

Thomas P. Infusino, Esq.
P.O. Box 792
Pine Grove, CA 95665
(209) 295-8866
tomi@volcano.net

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Robert Sellman, Planning Director
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

RE: Application 2005-190 for Floyd and Marilyn Norried and the Mark Pringle
Company, LLC (North Vista Plaza)

Dear Sir:

I am very pleased to submit these comments on behalf of the Calaveras Planning Coalition (“Coalition”). The Coalition is composed of community groups, organizations, and individuals interested in growth and planning issues in Calaveras County. The Coalition is united in its belief in the need for a comprehensive update to the Calaveras County General Plan. Further, the Coalition believes that citizen participation is the key to a successful update of the General Plan, and necessary to the update of area specific plans throughout the County. Such updated plans are necessary precursors to the approval of development projects that will exacerbate problems created by the currently inadequate general plan.

I. The County Must Prepare an EIR Prior to Approval of the North Vista Plaza Project.

CEQA requires that an EIR be prepared whenever there is a fair argument, supported by substantial evidence, that the proposed project may have a significant impact on the environment. (CEQA Guidelines, sec. 15064, subd. (f)(1).) The County has received comment letters from others outlining the potentially significant impacts of this project on workforce housing, visual quality, biological resources, water quality, public services, traffic, wastewater, and cumulative impacts. The Coalition respectfully requests that the County prepare an environmental impact report for this project. The County need not wait for the completion of the new general plan to begin to follow the law with regard to the approval of land use developments. When it comes to following the laws designed to protect the health, safety, and well being of the good people of Calaveras County, there is no time like the present!

II. The County Must Prepare Finding of Fact, Supported by Substantial Evidence, that the Project is Consistent with the Valid Provisions of the General Plan.

"The general plan has been aptly described as the 'constitution for all future developments' within the city or county. . . . '[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements' [statutorily required elements include land use, circulation, housing, conservation, open space and noise]." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) [52 Cal.3d 553](#), 570 [276 Cal.Rptr. 410, 801 P.2d 1161], citations omitted. "The consistency doctrine has been described as 'the linchpin of California's land use and development laws; it is the principle which infuse[s] the concept of planned growth with the force of law.' . . ." (*Corona-Norco Unified School Dist. v. City of Corona* (1993) [17 Cal.App.4th 985](#), 994 [21 Cal.Rptr.2d 803].) A project may be found inconsistent with a general plan when it conflicts with only one policy. (*San Bernardino Valley Audubon Society, Inc. v. County of San Bernardino* (1984) [155 Cal.App.3d 738](#), 753 [202 Cal.Rptr. 423

To ensure this consistency, a County must make detailed findings of fact, supported by substantial evidence in the record, that a tentative map is consistent with the provisions of the general plan. Those findings must note the general plan provisions at issue, must reference the evidence in the record, and must provide the analysis that fills the logical gaps between the evidence in the record and the ultimate conclusions of the findings. A single, general, and conclusory finding of consistency is not sufficient. (See *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 511-518 [113 Cal.Rptr. 836, 522 P.2d 12].)

The Initial Study for this project concludes that the project does not conflict with the County General Plan, but references no analysis of the general plan provisions to support this conclusion. (NVP Mitigated Negative Dec., p. 47.) By contrast, the County has received a comment letter from MyValleySpring.com indicating how this project is not consistent with general plan provisions regarding housing and open space. To approve this project, the County must prepare findings of fact, supported by substantial evidence, that the project is consistent with these provisions of the County General Plan. If the facts do not support such a finding, the County must not approve this project.

III. The Project has a Nexus to Legally Substandard Provisions of the County General Plan.

Land use law allows approvals of only those projects that do not have a nexus to the legally substandard aspects of the general plan. (*Garat v. City of Riverside* (1991) 2 Cal.App.4th 259.) The Calaveras County General Plan Evaluation prepared for the

County by Mintier and Associates identified numerous substandard provisions of the County General Plan. However, the record for this project lacks any analysis indicating that the project has no nexus to these many flawed provisions of the County General Plan. By contrast, the letter from MyValleySprings.com indicates that this project raises the issues of emergency service provision and traffic congestion on major highways, at a time when the Mintier Report indicates that the Safety Element of the County General Plan lacks evacuation routes and minimum road width standards. (Mintier Report, pp. 42-43.) To approve this project, the County must prepare findings of fact, supported by substantial evidence, that there is no nexus between the effects of the project and the flaws in the general plan. If the facts do not support such findings, the County must not approve this project.

IV. The Project Forecloses Future Planning Options in Valley Springs and in the County.

During a general plan update process, land use law allows the approval of only those projects that, by themselves or in combination with other pending projects, do not foreclose future general plan options. (Committee for Responsible Planning v. City of Indian Wells (1989) 209 Cal.App.3d 1005.) As explained in the letter from MyValleySprings.com, the proposed project precludes the option of providing needed workforce housing on the site, in a community where such housing is needed, and in a County that has failed to produce its fair share of such housing. Similarly, this project, in combination with numerous others that have submitted applications and are pending approval, would totally transform Valley Springs, prior to the update of their Community Plan, and prior to the update of the County General Plan. The Coalition has consistently stood for the proposition that plans should come before projects. The Community Plan in Valley Springs needs to be updated prior to the approval of projects that will irreparably alter the community.

Sincerely,

Thomas P. Infusino, Esq.

For Calaveras Planning Coalition