (VMT) per day. The result will be greater pollution to our community, increased carbon contributing to the climate crisis and increased traffic for current Chico residents, particularly those neighborhoods adjacent to the proposed Valley's Edge.

The alternative is smart growth and planning that enhances people's opportunities to bike, walk and take public transportation to the markets, schools and community gathering places. Valley's Edge, while it describes cosmetic attempts at sustainability (bike paths, electric vehicle parking spaces, open space), it is yet another example of the reasons communities like Chico look more and more like San Jose or the Bay Area in general. It is antithetical to the reasons we live here – open, natural spaces, clean air, water and land, local healthy foods and active and healthy lifestyles. Smart growth promotes people and community over profit, long-term sustainability and resilience over unsustainable and short-term gain.

Let's do something different, something visionary, today and into the future, for the health and well-being of all. That starts with not certifying large and sprawling developments like Valley's Edge.

Sincerely,

Pamela Posey

Nicole Acain

From: Gabrielle Broche <gabrielle.broche@gmail.com>
Sent: Wednesday, November 16, 2022 3:32 PM
To: Nicole Acain
Subject: Opposition to Valley's Edge Development

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Dear Nicole Acain

Please distribute my letter to Planning Commissioners Toni Scott, Richard Ober, Paul Cooper, Dennis Deromedi, Bryce Goldstein, Lindsay Poulin and Larry Wahl.

Thank you

Gabrielle Broche

Gabrielle Broche
5100 Cliffhanger Lane
Paradise, California
95969

August 24, 2022

Dear Planning Commission and Chico City Council;

I am a resident of Butte County. I lived in Chico and currently live in Paradise. The proposed site is aimed to be annexed into the city. There is something a miss here. People who will be directly effected by the development, citizens of Paradise and Butte Creek are not able to participate in the referendum. Many people enjoy the view. I oppose the Valley Edge Development Project for several concerns. I will focus on three issues.

We are in the 3rd year of extreme drought conditions. Chico is dependent on ground water. Chico is on water rationing. It is unreasonable and careless to consider adding the needs of 5654 people to an already stressed system. Also the plan threatens groundwater recharge.

The propose site is beautiful, filled with heritage trees and important irreplaceable natural resources. It is antithetical for Chico to consider its destruction. It does not make any sense to kill what we love about our area. We are Chico, we know better. Valley Edge would cause irreparable loss of habitat and biodiversity, destruction of grasslands, oak woodlands, vernal pools (90%of the California vernal pools are already lost), wildflowers, fish, coyotes, native and migratory birds and turtles.

The Valley Edge Development Project obstructs State and local climate goals. Transforming natural ecosystem to urban development will emit significant greenhouse gas emissions and reduces the ability of the landscape within the project site to sequester carbon. We have direct trauma of the effects of climate change. The wildfires are beyond a summer threat, they have evolved to a constant threat. Our lands are hot and dry. Attorney General Rob Bonita stated in the Wildlife Guidance October 2022 related to CEQA ; more acres have been burnt in the past decade than in the previous 90 years. In recent years the State's most destructive fires have been caused by human activity, (downed power lines, or electric sources) associated with residential development. I encourage the City Planning Commission and the City Council to read this relevant document. Valley Edge will cause exceptional higher greenhouse gas from the construction, to its residents needs for heating and cooling. In addition to their dependence on automobiles. The significant increase in traffic and congestion will effect our air quality and the quality of our lives.

Planning Commission make your legacy as "THE PLANNING COMMISSION". A planning commission that demands more from developers. Have developers propose smart development. This means they include sustainable measures, smart infrastructure, be wholistic and inclusive of our ecology, sociology and attempts to be part of our solutions for our cities needs and our environments. This means development plans that do not add to urban sprawl So we all live better. Save our precious land.

As citizens I am sure you moved or lived and stayed here because it is beautiful and unique. We are not Vacaville, Roseville or Sacramento. If we continue to sprawl the city growth, we will be like the towns we don't want to be. This is not a threat, it's the truth.

The City of Oroville has the sphere of influence to accommodate the Valley Edge Plan.

Sincerely

Sent from my iPad

Nicole Acain

From: Kathy Weeks <tealteamkathy@yahoo.com>
Sent: Wednesday, November 16, 2022 2:15 PM
To: Nicole Acain
Subject: Public comment to oppose Valley's Edge development

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Please forward this to the Planning Commission and to Mike Sawley. Thank you very much.

PLEASE, PLEASE, PLEASE do not approve this huge development! There are so many reasons to reject it, but the foremost in my eyes is the fact that **we have no water!** I have heard many of these homes are slated to have a 1/2 acre lot and do you think that people who pay \$600,000 plus for a new home are going to leave the yard fallow? I have a single family home and do my best to conserve water, I use 2-3 CCF's a month. We don't have the water for all these people!

DON'T TURN CHICO INTO THE BAY AREA NORTH!!!! We passed the sales tax increase, now let's take growth slowly and responsibly. **No VALLEY'S EDGE!!!**

Respectfully,
Kathy A. Weeks
35 Shari Lane
Chico, CA. 95928

-VESP Opposition

Chico, CA 95928

Subject: Valley's Edge

Specific Plan Attention

Please forward this letter to all and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Dear Chico Planning Commission:

I am a constituent of this community invested in the healthy growth and sustainability of our area for ALL who live here. This letter is to urge you to please oppose the Valley's Edge Specific Plan for the following reasons:

1. It is **not consistent with Chico's General Plan** because a) Only 6% of the 2,777 planned housing units would qualify as affordable housing and b) While it claims to be mixed use, it is designed such that it will produce an additional 23,000 vehicle miles traveled a day resulting in increased greenhouse gasses and greater traffic congestion.
2. **Significant and Unavoidable Impact of Greenhouse Gas Emissions & Exacerbating Climate Change Impacts.** The projects' greenhouse gas emissions are significant and unavoidable, and they exceed the City's newly updated Climate Action Plan reduction targets, obstructing the plan. The mitigation measures are measly, and will not do much to mitigate emissions. The project exceeds the greenhouse gas emissions thresholds with mitigations, so the impact is considered significant and unavoidable.

The land use change from grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions, and reduce the ability of the landscape within the project to capture and store carbon. With the replacement of green spaces that reduce heat with development and landscapes that absorb heat, the project will increase the climate change impacts we already experience: extreme heat. The concrete will trap heat, and add to the urban heat island effect Chico feels daily during the extremely hot summers.

3. **Increase Air Quality Pollutants.** Butte County already is not meeting federal and state standards for ozone. It is estimated that the additions of 2,777 residential units will result in an additional 23,000 vehicle miles traveled (VMT) per day. The result will be greater pollution to our community, increased carbon contributing to the climate crisis and increased traffic for current Chico residents, particularly those neighborhoods adjacent to the proposed Valley's Edge.

4. **Detrimental to vulnerable and at-risk species.** The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a "qualified" biologist to help

Attachment F

with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environments and are better tracked over several years. Additionally, there is a striking conflict of interest in the developer and construction firm being in charge of the surveys and hiring of the biologist.

5. **Depletion of Groundwater and Wetlands.** Developing the open space in the foothills inhibits the ability for water to permeate into the groundwater system, especially when oaks are removed. This increase in water runoff will put an additional strain on an already depleted groundwater system and permanently alter the natural wetlands of the area. It will also strain our city's capacity to manage stormwater runoff and mitigate flash flooding. These issues all have an impact on the seasonal wetlands that we find in these foothills, which also perpetuates the wildfire hazard that we are becoming increasingly concerned about in the face of a warming climate.
6. **Increase Wildfire Impact.** Sprawl development in California's blaze-prone wildlands increases ignition risk, puts more people in danger and harms ecosystems and wildlife. Many of the above reasons, in addition to minimal egress in the plan with few arterial roads to allow for sufficient traffic flow in an emergency, not only increase the risk of ignition and catastrophic wildfire but also put the citizens for Chico, Butte Creek Canyon, Stilson Canyon, Paradise, and Forest Ranch all at risk due to impacts of evacuation efficiency and safety.

The alternative is smart growth and planning that enhances people's opportunities to bike, walk and take public transportation to the markets, schools and community gathering places. Valley's Edge, while it boasts cosmetic attempts at sustainability (bike paths, electric vehicle parking spaces, open space) is yet another example of the reasons communities like Chico look more and more like San Jose or the Bay Area in general. It is antithetical to the reasons we live here – open, natural spaces, clean air, water and land, local healthy foods and active and healthy lifestyles. Smart growth promotes people and community over profit, long-term sustainability and resilience over unsustainable and short-term gain.

We are asking you to be part of a vision of development that enhances clean transportation – walking, biking, and public transportation – focusing on infill and multi-use developments that subvert the need for the automobile and ensures clean air, water, and land. The housing policy focus of the city, to meet these goals, should be on redevelopment and rezoning in currently developed areas of the city that have the infrastructure already in place rather than developing further and further from the city core and exacerbating the strained infrastructure finances the city currently experiences. Improving city infill and focusing on redevelopment and rezoning strategies to increase housing density closer to the city core will have the greatest positive impact on the three pillars of a sustainable society - social, environmental, and economical viability.

Let's do something different, something visionary, today and into the future, for the health and well-being of all. That starts with not certifying large and sprawling developments like Valley's Edge. Thank you for considering these critical issues.

Sincerely,

Mary Kay Benson, Chico District 2

Nicole Acain

From: Susan Tchudi <susantchudi@gmail.com>
Sent: Wednesday, November 16, 2022 11:37 AM
To: Nicole Acain
Subject: Say NO to Valley's Edge

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Dear Nicole,

Could you please make sure that this letter is relayed to the Planning Commissioners?

Thank you,
Susan Tchudi

Dear Planning Commission Members,

Having read the changes to the VESP resulting from the Final Environmental Impact Report, I am more convinced than ever that Valley's Edge is not right for Chico.

As an environmental journalist (Ecotopia on KZFR) and activist, I continue to assert that the impact of this project on greenhouse gas emissions will be a barrier to reaching the goals of the Chico Climate Action Plan. The City Council unanimously passed the CAP. It calls for the reduction of greenhouse gas (GHG) emissions in order to "achieve the City's target of carbon neutrality by 2045." According to the CAP, transportation is the largest producer of GHG. The dEIR for VESP states, that "The proposed project [with an estimated 5,645 residents] would result in GHG emissions of approximately 3.13 MT CO₂e per capita. Thus, the proposed project's estimated GHG emissions would exceed the City's 2030 efficiency target of 2.76 MT CO₂e per capita per year." The number of proposed residents has not changed with the FEIR. The traffic and congestion will further degrade our air. We simply cannot let a project with such an obvious inconsistency with City policy go forward.

We must take climate change seriously. While it is not directly addressed in the VESP, climate change is an existential threat. Our risk of fire, shortage of water with projected droughts, increased heat (further increased by more urban asphalt), and threat to sensitive species will all be exacerbated by this enormous project. Even with trained biologists on site to

look after the ecosystem of this land, plants and animals will be lost. We simply can't continue to diminish our natural resources in this way.

Valley's Edge will change the character of the City of Chico. Despite claims about this land being in the sphere of interest and an Opportunity Site for Chico, this is an urban sprawl project. And it is not needed. BCAG has accounted for our housing needs, and 2777 new houses of the sort proposed for Valley's Edge are not needed. The new Enloe cancer center in Meriam Park has been held up as the justification for more expensive housing, but we don't need 2777 new houses. Moreover, the need is for housing for the workforce in Chico, many of whom have to commute some distance for their jobs.

What I find most disturbing about Valley's Edge is that it's an exclusive community. The VESP touts all of its open space, walking trails, and parks. But Valley's Edge would be an HOA Community, not intended for the people who live in our City and County. Many have speculated--and I'm inclined to agree--that this housing project is meant to attract buyers from Southern California, the Bay Area, and other city refugees who find prices for houses much more reasonable here. Are we to give up this beautiful, precious riparian woodland and wetland to satisfy the pleasures of rich interlopers? We stand to lose the place that many have biked and hiked for years to a manicured playground for the rich.

A new comment added to the revised VESP claims that the lake proposed for the project is "aspirational." I think that's because there might not be water available to create a lake. I believe the whole project is aspirational, a hollow vision from a dream of days of old, when people had everything they needed in abundance. Those times are over.

We need a new vision. This vision would include loving attention to what we already have. It would improve neighborhoods, creating walkable, bikeable communities with improved roads and more trees. New growth would come in the form of small infill projects, with services actually available to its residents. Rundown and empty buildings would be converted to lovely, liveable housing for everyone. A sense of community would thrive as residents took pride in their renewed neighborhoods.

Please do not approve the Valley's Edge Specific Plan. Please consider, instead, a renewed Chico with attention to the needs and concerns of the people who live here.

Susan Tchudi
Yankee Hill
susantchudi@gmail.com
530-781-4122

Nicole Acain

From: LORI PFORSICH <thechico46@comcast.net>
Sent: Thursday, November 17, 2022 6:51 AM
To: Nicole Acain
Subject: Valley's Edge Specific Plan Planning Commision Item

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Dear Ms. Acain:

Please forward this letter to all and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Dear Planning Commissioners,

Do not certify the Valley's Edge Environmental Impact Report and the Statement of Overriding Considerations for the impact of Significant and Unavoidable Greenhouse Gas Emissions.

1. Significant and Unavoidable Impact of Greenhouse Gas Emissions & Exacerbating Climate Change Impacts. The projects' greenhouse gas emissions are significant and unavoidable, and they exceed the City's newly updated Climate Action Plan reduction targets, obstructing the plan. The mitigation measures are measly, and will not do much to mitigate emissions. The project exceeds the greenhouse gas emissions thresholds with mitigations, so the impact is considered significant and unavoidable. The land use change from grassland and woodland ecosystems to urban development would emit significant greenhouse gas emissions, and reduce the ability of the landscape within the project to capture and store carbon. With the replacement of green spaces that reduce heat with development and landscapes that absorb heat, the project will increase the climate change impacts we already experience: extreme heat. The concrete will trap heat, and add to the urban heat island effect Chico feels daily during the extremely hot summers.

2. Increase Air Quality Pollutants. Butte County already is not meeting federal and state standards for ozone.

3. Detrimental to vulnerable and at-risk species. The FEIR states that the developer/construction firm will survey the area one to two weeks ahead of construction to see if these species are nesting or burrowing. It also states the developer/construction firm will hire a "qualified" biologist to help with a determination. Besides the significant loss of habitat to these species, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environments and are better tracked over several years. Additionally, there is a striking conflict of interest in the developer and construction firm being in charge of the surveys and hiring of the biologist.

4. Depletion of Groundwater and Wetlands. Adding 2,777 residential and commercial units will put an additional strain on an already depleted groundwater system and permanently alter to natural wetlands of the area.

5. Increase Wildfire Impact. Sprawl development in California's blaze-prone wildlands increases ignition risk, puts more people in danger and harms ecosystems and wildlife.

6. It is estimated that the additions of 2777 residential units will result in an additional 23,000 vehicle miles traveled (VMT) per day. The result will be greater pollution to our community, increased carbon contributing to the climate crisis and increased traffic for current Chico residents, particularly those neighborhoods adjacent to the proposed Valley's Edge.

The alternative is smart growth and planning that enhances people's opportunities to bike, walk and take public transportation to the markets, schools and community gathering places. Valley's Edge, while it describes cosmetic attempts at sustainability (bike paths, electric vehicle parking spaces, open space), it is yet another example of the reasons communities like Chico look more and more like San Jose or the Bay Area in general. It is antithetical to the reasons we live here – open, natural spaces, clean air, water and land, local healthy foods and active and healthy lifestyles. Smart growth promotes people and community over profit, long-term sustainability and resilience over unsustainable and short-term gain.

Let's do something different, something visionary, today and into the future, for the health and well being of all. That starts with not certifying large and sprawling developments like Valley's Edge.

Sincerely,

Lori Pforsich
4038 Augusta Ln
Chico, CA 95973

11-17-2022

To: Nicole Acain

Please also distribute this letter to the following:

Planning Commissioners

Toni Scott, Richard Ober, Paul Cooper, Dennis Deromedi, Bryce Goldstein, Lindsay Poulin, Larry Wahl.

City Council Members:

Debbie Presson, Dani Rogers, Stina Cooley

Mayor Andrew Coolidge

Vice Major Kasey Reynolds

Dale Bennett, Alex Brown, Sean Morgan, Mike O'Brien, Deepika Tandon

I am contacting you ALL to voice my concerns with the Valley Edge Specific Planning for Chico, California.

CLIMATE – FIRE SAFETY:

I view the climate change and the patterns of extreme weather events (fires/flooding) to be in direct conflict with this proposed site of development. One does not need to predict what will happen; those historic events have already shown what DOES happen. This is like striking a match in acres of paper and hoping for the best outcome.

TRAFFIC CONGESTION:

Chico has adopted zero carbon emissions goal for 2040. PLEASE explain how this works when your adding 2,777 housing units (probably AT least one car per household, likely 2-3 vehicles). Is Valleys Edge requiring all future homeowners to own and drive an electric vehicle? The math doesn't add up and I'd like to understand how Chico's future goals can be met with this development plan.

LOSS OF HABITAT for native plants and animals in this region of proposed development. Do the developers and city planners understand the complexities of extinction, relocation, and preserving a "few" flowers or animals that make Butte County awesome. It's kind of like immigration. You can't just plop a person who has walked from one country to another with nothing and stick them in the middle of a major metropolis city with nothing and say, "here you are-go thrive and have an awesome life". The same ideology works for flora and fauna, you know, the "gems "of Butte County.

WATER NEEDS: What you say? Were in a drought? The lakes and reservoirs have water in them. It's going to rain someday so don't worry about it.

Why not redesign and develop outdated, old buildings or vacant city lots that already exist within the city? Bring those up to date to service the needs of the people of Chico and future residents? Use what already exists and be transparent to the people that reside here. Make some noise, you might be surprised at the support you could gather. Knowing most people don't pay attention until it too late really isn't smart planning on the developer's part. Knowing most people don't understand the red tape of pushing through decisions in a quiet manner isn't smart planning. It all comes out in "the end".

Respectively submitted,
Laura Clausen, Resident/homeowner

Attachment F

November 17, 2022

To: City of Chico Mayor Andrew Coolidge
City of Chico Vice Mayor Kasey Reynolds
City of Chico Council Member Dale Bennett
City of Chico Council Member Alex Brown
City of Chico Council Member Sean Morgan
City of Chico Council Member Mike O'Brien
City of Chico Council Member Deepika Tandon

Cc: Mike Sawley, Principal Planner, City of Chico

Dear City of Chico Council Members,

State officials, developers, some fire scientists, and local governments are assuring the public that building in the wildfire urban interface in California can be reasonably safe. State legislation is in the works to force an alignment between insurance coverage and new standards for development in areas prone to fire. The Final EIR for the Valley's Edge Development follows this script. It dedicates a "Master" section to the wildfire threat, given that this was a point raised in many of the more than fifty letters that responded to the Draft EIR last year. The response is to promise a complex and costly set of conditions that are difficult to maintain and enforce. Even after every conceivable precaution is considered, the environmental impact review examines the project's exacerbation of wildfire risk to be "potentially significant." The question for the planners, politicians and public is whether the risk is worth it for this development, not only for the 8,000 or so new residents but for surrounding communities that could be affected by a wind-driven wildfire carried from structure to structure.

While I agree that communities and individuals should do all they can to lower their vulnerability to wildfire, recent fires around California and right in our backyard illustrate the difficulties in achieving this goal, especially when fire behavior and frequency defy most previous fire suppression and mitigation standards. A large development in the oak woodlands under today's environmental conditions is an untested experiment in land use planning and engineering. To argue that the building standards and landscaping exceed California requirements is not saying much because what is state-of-the-art today could be woefully inadequate when the next fire happens.

Attachment F

To implicitly contrast this engineered future with past failures --as if people had done nothing to prepare for recent catastrophes—sidesteps the fact that fire is increasingly unpredictable, frequent and dangerous. The speed of the Camp Fire made the defense of housing impossible. Creeks, rivers, roads and intentional fuel breaks could not slow that fire. “Only” about 50% of newer homes in Paradise burned compared to 82% of those built to pre-1980 standards. This is a significant advantage but those odds are still not good. The wind hurled embers miles beyond the front and took advantage of every lapse in fire safe practices in yards, roads, parks, and open space to spread further.

One of the key sources cited in the Final EIR to justify the risk of the Valley’s Edge project is a case study about Montecito, in Santa Barbara County (Kolden et al. 2019). Despite being in a high fire severity zone and having suffered many fires in the past, Montecito fared well in the Thomas fire in 2017, with only a few homes lost. The Final EIR uses this as evidence that communities can be made relatively fire safe. The article details the complex efforts over two decades that led to this accomplishment—including active, engaged and primarily wealthy landowners; well-funded emergency responders; large lots that are ideal for defensible space; education programs and signage; and a good network of well-maintained fuel breaks. It was an exception that proved the rule, and would be difficult to replicate. Montecito is better known for the debris flow that killed 23 people and destroyed 500 homes the following rainy season as a result of the Thomas fire. This secondary catastrophe originated in the burn scar miles away, underscoring the regionally interdependent nature of disasters.

Our county and communities also have award-winning fire safe councils which have many projects in evacuation planning, fuel breaks, prescribed burning, chipper services incentives to homeowners to maintain defensible space, and Firewise education. These actions have not failed; instead, fires here have become catastrophic beyond the means to effectively plan or predict outcomes.

The National Institute of Standards and Technology (NIST Technical Note 2135) report on the Camp Fire concluded that no matter how much Paradise planned and prepared, the fire exceeded all imaginable circumstances:

This study has identified that Butte County and the Town of Paradise were well prepared to respond to a WUI fire, that the Camp Fire grew and spread rapidly and that multiple factors contributed to the rapid growth and spread of the Camp Fire (2021, iii)

It’s hubris to think that a development hugging this region’s foothills can be made reasonably safe from fire. The recently updated Butte County Community Wildfire Protection Plan (August 2022) notes its concern with development in foothills surrounding Chico:

The State Responsibility Area (SRA), which is east of Highway 99, is covered primarily by oak woodland and grass with some brush below 1000’ elevation. The foothills immediately surrounding the City of Chico mainly consist of light to medium fuels such as annual grasses, oak woodland, and chaparral brush mix. Combined with the topography and recent structural development, these fuels create a fire suppression

concern due to their ability to readily support ignition and fire spread, especially under windy conditions.

The City of Chico's Draft Community Wildfire Protection Plan (April 2022) echoes these concerns, specifying several neighborhoods along the northern and eastern edges of Chico that are particularly vulnerable to fire. Valley's Edge will join this group of highly problematic areas once it is annexed to the City. This is one finding of the report:

Wildfires do not obey jurisdictional boundaries. As evidenced by the 2018 Camp Fire, under extreme conditions, a large fire originating almost 20 miles away can threaten the city within a day. Future large wildfires in the foothills above Chico are a certainty.

The eastern foothills are Chico's "sacrifice zone." In lieu of more thoughtful and creative in-fill urbanization, the city simply pushes eastward. What is being sacrificed? Ecological functions, including the function of fire, for one thing. As my former colleague Don Hankins wrote in a letter last year, the presence of housing makes it hard to manage fire in more sustainable ways. Fire will come, and one way to keep fire from becoming catastrophic to the rest of Chico would be to apply prescribed burning in our foothills, including in the area of this project. Also being sacrificed is the function of animal grazing, which can reduce the likelihood of large wildfires in the habitats that surround and permeate Chico.

It's important to note that the fire mitigations described in the Final EIR for Valley's Edge will rely on the intense use and sequestration of water. The threat of fire, in effect, is being raised as an excuse to squander water. In Master Response 1 the document states that "*Vegetation within landscaped areas and around homes would be required to be irrigated to reduce available fuel loads.*" This expectation of generous water supplies leaves little room for the likely worsening of water availability and accompanying restrictions on its use. Will this community be somehow exempt from water reductions that the rest of us must endure? In addition, a "quasi-public" lake included in the project is touted as serving fire fighting capabilities as water sources, yet it is also mentioned that plans for the lake (and other smaller lakes) are not final and will undergo additional review by the City of Chico if the project is approved See response to Letter 38 and the following quote from section 4.14 "Wildfire:"

***Supplemental Water.** If it is determined feasible to construct a lake in Big Meadows Park water from the lake could be used for fire suppression, if needed. Installation of these features would not result in additional temporary or permanent impacts from exacerbating wildfire risk beyond those identified in impact 4.14-2.*

Whether the lakes are approved or not, I believe their contribution to fire safety is being used to make them acceptable to people who might see a "quasi-public" lake as an elitist diversion of scarce water.

I am grateful for the EIR process that allowed many people to rally their expertise in opposition to the Valley's Edge project last December. As a former county planning commissioner, I understand that once a jurisdiction is committed to a project, protests and counter-evidence are often brushed aside. Land use planning for wildfire is not a science, but a range of debatable and competing propositions. Some of the more optimistic scenarios might hold up in a laboratory or

in isolated cases, but they are untested in the real world and they often fail to see projects in their regional context. We've seen built-up suburbs burn to the ground in California in recent years, driven by catastrophic circumstances that originate miles away. To engage a cliché, this is the "new normal."

We are being asked to trade the risk of building into the foothills with a poorly-justified need for the kind of housing the developers want to build. I hold an advanced degree in Urban Planning from UCLA. What I learned there, and what I've tried to pass along to students in my years of teaching Geography and Planning at Chico State, is skepticism towards self-interested claims in planning and development. Claims about a great need for housing are overstated and too generic. Chico's growth is slowing. How long will people use the disruption of the Camp Fire and to justify reckless projects? This project will not respond to the real crisis which is in affordable housing. In response, this project uses a new buzzword, "attainable housing," and points to a tiny sliver of the project dedicated to high density housing. If the project could be considered on the basis of housing needs, it would have to be rejected.

Sincerely,

Dr. Jacquelyn Chase
Professor Emerita, Department of Geography and Planning
California State University, Chico
Chico, CA 95929-0425
jchase@csuchico.edu

Nicole Acain

From: Julian Zener <julianzener@comcast.net>
Sent: Thursday, November 17, 2022 1:14 PM
To: Nicole Acain
Subject: Housing but not Valley"s Edge

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Below is my letter (#32) of December 12, 2021 and my response to the FEIR Response to that letter.

HOUSING but not VALLEY'S EDGE

Chico needs more housing, both low income and moderate income housing. Chico needs more dense housing within the current city limits, near shops and public transportation to minimize the production of green house gases, safe from wildfires and floods and that is not environmentally destructive. On all of these issues and needs, the Valley's Edge project fails.

At 1450 acres, Valley's Edge is the largest development ever proposed for the city of Chico. 2,777 units are envisioned, extending up into the grass lands and blue oak-grey pine woodlands bound by Bruce Rd. to the west, Stilson Canyon Rd. to the north and Sky Way and Honey Run Rd. to the south. The majority of units will be high income, far beyond the reach of the average Chico resident. Significant green space is planned, but open only to residents – a functionally gated community. The Camp fire entered this area as well as two other wildfires in the past 15 years. Only one major egress from the area is planned – shades of the Camp Fire disaster. Roads and home sites will destroy wetlands and the normal flow of surface water down hill; biodiversity will suffer. Please see the critique of the project by Jared Geiser in the Blue Oak Group summer 2022 news letter of the Sierra Club.

For heaven's sake, let's build housing for the citizens of Chico and not for wealthy Bay Area transplants.

Julian Zener

1621 N Cherry St

Chico, Ca 95926

530-893-1994

My response:

In regard to the insufficient affordable housing units, the FEIR states that 1- the issue of affordable housing is no longer required in an EIR and 2- a developer does not need to commit to the number of such units as that can be adjusted after approval and as funds become available. This approach is unacceptable. As so often happens, without commitment, affordable housing is no longer pursued after approval.

The response that the since the production of GHGs can not be accurately quantified and therefore does not need to be addressed is untenable. Qualitatively, urban sprawl vastly increases GHG production compared with smart growth infill and can not be ignored.

The response that a comment "does not address the accuracy or adequacy of the Draft EIR" is used throughout the many responses in the FEIR and in my judgement is a cop-out.

Thank you,

Julian Zener

Nicole Acain

From: Gail Compton <gailacomp@gmail.com>
Sent: Thursday, November 17, 2022 1:46 PM
To: Nicole Acain
Subject: Valley's Edge Specific Plan Planning Commission Item

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Hello Nicole Acain,
I'm writing to you in your capacity as Staff Liaison to the Butte County Planning Commission. Please distribute this communication to Planning Commission Members Toni Scott, Richard Ober, Paul Cooper, Dennis Deromedi, Bryce Goldstein, Lindsay Poulin, and Larry Wahl, and include it in the December 1, 2022, Planning Commission meeting minutes to record as public record.

Planning Commission/Community Development Department
411 Main St, Second Floor
Chico, CA

November 17, 2022

Re: Valley's Edge Specific Plan Planning Commission Item

Dear Planning Commissioners,

As a long time citizen of this county, I am asking you to NOT certify the Valley's Edge Environmental Impact Report.

This massive development project will have a miniscule amount of affordable housing to support those who need it in our county. Since the Paradise Camp Fire affordable housing is needed more than ever. My family was impacted by this fire and many, many of my friends and co-workers were as well. The outcome of the fire increased the need for housing and attracted homeless to our county from outside of the area. After four years this situation still exists and the Valley Edge development does absolutely nothing to relieve the lack of housing. Instead, it will negatively impact the quality of our life by bringing in thousands from outside our region and negatively impacting traffic problems, road quality issues, air quality, water shortages (we are in a drought and rationing water), waste disposal issues, and wildfire danger.

The land proposed for development is a valuable natural resource. I have hiked in and visited this region many times. Not only is it beautiful, but it is needed. The trees and grass lands help mitigate our poor air quality (we do not meet state and federal standards for ozone). It is also part of the heritage of this region to support the animals that live there: wild turkeys and other birds, coyote, bear, mountain lions. You are aware that Butte Creek has the largest self-

sustaining, naturally spawning, wild population of spring-run Chinook salmon in the Central Valley. Runoff from Valley's Edge would cause harm to all the animals that use the Creek to survive, including migratory birds.

Given the challenges we have in this area due to climate change, please guide us in development that helps us navigate these challenges, for the health and well being of all.

Sincerely,
Gail Compton

Nicole Acain

Subject: FW: Hutton: Valley's Edge

From: Suzanne Bresina-Hutton <travelindaisy@gmail.com>

Sent: Thursday, November 17, 2022 2:36 PM

To: Dani Rogers <dani.rogers@Chicoca.gov>

Subject: Valley's Edge

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To all the members of the City Council:

We have moments in our lives when we can make a difference. We think one of those moments is now. Valley's Edge mega-development of 2,777 units,(roughly the size of Gridley) is proposed for the beloved lower foothills of our community. Say no to this mega-development. It's wrong for our community for so many reasons.

One major concern is that this development won't actually provide the type of housing Chico needs. Data indicates we need affordable housing and senior housing, not large homes and costly HOA's.

The mega-development lands in an active fire zone which has experienced three fires in the last 19 years. Let's not build in fire zones. Building on this vulnerable wild land greatly impacts the ecosystem of our foothills. 2700 units is a deep draw on the groundwater of the lower Tuscan aquifer. The loss of habitat for 1000 slow-growing oak trees and diverse wildlife is unnecessary. We all love the wild hills around us; losing them to sprawl is unthinkable.

Building such a massive number of units on the edge of the city means an impact on the quality of Chico. We love Chico because it has retained its personality and charm. It is not yet lost to sprawl. The mega-development will create traffic, greater carbon emissions, and pollution impacting air quality and our quality of life.

We ask the Planning Commission and the City Council to choose more thoughtful and sustainable growth within our urban area and in under-utilized areas. Make a difference now. Say no to sprawl. Say no to the loss of pristine lands. Say no to the Valley's Edge mega-development!

With gratitude,
Suzanne Bresina-Hutton and Graham Hutton

Nicole Acain

From: Marvey Mueller <marveychap@gmail.com>
Sent: Thursday, November 17, 2022 3:11 PM
To: Nicole Acain
Cc: Debbie Presson
Subject: Opposition to Valley's Edge Development

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ATTENTION: This message originated from outside City of Chico. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov .

Dear City of Chico Planning Commission Members,

As a long-time observer of the effects of careless urban planning on carbon emissions and Climate Change, I must register my opposition to the Valley's Edge Development. To build so many large homes in a foothill area with no public transportation only begs the need for three or four cars at each residence. All of that pollution will only increase the smog in the inversion layer that now hangs over our valley. That isn't even taking into count the fact that egress is limited in a known fire/soil erosion area. A perfect example of this foolishness is the many large homes in cul-de-sacs in Paradise that all burned to the ground. Have developers in this area learned nothing?

How this project will ever pass the CEPA requirements is beyond me, and will we the taxpayers of Chico have to foot the bill to defend this project legally? With our limitations of agricultural boundaries and dangerous foothill locations, it is clear that future homes need to be smaller and denser. That will also make them more affordable which is definitely what our area needs. Can we please take the time to plan appropriately for our future and come up with housing solutions that are reasonable and sustainable in the even more trying years of climate change that are ahead of us?

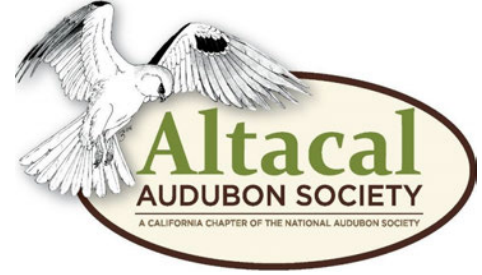
Sincerely,

Marvey Mueller
1150 Glenwood Ave.
Chico, CA 95926

Altacal Audubon Society, Inc.

Post Office Box 3671

CHICO, CALIFORNIA 95926



Letter to City of Chico Planning Commission – VESP Opposition

City of Chico Planning Commission
411 Main Street
Chico, CA 95928
Subject: Valley's Edge Specific Plan
Attention: Debbie Presson

Please forward this letter to all Planning Commissioners and relevant staff and include it in the December 1, 2022, Planning Commission meeting agenda and minutes to record as public record.

Dear Planning Commissioners:

Altacal Audubon Society promotes the awareness, appreciation, and protection of native birds and their habitats through education, research, and environmental activities. Based on thorough analysis of the Valley's Edge Specific Plan (VESP) and its Environmental Impact Report (EIR), it is clear that the project's environmental impacts are too severe for this project to be in line with the City of Chico's General Plan (GP) and Climate Action Plan (CAP).

This letter is to urge you to please oppose the Valley's Edge Specific Plan, VOTE AGAINST CERTIFICATION OF THE EIR and the Statement of Overriding Considerations for the impact of Significant and Unavoidable Greenhouse Gas Emissions.

Here are the main reasons we urge you not to recommend this project go forward for Council approval:

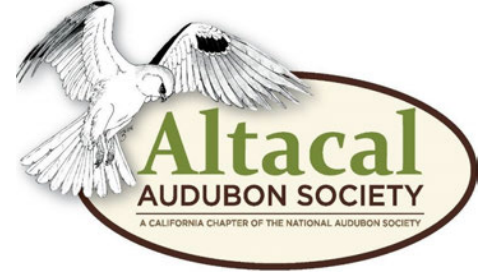
1. The **Significant and Unavoidable Impact of Greenhouse Gas Emissions** would exacerbate climate change impacts on birds, other wildlife, and Chico residents while also being inconsistent with local planning documents (City of Chico GP & updated CAP) and state policies (EO B-55-18).
2. The **large-scale habitat destruction** proposed by the VESP would harm sensitive birds and other wildlife who are already facing drastic population declines.
3. The **VESP stands in opposition to most Smart Growth Principles**, despite the fact that the City of Chico GP calls for Smart Growth.

Attachment F

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1. The Significant and Unavoidable Impact of Greenhouse Gas Emissions would exacerbate already severe climate change impacts and be inconsistent with local planning documents and state policies.

The project's greenhouse gas emissions are significant and unavoidable, and they exceed the City's newly updated Climate Action Plan GHG reduction targets, obstructing the attainment of the plan. The mitigation measures are insufficient, and will not do much to mitigate emissions. The project exceeds the greenhouse gas emissions thresholds with mitigations, so the impact is considered significant and unavoidable.

The minor changes to the project incorporated in the FEIR do not change the project's impact on climate change; which threatens $\frac{2}{3}$ of North American bird species with extinction (according to Audubon's Report Survival by Degrees: 389 Bird Species on the Brink). The City should not continue to ignore the inconvenient truth of climate change. The fate of human society and the ecosystems of the Earth depends on climate action now.

Climate Change poses severe threats to the health and safety of Chico residents. The negative impacts residents of Chico will face from Climate Change are well documented in the City's Climate Change Vulnerability Assessment¹.

Some major climate impacts to Chico residents' health, safety and quality of life identified in the City's Climate Change Vulnerability Assessment include:

- Extreme Heat
- Increased Wildfire Risk
- Changes in Precipitation Patterns
 - Increased Storm and Flooding Events
 - Reduced Snowpack
 - Reduced streamflow in summer months

These impacts pose various threats to the people of Chico. Extreme heat causes people to suffer from heat related illnesses. Increased wildfire risk threatens communities and exacerbates public health impacts from wildfire smoke. As less precipitation falls as snow and the snow melts earlier due to warming temperatures, we will see our stream flows continue to decline. This will ruin recreation opportunities for Chico Residents and further harm fish and bird species dependent on water in the streams. A big chunk of Big Chico Creek West of One Mile already goes dry in the summertime. Protecting and enhancing streamflow is critical.

These climate impacts are not inevitable. They can be mitigated by REDUCING GHGs and adapting.

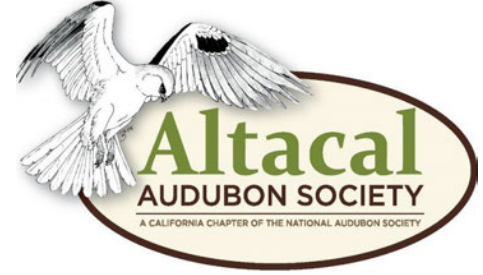
The VESP is also inconsistent with state statutes relating to GHGs, including EO-B55-18 which "establishes a statewide policy...to achieve carbon neutrality no later than 2045 and

¹<https://chicosustainability.org/documents/ChicoClimateChangeVulnerability.pdf>

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maintain net negative emissions thereafter”(dEIR 4.7-11). By emitting ~17,000 MTCO₂e each year during project operation, Valley’s Edge would obstruct the attainment of this statewide policy and therefore be inconsistent with it.

Chico needs to focus on Smart Growth to meet the housing needs of the population and provide a good quality of life for Chico residents without exacerbating climate change and species extinctions. The Opportunity Sites identified in the General Plan ought to be the focus of future growth. Not the foothills surrounding the City that provide innumerable benefits to Chico including aesthetics, fire buffer, wildlife habitat, and several ecosystem services.

2. The large-scale habitat destruction proposed by the VESP would harm sensitive birds and other wildlife who are already facing drastic population declines. The project would destroy huge swaths of bird and other wildlife habitat, primarily grasslands and oak and pine woodlands. Destruction of these habitat types have contributed to population declines of several bird species including: **White-Tailed Kites, Lewis’ Woodpeckers, Oak Titmice, Brewer’s Blackbirds, Horned Larks, Northern Harriers, Burrowing Owls, Loggerhead Shrikes, Yellow-Billed Magpies,** and more. The different species mentioned above have seen declines of varying degrees from 33%-76% over approximately the past 50 years. Besides the significant loss of habitat to these species and many more, a single survey at a single point in time is not comprehensive or longitudinal. These animals move to different environments and are better tracked over several years.

The blue oak and foothill pine woodlands on this site are expected to burn every 5-15 years (according to the Draft EIR), making this land poorly suited for housing development due to the fire danger. **This land** has burned multiple times in the past 15 years and **served as a critical buffer to protect homes in the City of Chico during the Camp Fire.** The project site is in the current Wildland Urban Interface (WUI) and thus, developing this land would extend the WUI further into the foothills where it will be harder to create a defensible fuel profile zone to protect the City of Chico. **Creating a defensible space in the foothills with more coniferous forest will decrease habitat for even more species of birds.**

3. The VESP stands in opposition to most Smart Growth Principles, despite the fact that the City of Chico GP calls for Smart Growth.

The 10 Principles of Smart Growth (According to Smart Growth America² & a guide from the US EPA³):

1. Mix land uses
2. Take advantage of compact building design

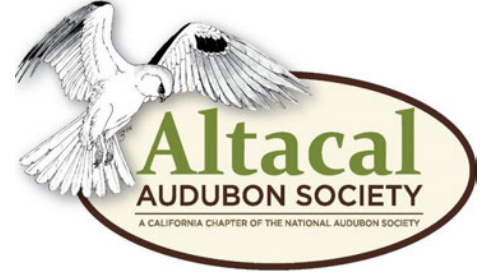
² <https://smartgrowthamerica.org/what-is-smart-growth/#custom-collapse-0-0>

³ <https://www.epa.gov/sites/default/files/2014-04/documents/this-is-smart-growth.pdf>

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3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

Smart Growth has picked up a lot of steam because urban growth patterns in America over the past century have had serious consequences such as automobile dependency, excessive GHG emissions, ecosystem disruption, loss of farmland, and wildlife population declines. **Smart growth is an alternative to suburban sprawl developments like the VESP and needs to be the focus for future growth in Chico** so we can meet our communities housing needs without jeopardizing our climate or sensitive wildlife species.

We respectfully request that Planning Commissioners vote against the certification of the FEIR due to the gaps in analysis and inconsistencies identified in Public Comments (e.g. CDFW & BEC Comments) that were never addressed in the FEIR.

We also request that the honorable people serving on the **Chico Planning Commission reject the declaration of overriding consideration on the significant and unavoidable impacts to GHGs** due to the existential threat climate change poses to human society and the birds we aim to protect.

Thank you for considering our public comment and keeping it in the public record.

Sincerely,

Jared Geiser
Altacal Audubon
audubonaltacal@gmail.com

Nicole Acain

From: jessica giannola <jesicagiannola@gmail.com>
Sent: Thursday, November 17, 2022 4:12 PM
To: Kasey Reynolds; Nicole Acain; Sean Morgan; Deepika Tandon; Andrew Coolidge; Michael O'Brien; Dani Rogers; Debbie Presson; Alex Brown; Addison Winslow; Monica McDaniel
Subject: Valley's Edge Development

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying. Please report any suspicious emails with the Phishing Alert Button in Outlook or forward the email to phishing@chicoca.gov

Hi Nicole,

Can you please forward this email onto the planning commission and relevant parties, thank you.

I am submitting for the record my opposition to the Valley's Edge development project. It does not fall in line with our general plan. The development will not serve to house the people of Chico. It is a costly build in terms of resources, negative impacts upon our water and environment, and despite claims that fire mitigation will be adequate, my home and the homes of my neighbors are not worth the gamble.

I stood at the end of my neighborhood street the night of the Camp fire and watched the fire crest the ridge right there at the foothills, in the exact location that the intended Valley's Edge development will go. The location is a known back burn site, used to protect the boundaries of Chico from wildfire. Fire will once again return to the same section of Chico and homes built within its path will lead directly to our homes.

The development will take from our limited groundwater to create their personal lake, endangered species will be destroyed and misplaced, fire risks increase (no matter what opposing opinions are on this, this is a fact), and at this point in time Chico needs to support development that increase affordable housing resources for the people of Chico.

Thank you for your time and consideration,

Jessica Giannola
530-966-3445

November 17, 2022

From:

Paul & Kathy Coots
2646 E 20th Street
Chico, CA 95928
pkcoots@comcast.net

To:

Submitted by email

nicole.acain@chicoca.gov

City of Chico Planning Commissioners

Toni Scott-Chair

Richard Ober-Vice Chair

Paul Cooper

Dennis Deromedi

Bryce Goldstein

Lindsay Poulin

Larry Wahl

debbie.presson@chicoca.gov

Chico City Council

Andrew Coolidge, Mayor

Kasey Reynolds, Vice Mayor

Dale Bennett

Alex Brown

Sean Morgan

Mike O'Brien

Deepika Tandon

Cc: *Mike Sawley*, Principal Planner mike.sawley@chicoca.gov

RE: Valley's Edge Final Environmental Impact Report (Final EIR) & Valley's Edge Specific Plan (VESP)

Dear City of Chico Planning Commissioners and Chico City Council,

By way of introduction, we are long-time residents of Butte County with much of that time within or just outside Chico city limits. We are retired educators with advanced degrees and credentials. Although retired, we continue to give back to our community and region through active engagement with non-profit organizations. We are lifetime members of the Sierra Club. We belong to Butte Environmental Council, CSU Chico Women's Philanthropic Council, Friends of Butte Creek, Smart Growth Advocates, Chico, and Chico VELO to name just a few. Paul serves on the Board of Lassen Park Foundation, contributes hours and expertise to Osher Lifetime Learning Institute at CSU Chico, and recently served on Butte County Civic Grand Jury. Kathy works with the Butte County Library Literacy Program to help low-literate adults with their personal literacy goals. We contribute our time and our money to efforts that reflect our values. Protect our environment, and speak up for those without voice, make a difference now that positively impacts the future for our children and grandchildren—by grandchildren, we figuratively mean the future.

We would be considered by many to be NIMBYs, because we currently live within about a quarter mile of the E 20th Street entrance to Valley's Edge, and only a tenth of a mile from its western boundary of the Steve Harrison Bike Path. It is precisely because we are right here in the vicinity that we have insight to how this development impacts the future of this corner of Chico. The development as currently described is beautifully designed and thoughtfully envisioned. *But* it's the wrong place and with climate changes impacting our daily lives here in the north state, it's also the wrong time.

To guide the reader through our letter, we have structured it in this way:

- The first section is a reminder of two elements of the EIR that remain significant but unavoidable and why that’s extremely important to seriously consider your vote on this proposal.
- In the second section we describe at least two areas we believe are inadequate based on our local knowledge and using the City’s own documents as well as the California Office of the Attorney General.
- Finally, in the third section we highlight four remaining general comments about Valley’s Edge Final EIR and VESP.

SECTION 1: Remaining *Significant but Unavoidable* Environmental Impacts—Aesthetics & GHG Emissions

We are confident that Planning Commission members and City Councilors are all aware of these two identified significant but unavoidable environmental impacts, but we want to emphasize their importance in your decision-making process.

Aesthetics (Element 4.1)

We want to help you to envision just how big Valley’s Edge really is. The acreage for Valley’s Edge is larger than Gridley. The population is estimated to be similar, slightly less since nearly half the residences are age-restricted to over 55. Essentially VESP is a Master Plan for the future development of a town along the outer edge of our city. It is crucial that current residents understand the impact to our viewshed. The viewshed is something we all lose—forever. The pastoral calm of the area will be lost, not temporarily, but forever. Because pieces of this area will be developed by many different developers, each buying into a slice of the pie; even though standards are included within the VESP, it truly remains to be seen the true impact. Will the elementary school be two-story? How about the apartment complex along the western edge near the bike path? Driving along Bruce Road or up Skyway or E 20th Street, we can see and feel the peacefulness our foothill viewshed provides to us all.

Like many residents of our beautiful north state, we were drawn here by the beautiful landscapes, economic opportunities, and the quality of life. As we continue to grow, the very elements that define our area are at risk of extinction. How can we protect these amazing landscapes for everyone’s benefit and for the future? It appears from comparing the Draft EIR and the Final EIR, there remains significant impact that *cannot be mitigated*. Are we really okay with that?

4.1 Aesthetics			
4.1-2: The proposed project could degrade the existing visual character or quality of public views of the site and its surroundings.	Significant	AES-1: Future residential and commercial development would be reviewed pursuant to Chapter 19.18 of the Chico Municipal Code. Review and approval of any site plans and architectural designs would be required prior to the issuance of a building permit by the project’s Design Review Committee, City planning staff, and the City’s Architectural Review and Historic Preservation Board (if required), unless the proposed development is exempt from design review under Title 19.	Significant and Unavoidable
4.1-4: The proposed project could result in a significant cumulative impact related to scenic vistas and quality of public views or visual character.	Significant	Implement Mitigation Measure AES-1.	Significant and Unavoidable

The VESP is careful to describe the vision for each space. But we truly do not know how this will play out in the future. Did the vision for Meriam Park include a barn? Did it include a drive-in movie theater screen that is several feet tall? And Bruce Road still has not had the improvements necessary for the build out of Meriam Park and Oak Valley.

Valley's Edge is an example of urban sprawl: an expansion of lower-density housing, auto-dependent development spread out over large amounts of land. Gridley has a public library, a hospital, auto mechanics, grocery stores, not just one elementary school, but middle and high schools as well. These distances between where we live and where we work or go to school or seek out other services creates harmful impacts to environment such as those studies in an Environmental Impact Report. Which brings us to Greenhouse Gas Emissions.

Greenhouse Gas Emissions (GHG) (Element 4.7)

Valley's Edge is inconsistent with our City's Climate Action Plan (CAP) which *passed unanimously* by our City Council in 2021—just one year ago. The City of Chico CAP calls for reduction of GHG emissions to achieve carbon neutrality by 2045, with the 2030 interim goal of 2.76 MT CO₂e per capita. Valley's Edge GHG emissions are estimated to be 3.13 MT CO₂e/capita. It does not matter which target date is used; the City's efficiency target cannot be met if Valley's Edge is built. The response (49-15) to this concern in our comment letter regarding the Draft EIR is this:

*Therefore, the proposed project was determined to result in a cumulatively considerable contribution of GHG emissions. No change to the EIR analysis is required and **impacts would remain significant.***

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. Can you each individually state in writing why you support actions that result in significant impacts to the future of Chico?

At some point, the adults must have the backbone to say, not this, not now. Our children's future is too important. We know that GHG emissions are a leading cause of climate change and our county has suffered far too many impacts in the most recent five years.

Likely to gather support for the development from our senior population, Valley's Edge sponsors Osher Lifelong Learning Institute (OLLI). In a recent newsletter to OLLI members the developer stated:

*Last month, the **final Environment Impact Report concluded** that the proposed Valley's Edge Specific Plan **is consistent with Chico's General Plan, stating that potential environmental impacts have been consciously considered and mitigated**, with attention to the existing unique natural features on the site, including protected habitat, cultural resources, and rock walls.*

This is a misleading statement given that there are several findings that are only 'generally consistent' with Chico's General Plan and not all environmental impacts have been mitigated. Unless you were an OLLI member, would you be aware of these misleading statements? Facts are important in this decision-making process. Decision-makers need to know the how the development is being sold to others.

SECTION 2: **Inadequate responses remaining** in the VESP and Final EIR for Valley’s Edge—Traffic and Wildfire

Traffic (Element 4.13)

Traffic on E. 20th Street along Belvedere Heights and Doe Mill will increase dramatically. Just four years ago we organized a few of our neighbors and approached the City through the Neighborhood Traffic Management Program to see if we could slow the flow of traffic. We had vehicles traveling more than 80 m.p.h. with a posted speed limit of 25 m.p.h. At that time a traffic study was conducted for one full week. We now have driver feedback displays, flashing current speed at either end of the Doe Mill neighborhood, and a new posted speed limit of 35 m.p.h. What is most significant here is at the time the total vehicle count was about 13,000 in a week. The traffic study completed for VE Draft EIR estimates 29,000 vehicle trips per day from the development. About 5,000 trips are estimated to stay within the development. The other 24,000 trips will travel outside the development with the only entry/exits—Skyway and E 20th St. Therefore, traffic at build out is estimated to be nearly a week’s worth of vehicles traveling up and down E 20th Street each day! We are very concerned out safety of cyclists and pedestrians as there are many in our neighborhoods. The City’s response to our concern 49-18 was...” please see response 9-49.” Response 9-49 states:

*Development of the VESP would occur over many years; consequently, the transportation infrastructure improvements would also be concurrent with development. As development occurs, **the City will require the project to construct new transportation infrastructure** (vehicle, bicycle, pedestrian, and transit facilities) in and adjacent to the project site, which may include completing gaps in the existing network as needed to accommodate project travel, consistent with the City’s implementation of Action CIRC 1.1.1*

We are very curious how the City actually requires the new transportation infrastructure. It appears that the City dropped the ball with the requirement for the bridge over Little Chico Creek Diversion Channel connecting Potter Road in Little Chico Creek neighborhood to Potter Road in Belvedere Heights. That bridge would provide the necessary second evacuation route in case of emergency for Belvedere Heights. We all evacuated the night of the Camp Fire, luckily, we had all day to prepare. Here’s what that Potter Bridge approach looks like today--abandoned.



Potter Road looking north from Belvedere Heights to Little Chico Creek Estates.



Potter Road looking south from LCC Estates to BH.

This response and the Traffic and Circulation portion of the FEIR is inadequate as it does not provide improvement that impact to the safety of all those who use the bike lanes and sidewalks, dozens and sometimes hundreds per week. We cannot imagine that the bridge over the Diversion Channel immediately adjacent to our home is wide enough to accommodate bike lanes and two-way traffic safely in the volume predicted. We have heard that there are plans to widen E 20th Street to accommodate the traffic for this development, but at the least this would mean a two-way left turn lane from Bruce to the entrance to VE. Then from either westbound or eastbound, **there is a bottleneck at the Diversion Channel bridge**. And it is the Diversion Channel bridge where the bike trail intersects to connect to the Steve Harrisons bike path—the western boundary of VE.



Note how much space this school bus uses.



That's Valley's Edge property in the distance. Pedestrians, dog walkers, joggers, and cyclists use the bike path here to cross to and from Steve Harrison Bike Path. The open field in close is a biological preserve.

Three lanes will reduce to two lanes on either side of the Diversion Channel...at precisely the same place pedestrians and cyclists need to cross. The property nearest the Diversion Channel includes a biological preserve and a Cal Water pump station. Not spaces to widen the roadway. Plus, the expense of widening the Diversion Channel Bridge seems to be beyond anything the City might want to take on. We encourage each member of the Planning Commission and the City Council to visit the Diversion Channel bridge on E. 20th Street to analyze the situation we are describing.

There are no explicit plans in the Final EIR truly describing Traffic and Circulation at full buildout. We realize how the development grows will determine when different street alterations take place. We understand these take place according to Phases of development. But, except for noise calming pavement near VE entrance and extra lane(s) at the intersection of Bruce and E. 20th Street, at full build out there are zero descriptions of what E 20th Street will look like between Dawncrest at the most

easterly end and Bruce Road to the west. The City, the VESP and the Final EIR for Valley's Edge do not adequately describe just what E 20th Street will look like. This lack of information is unconscionable to the current residents in adjacent neighborhoods.

We are not looking forward to the traffic volume coursing in front of our home to **increase 500%** at a minimum. We already live here. We already pay taxes here. We already drive on roadways that are deteriorating. We already sit at traffic lights for more than one cycle. The intersection at E. 20th Street and Bruce will degrade in Level of Service (LOS), even with mitigations (if they are implemented) to a level that is beyond the City's target of LOS D. These conditions are NIMBY issues. But really, the main reason we care so much about Traffic and Circulation? Emergency evacuation plans, which leads to the next element we still find inadequate.

Wildfire (Element 4.14)

There were many comment letters that brought up the issue of Wildfire on this property. As a result, the VESP/FEIR was amended to include a Master Response for Wildfire to address these concerns. The resulting Master Response does not adequately describe coordination with the surrounding neighborhoods and evacuation planning. The Master Response does describe egress and ingress in the event of an evacuation—with emergency vehicle access on north, east, and west sides of the property. There are no connecting roads on the north or east side, so these are not easy to determine what kind of evacuation or fire truck access could occur. Having witnessed the chaotic evacuation during the Camp Fire and having to evacuate that first night, we want clear evacuation routes identified beyond the VE property. To quote a Chico Enterprise Record (11/8/2022) article about Chico Police Department Officer Paul Ratto's takeaway from the Camp Fire:

The route out of Paradise was not adequate to get 20,000 people out of harm's way.

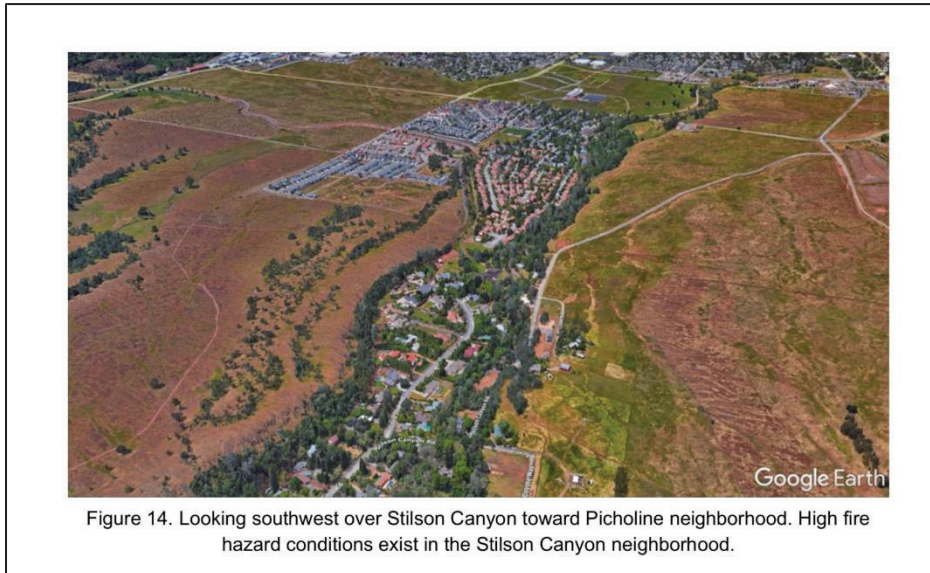
As founding members of the Little Chico Creek Fire Safe Council (LCCFSC), our group has faced roadblocks trying to work with both County and City entities to try to clear the vegetation fuel along Little Chico Creek. You see, that creek is City responsibility within City limits, but it originates in the county. As members of LCCFSC, we are also aware that a continued source of wildfire concern for our county is Forest Ranch and Butte Creek Canyon. Imagine evacuations westward out of Butte Creek Canyon/Honey Run or out of Stilson Canyon. Now also imagine fire trucks and other emergency responders swimming upstream. The Steve Harrison Bike Path is gated at both ends. That exit was not opened early during the Camp Fire exodus. Butte County has lost 100 lives to wildfires since 2018. Please, please no more.

Why are we so passionate about this issue? My elderly parents live in Belvedere Heights neighborhood. There is only one direction out of that neighborhood, since the Potter Road connecting bridge never developed. Imagine trying to snake out of that neighborhood then make a right turn onto E 20th Street with hundreds if not thousands already streaming down the roadway and fire trucks making their way against that traffic. We lived that once—November 8th, 2018. Even if emergency response uses fire-only access roads, they are traveling at least a portion of that time along the same roadways as evacuees.

In our Comment Letter we highlighted a map in the City's Community Wildfire Protection Plan (CWPP) on page 74. We want to direct the Commissioners and Councilors to the same map. The City's Response #49-20: "due to the resolution and quality of the map the information is not clear, and it is difficult to

assess the accuracy of the commenter’s claim that City parcels in the area are mapped for torching and crown fires.” This is the City’s own map that was completed for the CWPP. To go on, the City’s Response continues “Regardless, the **commenter is generally correct that ...open-space parcels do not lend themselves to vegetation clearing due to the presence of biological resources.**” The following quote and photo are from the City’s CWPP, dated April 2022:

Of special concern is a scenario where a fire starts in Little Chico Creek Canyon around or east of Stilson Canyon and spreads SW to the west of Marsh Junior High and into the (unincorporated) El Monte neighborhood. While not officially within the city limits, the Stilson Canyon neighborhood has major exposure to wildfire losses, and heavy vegetation here could help fires spread south toward the Picholine neighborhood.



Just a reminder, Valley’s Edge is situated between Butte Creek Canyon and Stilson Canyon, watersheds with large loads of vegetative fuel.

Probably most significant at this moment are new guidelines from the office of California’s Attorney General. We encourage each Commissioner and Councilor to visit the document [Wildfire guidance final \(3\).pdf \(ca.gov\)](#) Here are a few key quotes from the document (red ink added to aid the reader):

*In the EIR’s discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well **as a discussion of fire history** and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR **fully considers the project’s impacts on wildfire risk.** (p. 6)*

*... lead agencies must consider **both on- and off-site impacts.** (p. 7)*

Continuing from the Attorney General's Wildfire Guidance:

Several variables should be considered in analyzing a project's impact on wildfire risk, including:

Project Density: *Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. **Fire spread and structure loss is more likely to occur in low- to intermediate- density developments.** This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough (as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation. **"Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation."***

To understand how a project may exacerbate the risk of wildfire, an EIR should...use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread. (p..9)

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape. (p.9)

Apparently the Final EIR, Master Response for Wildfire draws a conclusion contrary to existing evidence that the Attorney General's Office is using. Here's a quote taken from the opening paragraph of Wildfire Master Response:

*As stated on pages 4.14-24 through 4.14-17 of the Draft EIR, minimizing the risk of ignition within the plan area would not only **benefit the project but also provide protection to the surrounding area.** To clarify that the project is designed to minimize affecting adjacent areas the analysis in the Draft EIR under Impact 4.14-2 is updated to clarify that this would not only reduce the likelihood that a wildfire would impact the project but also **reduce the likelihood of a fire occurring within the project and spreading to surrounding areas.***

And recalling our concerns regarding evacuation for existing neighborhoods, please continue to read quotes from the Attorney General's guidance:

Evacuation modeling and analysis should include the following:

- *Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.*
- *Assessment of the timing for evacuation.*
- *Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.*
- *Evaluation of the project's impacts on existing evacuation plans.*
- *Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.*
- *Traffic modeling to quantify travel times under various likely scenarios. (p.10)*

The Attorney General’s Office advises in the same document for cities to rely on higher density infill developments as much as possible.

- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).
- Decreasing the extent and amount of “edge,” or interface area, where development is adjacent to undeveloped wildlands. (p. 12-13)

As you read through those quotes above, we believe you can clearly see the Final EIR even with its Master Response Wildfire, falls short and is inadequate in its evaluation or planning or analysis of Wildfire within the development and beyond the development. Just taking the final bullet above, the eastern edge of the development is adjacent to undeveloped wildlands and the area immediately to the western edge is designated a 100+ acre preserve, which incidentally caught fire in August 2019.



Photo of Valley’s Edge property taken November 10, 2018. The oak tree had glowing embers for days at its base. In the foreground is the Doe Mill/Schmidbauer biological resource preserve. The Stonegate approved development increases the preserve—all along the western boundary of Valley’s Edge.



11:08 a.m. on November 8, 2018

Steve Harrison Bike Path being used for evacuation. At that same moment our son was trapped in Paradise in his car, trying to get to any road down the hill. Skyway was backed up for hours. Evacuation plans must be fully designed before development approval. We've lost 100 lives in Butte County!

Please also consult the City's own Community Wildfire Protection Plan. We already have far too much of our city at risk for wildfire and we have all felt the indirect impacts of smoke and poor air quality from the Camp Fire, the North Complex and most recently the Dixie Fire. Use the Chico Fire Department (CFD) to promote defensible space within our city limits, instead of patrolling Valley's Edge to determine adherence to Fire Wise Guideline. Use CFD to lend a hand to the Little Chico Creek Fire Safe Council to fully establish the LCCFSC presence within our neighborhoods along Little Chico Creek watershed. Don't add more responsibility area when we can't take care of what we already have. [A bit of frustration here, our LCCFSC asked our Chief to speak to us, which he did during one meeting through Zoom. He knew of our existence, yet when the CWPP was developed and published in April 2022, we were not recognized as trying to do this work of protecting our neighbors. We were not consulted. Our Fire Chief knew we existed.]

SECTION 3: Remaining General Concerns regarding VESP and Final EIR

First, throughout the FEIR/VESP there are several “Generally consistent” qualifiers. Too many to list each one here. We encourage each member of the Planning Commission and the City Council to analyze these. We display one below to showcase the loose interpretation of *contiguous to existing urbanized areas* and *compact in form*.

<p>2.6 Compact Urban Form and Infill Development Encouraged</p> <p>When reviewing proposals that result in urban development, LAFCO will consider whether the proposed development is timely, compact in form and contiguous to existing urbanized areas. LAFCO will favor development of vacant or under-utilized parcels already within a city or other urbanized area prior to annexation of new territory.</p>	<p>Generally consistent. The VESP is contiguous to the City of Chico and generally designed as a compact land use plan to maximize preservation of open space for parks and trails.</p>
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Second, Chico Housing Element Update is currently at the California Department of Housing and Community Development for approval sometime in December. In the document, Chico demonstrates there are sufficient sites that can be developed to exceed the housing production targets for the planning period 2022-2030. The postpone the decision about Valley’s Edge seems prudent. See the table below:

Resource Inventory

Chapter 5 describes the availability of land and financing necessary to produce a variety of housing types to meet the needs described in the Housing Needs Assessment. It includes an Adequate Sites Inventory that identifies land within the city that can be developed to meet housing production targets (RHNA) over the next 7.5 years as established by the State and the Butte County Association of Governments. The inventory shows that there is adequate appropriately zoned land within the city to exceed housing production targets for the Housing Element planning period of 2022-2030, as shown in Figure 40.5 below.

Figure 40.8: City of Chico, RHNA and Sites Inventory Table, 2022-2030

Income Level	RHNA	Sites Inventory	Surplus (Deficit)
Lower Income (Very Low and Low Income)	1,608	2,504	896
Moderate Income	770	882	112
Above Moderate Income	1,110	1,169	59
Total	3,488	4,555	1,067

City of Chico 2022-2030 Housing Element Update: Executive Summary 14

Third, we have remaining concerns regarding Biological Resources, Hydrology and Water. We know that permitting agencies such as the California Department of Fish and Wildlife will be scrutinizing the proposal before issuing any permits. We do want you to know we are gravely concerned about resources. We thought you might want to see this most recent Drought Update from the Butte County

Board of Supervisors Agenda dated November 8, 2022. It serves as a reminder that climate change is with us daily.

BUTTE COUNTY BOARD OF SUPERVISORS AGENDA – NOVEMBER 8, 2022

- 4.10 Drought Update - Continued dry weather throughout California has led to Extreme Drought conditions in Butte County and the North State. In response to this evolving disaster, several County Departments are working together to address immediate needs, gather data for analysis, and provide drought relevant information to the public. The Environmental Health Division of the Public Health Department (Division) is tracking well permits, dry well reports, and is working with local small water systems to address drought related well issues. The Division is also working to integrate data collected at the County level with State run programs. The County Office of Emergency Management (OEM) executed Phase 1 of the immediate drought relief program. This program provides hauled water to County residents with drought related well issues. As of November 1, 2022, 202 households have applied for the assistance. Water deliveries began on July 13, 2022. Phase 2 of the program started on October 25, 2022, and as of the October 26, 2022, seven water tanks have been installed with 54 tanks scheduled for installation over the next few weeks. The Department of Water Resource and Conservation has been working with OEM and the Division of Environmental Health to ensure the County website, www.buttecounty.net/drought, is up to date with current County and State resource information. In addition, the Department applied for several grants to repair and update small community water systems – action requested – accept for information. (County Administration)

Finally, whether the Planning Commission or City Council votes to accept Valley’s Edge Special Plan and/or the Valley’s Edge Final Environmental Impact Report, it behooves us all to understand the fiscal burden to our city and all taxpayers should this development proceed. Please take into consideration the fiscal burdens of accepting developer-installed infrastructure as future maintenance and capital costs are thereafter inherited by all of Chico. Please take time to analyze the full costs and revenues of the proposed development on the community considering its distance from our downtown core and two of our major employers, CSU Chico and Enloe. What are the initial capital costs, long-term capital costs, and operations and maintenance costs? Recent studies (The Fiscal Implications of Development Patterns: Chattanooga, Tennessee, 2017) demonstrate that compared to conventional suburban development patterns, *in-fill development in a walkable urban core*:

- *Costs less for upfront infrastructure;*
- *Reduces the costs of ongoing delivery of services; and*
- *Generates several times more tax revenue per acre.*

It is that last bullet...*generates several times more tax revenue per acre* that strikes us as critical.

We realize you each are tasked with a monumental decision. Take time to make your decision. Chico’s future depends on it. We sincerely hope our grandchildren’s children will love this place the way we do.

Respectfully submitted,

Paul Coots & Kathy Coots



Nicole Acain

From: Nancy McCune <nmccune7@gmail.com>
Sent: Thursday, November 17, 2022 6:30 PM
To: Debbie Presson; Nicole Acain; Dani Rogers; Stina Cooley
Cc: Mike Sawley
Subject: Opposition to Valley's Edge SP

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Please distribute my letter to the Chico Planning Commissioners and the member of the Chico City Council.

City of Chico Planning Commissioners

Toni Scott - Chair
Richard Ober - Vice Chair
Paul Cooper
Dennis Deromedi
Bruce Goldstein
Lindsay Poulin
Larry Wahl

Cc: Mike Sawley, Principal Planner, City of Chico

Chico City Council

Andrew Coolidge, Mayor
Kasey Reynolds, Vice Mayor
Dale Bennett
Alex Brown
Sean Morgan
Mike O'Brien
Deepika Tandon

Dear City of Chico Planning Commissioners and Chico City Council,

I am a resident of Butte Creek Canyon and have been for 17 years. I worked on the effort to establish the Butte Creek Canyon Overlay. During the time I have lived in Butte Creek Canyon, I have enjoyed the canyon environment and Butte Creek in my daily life. One of the things I most appreciate about the canyon is the complete, healthy ecosystem that exists and that

supports apex predators. The Chinook salmon are a key part of that ecosystem, providing food for many species, including bear, eagle, osprey, vultures and others. Over the years we have lived here, we have watched the Chinook salmon spawn each fall. For the past three years we have not had any salmon in our red, where we used to have 50 or more spawning yearly. One of my major concerns with the Valley's Edge SP is that of water use and the additional impact on the salmon. The plan to drill through lava cap to the Lower Tuscan Aquifer is not well thought out, as the aquifer has already been determined to be in overdraft. I do not think there is enough water to support the number of homes proposed for final build-out. Also the planned retention ponds would overflow to Butte Creek and pollute it. Finally the tire particulate run-off from 40 miles of paved roads is deadly for salmon. If this project is approved, I fully believe that the chinook salmon will not be in Butte Creek in the future, ending much loved recreation for anglers, and the tourist income they bring.

I do not think that spending so much money, and losing so much money on the ice rink in the town square to "bring people downtown" is consistent with supporting urban sprawl. City planners also keep trying to figure out what to do with the homeless population without making substantial plans for low and medium income housing. High-end homes and HOA fees will put most if not all Valley's Edge housing out of most people's reach. Chico needs infill housing to address the barriers to home ownership for people, and more affordable rentals for low and medium income residents. Valley's Edge SP is not consistent with the stated goals for Butte County Housing.

The goals of the Butte County Housing Element (2022) update include the following: ***Goal H-1: Provide for the County's regional share of new housing for all income groups and future residents as identified in the Housing Needs Assessment. Goal H-2: Encourage the provision of affordable housing in the Unincorporated Area. Goal H-3: Partner with property owner to preserve and rehabilitate the existing supply of housing. Goal H-4: Collaborate with existing service providers to meet the special housing needs of homeless persons, elderly, large families, disabled persons, and farmworkers. Goal H-5: Facilitate rebuilding of communities impacted by wildfires. Goal H-6: Ensure equal housing opportunity. Goal H-7: Promote energy consumption.***

A Pattern Language, Towns, Building, Construction, by Alexander, Ishikawa, Silverstein, et al., states that "People feel comfortable when they have access to the countryside, experience of open fields, and agriculture; access to wild plants and birds and animals. For this access, cities must have boundaries with the countryside near every point. At the same time, a city becomes good for life only when it contains a great density of interactions among people and work, and different ways of life. For the sake of this interaction, the city must be continuous— not broken up."

This makes a good argument for the utilizing available lots and increasing the density of Chico in existing boundaries. This provides more opportunities to use public transportation and the great network of bike paths and lanes in Chico, as well as create walkable neighborhoods. It is clear that maintaining a vital and healthy downtown relies on density in the downtown corridor and walkable neighborhoods. In fact, the City of San Diego rates homes and condos for sale on the walkability of the neighborhoods the properties are in.

Drawing a clear boundary for preserving the foothills and the beautiful view shed for all residents is important not only for access to natural environments, but to preserve these special places. With the reports from the Audubon Society of the alarming decline of 70% of bird populations, it is vital to preserve grassland. This community has lost enough trees in the campfire and aftermath to make it a priority to preserve the existing stands of blue oaks on the Valley's Edge land. There are other endangered species, ephemeral water flows and falls, and vernal pools that need to be protected and preserved.

Chico residents visit Butte Creek Canyon for recreation in all seasons. Butte Creek provides an easy access to cool off on hot summer days, there is seasonal fishing, and cyclists year-round. I can only imagine the detrimental effect that the traffic from Valley's Edge will have on events like the Wildflower and the cyclists and pedestrians that use these areas. Already we need to enable the metering lights for access to Highway 99. With the addition of 29,000 vehicle trips, and 85% of those entering at Skyway or E 20th, it will be a virtual gridlock at most intersections on Skyway, Bruce Road, E 20th and Highway 99. Valley's Edge SP will exceed the GHG threshold with no feasible mitigation measures planned. Valley's Edge is inconsistent with our City's Climate Action Plan (CAP) which **passed unanimously** by our City Council in 2021—just one year ago. The City of Chico CAP calls for reduction of GHG emissions to achieve carbon neutrality by 2045, with the 2030 interim goal of 2.76 MT CO₂e per capita. Valley's Edge GHG emissions are estimated to be 3.13 MT CO₂e/capita. It does not matter which target date is used; the City's efficiency target cannot be met if Valley's Edge is built.

Finally, the Valley's Edge property provides a fire buffer for Chico. We have seen this property burn three times in the last fifteen years, and the property boundaries are plowed every years to prepare for fire. During the Camp Fire, senior residents of Windchime and the Doe Mill neighborhood were evacuated, yet now this project is touting the number of properties that will be set aside for seniors. There is no planned public transportation for Valley's Edge project as the planned density is not sufficient to be profitable for public transit. How then do you plan to get senior residents out to avert another disaster, when fire comes again, as all prognosticators are predicting?

Valley's Edge SP is a short-sighted project that will only increase sprawl, have a negative impact on the environment and not alleviate any of the housing problems that affect Chico. Please consider your decision **carefully**.

Sincerely,
Nancy McCune

Nicole Acain

From: SHARON FRITSCH <safritsch@comcast.net>
Sent: Thursday, November 17, 2022 8:36 PM
To: Nicole Acain
Subject: Valley's Edge Development

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To: City of Chico Planning Comissioners
Toni Scott- Chair
Richard Ober- Vice Chair
Paul Cooper
Dennis Deromedi
Bryce Goldstein
Lindsay Poulin
Larry Wahl

Dear City of Chico Planning Commissioners:

The Valley's Edge residential development will be a lot of urban sprawl.

While Chico desperately needs more low-income housing, Valley's Edge will be more upper-income housing. It will be a considerable distance from stores and schools.

Please do not approve of Valley's Edge.

Thank you for your time and thoughtful consideration of this issue.
Sincerely, Sharon Fritsch

TO: City of Chico Planning Commissioners
City of Chico City Council Members

RE: Opposition to Valley's Edge

DATE: 11/17/2022

This letter is to urge you to deny application for annexation and permits for the Valley's Edge proposed development.

As an introduction, my husband and I were fortunate to be able to move to Chico, by choice, twenty years ago from the Santa Rosa area. We were seeking refuge from an area which had been favoring sprawl and suburban development over its downtown. We had seen quality of life suffer from unmanageable traffic, deteriorating infrastructure in town, increasing vacancies in downtown, stretched public safety services, and a deteriorating sense of community and character. Meanwhile, well-to-do suburbs thrived. Sadly, Santa Rosa burned twice by fires fueled by these suburbs which had been built on the outskirts in fire-prone areas. I don't want to see Chico make the same mistakes; that is why I am opposed to Valley's Edge.

Several years ago I joined Smart Growth Advocates to support Chico to develop in the Smart Growth model, which allows for growth and revenue while avoiding the mistakes of the Bay Area and Southern California.

There are a multitude of reasons that Valley's Edge is a bad idea for Chico.

FIRE: VE is to be built in the area that protected Chico from burning in the Camp Fire. It would be built in a high fire zone, jeopardizing all of Chico. We would lose our buffer, and increase our risk. It is questionable whether VE's efforts to be 'fire safe' will stand up to a 'firenado'. Building 2,770 structures in an area which has burned three times in the past 19 years, an area which will burn again, is taking a big risk, and an unnecessary one at that.

PUBLIC HEALTH AND SAFETY SERVICES: Chico will be providing these services to the estimated 5,000+ people living at VE. Fire and police are already stretched. Taxpayers will be paying more for less services.

TRAFFIC: A traffic study estimates VE will add about 20,000 car trips per day to Chico's already clogged traffic. This is not good planning. Taxpayers will be paying for the wear and tear of the additional traffic.

GREENHOUSE GASES: The increase in GHG specified in the FEIR cannot be mitigated. Chico cannot both approve VE and meet our Climate Action Plan, calling for zero net emissions by 2045. The GHG will likely increase our 'bad air days', allergies and other respiratory problems, as well as contributing to the costly effects of climate change.

HOUSING: VE does not meet Chico's needs. Chico needs low income and middle income housing, not more expensive homes.

ENVIRONMENTAL: We simply cannot afford to keep developing on sensitive environmental areas. When we disrupt the web of life, we are disrupting the very elements we depend upon for our survival. I leave the factual analysis to the experts. To me, it is just common sense; through experience we should understand that by now.

THE ALTERNATIVE: Smart Growth is now being adopted all over the country by cities which have developed in the VE model and suffered the consequences. Chico can avoid and learn from these mistakes. Smart Growth is how Chico can meet its housing needs, and preserve community and character, as well as generating tax revenue; developers can continue to do business and Chico can grow. VE is the direct opposite of Smart Growth: it is an old-school model. Cities that have adopted the VE approach are now struggling to find millions of dollars to revitalize their cities.

Let's make the smart choice.

NO on Valley's Edge.

Ann Ponzio
17 Arminta Court
Chico, CA 95928

Nicole Acain

Subject: FW: Comments Opposing Valley's Edge Special Project

From: pmoriart <pjanemo2001@sbcglobal.net>
Sent: Thursday, November 17, 2022 11:10:03 PM
To: Debbie Presson <debbie.presson@Chicoca.gov>
Subject: Comments Opposing Valley's Edge Special Project

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To: Debbie Presson, Mayor, Vice Mayor & Chico City Council

I write this letter in support of Smart Growth Advocates and their opposition to the Valley's Edge Development.

I could repeat the many facts about how this project does not meet climate goals, affordable housing, traffic congestion, loss of habitat, increased wildfire risk, threat to groundwater recharge, damage to Butte Creek, and, most assuredly, the exclusivity that this project presents and it makes me wonder where the officials we trust stand with the well being of our county and the people living in it. Do they support the well being of humankind, our remaining wildlife and habitat, our environmental concerns, equitability in housing, or do they stand for placating the developers and potential income to the county. Is it too unrealistic to think that they would be more concerned for those things that really matter.

It is my hope, as it is for many, that full consideration of all aspects of this project will be examined and a decision that protects and saves what we have here in this area will be forthcoming.

Thank you.

Patricia Moriarty
Chico, CA

Nicole Acain

Subject: FW: V. Winslow: No on Valley Edge development

From: Verla Winslow <mariewinslow1@me.com>

Sent: Friday, November 18, 2022 11:05 AM

To: Dani Rogers <dani.rogers@Chicoca.gov>

Subject: No on Valley Edge development

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Mayor and Council Members:

I am adamantly against The Valley Edge development on 1448 acres of wildlife urban interface. I spent about two hours writing an email last night to have it lost and rejected from the email hot link to all council members on your website. Something needs to be corrected on that page. I do not have time to rewrite the email so I will highlight the issues below.

There are multiple reasons for this project is dangerous for Chico.

1. Biological
2. Hydrology
3. Ascetics
4. Too any vehicle trips exiting and entering the Skyway or E. 20th St.
5. Excessive greenhouse gas and admissions.
6. This property burned the first night of the Camp Fire. If the winds had not changed, the fire employees could not have backfired The Valley Edge property from Bruce Road. I have many friends who had to evacuate in that area and others who voluntarily evacuated. The Terraces senior complex is in that area. If that area east of Bruce Road was not backfired, the Camp Fire would have come into Chico. All of Chico could have been at risk with the winds that we had. There could be another fire and there would be no fire break on Bruce Road to protect Chico.
7. The increased population will definitely negatively impact the medical situation in Chico and Butte County. People know that there can be a 5 to 6 hour wait for the emergency room at Enloe hospital. There can be a several month wait to see specialists in this county because there are not enough. Even when people have an existing specialist and good insurance, it is difficult to see specialists in a timely manner. Not everyone can drive to Sacramento or the bay area to see a specialist when they are ill. Another reason why we should have an airport in Chico.
8. No Environmental Impact Report has been done.

Chico does not need any more large developments because they negatively impact the infrastructure, traffic, health services and more.

Verla Marie Winslow

Nicole Acain

From: Chris Mueller <crmuller111@gmail.com>
Sent: Friday, November 18, 2022 5:00 PM
To: Nicole Acain
Subject: Valley's Edge Specific Plan FEIR and Project

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Please provide these comments to the Chico Planning Commission and Chico City Council.

To the Chico Planning Commission

Regarding the FEIR response to comment 43-2 and comment 21-2, to which the response to comment 43-2 refers, about whether the VESP is consistent with adopted General Plan and other policies that call for compact, sustainable, infill development: saying something does not make it so. Saying that the VESP was “designed as a compact land use plan” or that it was “designed to be consistent with the General Plan ... [and promote] a healthy and sustainable lifestyle and community” does not make it so.

How can a project where residents will be heavily car-dependent, that will result in significant unavoidable GHG emissions, in 2022 -- when the adverse effects of climate change are already being experienced around the world and notably here in Butte County, be thought to be promoting a sustainable lifestyle?

The VESP site is a huge (1,448-acre) parcel outside the city limits, adjacent to largely undeveloped areas. Development would occur throughout the 1,448 acres, with some undeveloped segments interspersed throughout and designated as parkland. A determination by the City that this specific plan is consistent with policies that call for compact infill development is contrary to the common meaning and understanding of those terms. Such a determination remains unsupported by the particular of the VESP.

The “range of housing” provided by this plan will not meet Chico’s current housing needs.

Sincerely,

Christine Mueller

Nicole Acain

From: Sarah Salisbury <66tiachacha@gmail.com>
Sent: Friday, November 18, 2022 10:01 PM
To: Nicole Acain
Subject: Valley's Edge

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Please distribute this letter to members of the Planning Commission: Rich Ober, Bryce Goldstein, Toni Scott, Dennis Deromedi, Paul Cooper, Lindsay Poulin, Larry Wahl

To Whom It May Concern~

The Chico that I have come to love in my 23 years of homeownership and property tax payment (!) will be threatened by the Valley's Edge proposed development. It would be destructive to the water table, the lovely native wild lands beyond the city limits, the city's current infrastructure, traffic flow, and medical services. All without providing affordable housing for people who already live here!

There is no benefit to 99% of the current population of Chico. It will not improve our quality of life. It will degrade our air quality. It will suck up water of which we already have too little. It will crowd our roads and schools.

The development's website is designed to make this development attractive to people from elsewhere. And to make money for the developer. And to increase the property tax base. But we, who have lived here and paid taxes and enjoyed Chico as it is are not considered at all. This project is no good for us. This project is no good for Chico.

I implore you to respect the rights and comforts and small pleasures of the current citizens of Chico and to Say NO to Valley's Edge.

Repectfully~

Sarah Salisbury

Nicole Acain

From: Jen In Chico <chiconative@hotmail.com>
Sent: Sunday, November 20, 2022 1:03 PM
To: Nicole Acain
Subject: Long-time Chico resident - please read by November 23

.

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Dear Ms. Acain, please deliver to your colleagues on the planning commission, thank you.

November 20, 2022

Honorable Commission members,

I've lived in Chico off and on for over 50 years. People tell me they love the smell of oak trees, the views of Upper Park foothills and canyons, and the lively downtown and the college. I share in these loves. A development like Valleys Edge will destroy the small town feeling of southeast Chico. For example, take the rural environment. I can't believe that you are considering plowing under almost 1,500 acres of woodland with the oaks and open grazing land that everyone loves. Blue oaks are slow growers at a

very specific elevation. They provide ideal habitat for threatened birds and plants. They are drought tolerant and fire resistant when they're mature. To authorize such a development of low density homes is not responsible development for our community, especially in a drought decade. This is not what long-time Chico and or even newcomers want. I am convinced that if this development goes through, angry Chico residents will ask, "how could this have happened? Who authorized this out-of-control suburban sprawl?" They will be told how it happened, and they will be given your names. And then we will remember your names when we vote.

Please remember all of Chico, Butte Creek Canyon, Paradise, Magalia and beyond when you vote.

Thank you,
Jennifer Harris
Chico, CA