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8/17/16

Calaveras County Planning Commission
C/o Calaveras Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249

RE: Making adjustments to the General Plan Land Use Map

Dear Commissioners:

My name is Tom Infusino, and I am submitting these comments on behalf of the Calaveras Planning Coalition (CPC). The CPC is a group of community organizations and individuals who want a healthy and sustainable future for Calaveras County. We believe that public participation is critical to a successful planning process. United behind eleven land use and development principles, we seek to balance the conservation of local agricultural, natural and historic resources, with the need to provide jobs, housing, safety, and services.

1) To ensure that the proposed map changes make sense together, consider making the final approvals of site specific requests after hearing all the requests, and after completing your review of the remainder of the Map 4 changes proposed by staff.

At the last meeting, the Planning Commission reviewed landowner requests from all over the County, and then approved selected landowner requests at the end of the meeting. However, making these approvals in a piecemeal fashion masks their combined effect. It would be better to review all the selected changes to a particular area on the map **together**. Together is the way that resources will be used (e.g. water, roads, sewer, schools, etc.). In that way, the Commission can determine that **together** all the selected changes make sense.

For example, if there is only one limited proposal to increase development capacity in an isolated area with limited groundwater, there may be little risk in granting it. However, if there are many requests to increase development capacity in the same isolated area with limited groundwater, it may make sense to be more conservative in granting each increase in groundwater-dependent development capacity. Or, it might make sense to create a sufficient amount and density of development to make the extension of water infrastructure feasible.

This is particularly needed in those five assessment areas with the largest concentration of land use requests. Area 40 has over 600 acres of requests, area 34 has over 1000 acres of requests, area 54 has over 2100 acres of requests, area 64 has over 2600 acres of requests, and area 50 has over 4200 acres in requests. (See Attachment 2- APN Map.) When viewed together, these

requests covering over 10,500 acres have the potential, not only to dramatically change the land use in these areas, but also to change the scope of development countywide.

Please consider granting tentative approvals of the selected map changes at the end of each meeting, and then granting the final approvals **after** you have reviewed all the proposals in each area **together**.

2) Consider site specific landscape circumstances when evaluating landowner requests.

Please avoid increasing development potential in areas that we know have serious constraints. We thank your staff in noting the water supply limitations and fire risks inherent with regard to some of these requests (e.g. Staff Report Attch. 1: Baugher, p. 2; Lucas, p. 2; Russell, p.4, Sanguinetti, p. 7; Byde, p. 7.) **It is especially useful to know when a parcel is outside CCWD or other water district boundaries.** The staff recommendations regarding these properties, in the second to last column of the staff report spread sheet, make sense.

Similarly, it is important to remember that moving lands from Resource Production and Working Landscapes (20-160 acres /unit) to the Residential Transition (5-10 acres/ unit) multiplies the density 2 to 32 times, while allowing that development to remain groundwater-dependent, and septic system-dependent. (e.g. Staff Report Attch. 1: Baugher, p. 2; Pizer, p. 3; Del Papa, p. 3; Semas, p. 5; Randall, p. 5.) These five requests alone create the potential for another **1900 acres of groundwater-dependent development. We do not want to increase the burden on local water purveyors (like CCWD) to serve more folks who's wells go dry during droughts.**

The intent of the general plan is to keep working lands productive, while directing development to existing community centers. It is essential that the general plan map be consistent with the text. In this regard, **it is especially important to keep the lands overlying valuable mineral deposits suitable for mineral extraction, and to not convert them into small residential parcels.**

We note that a number of these land use designation requests are to convert resource production and working land parcels over 100 acres to residential, community center, and commercial recreation designations. (e.g. Report, Attch. 1; Baugher, p. 2; Robobank, p. 2; Pizer, p. 3; Del Papa, p. 3; Russell, p. 4; Semas, p. 5; Randall, p. 5; Hoff., p.6; Sanguinetti, pp. 6-7; Byde, p. 7; and Fairchild, p.7.) In total, **these request would convert over 7,000 acres out of resource production and working lands.** We thank staff for noting when these land use designation changes would be inconsistent with the intent of the text of the general plan. In each of these cases, staff properly recommended that these lands retain their resource production or working lands designation, consistent with the intent of the text of the general plan.

Finally, we note that by following staff direction regarding the aforementioned requests, this frees up the Planning Commission to approve most of the staff recommended changes, with much less chance of making major landscape-level mistakes. The staff recommendation is to partially or fully grant 24 requests totaling about 1200 acres. Each recommendation in favor of these changes is backed by some site specific analysis.

3) Or, consider site specific landscape limitations at the rezoning phase.

The text of the general plan should allow rezones to higher intensity land uses only after the conditions to support such rezones are assured.

There are phases to land development. They can happen over time, or all at once. First, at the top level, the general plan map land use designation identifies a foreseeable level of development that the property may attain at some time in the future, should a number of necessary improvements occur. Next, the zoning category identifies the density, intensity, and type of use that a parcel is suitable at the time when it is zoned. Some of those uses are allowed by right and may begin as soon as the property is zoned. A subdivision map actually splits a parcel into smaller parcels. A building permit entitles a person to build on the parcel. A use permit entitles a person to put the property to a use, based upon compliance with such conditions as are necessary to protect the public health, safety, and morals.

The Planning Commission is approving land use designation changes with limited site specific information. In some cases, the Planning Commission is making land use designation changes contrary to site specific facts, and against the recommendations of staff. At some point prior to development, that site specific analysis will be needed to ensure that site is suitable for the density and intensity of use; and that the use will be consistent with protecting public health, safety, and morals. The sooner that analysis is done, the sooner the market can react rationally to the information, and the more likely we are to have resources allocated efficiently. The later that site specific analysis is done, the more likely that the market will not function to allocate resources efficiently.

For example, if you designate lands for development with soils that may or may not percolate suitably for a traditional septic system, then you are not providing investors with the information they need to make a rational choice among land to buy for development. If you then zone that land as suitable for development, before you know if the soil percolates or not, you are again withholding information the market needs to choose among parcels to purchase for development. If you require the percolation test prior to project approval, while the test costs the same, the only value an adverse result has is to increase the cost of the development, or deny an investor a project approval. That is very late in the game for this disclosure.

If the Planning Commission wants to continue to add additional development capacity to the Draft 4 map, in the absence of site specific analysis, or contrary to the site specific information and recommendations of staff, we strongly encourage the Planning Commission to put into the general plan text some requirement that the site specific analyses be done prior to the rezone, to ensure that the site is suitable for the density, intensity, and type of use for which it is to be zoned. This will ensure that the County does not rezone land for a specific density, intensity, and use; only to later have to deny the project approval because the site is not suitable. This will ensure that the market has the information it needs to rationally choose among parcels to purchase for development. An example of such a policy is attached. (Attachment 1 – Rezoning Policy) The policy for Calaveras County could almost certainly be much clearer and simpler.

4) With more development comes more regulation and increasing costs.

The Planning Commission made great strides in removing what it perceived as undesirable regulation from the draft general plan. This was possible in part because the land use map did a lot to segregate incompatible uses, to locate new development in community centers with a prospect of funding the needed infrastructure for development, and to keep development densities down on farm, range, mineral, and timber lands. However, with the addition of site specific requests to the land use map, the Planning Commission begins to remix incompatible uses, to drain development away from community centers where it financially supports infrastructure, and to move more development into rural areas where it will compete for scarce water and adversely impact more resources. To mitigate these impacts, you can expect that the regulations you eliminated will return, and more will be added. If you want the text of the General Plan to be less regulatory, you should avoid too dramatically changing the land use designations on the Draft 4 map.

Furthermore, the more scattered the development pattern, the more expensive it will be to serve it with infrastructure. Road extensions, water extensions, sewer extensions, are generally split between the developer and the existing residents by “fair share” allocations. Existing residents pay in either higher fees and taxes, or declines in services. By converting ranches into ranchettes, you place unnecessary costs onto existing and future residents. Maintaining traditional community-centered growth patterns keeps costs down.

5) Reducing per-capita resource use can allow more land owners to development as they desire.

We understand the Planning Commission’s desire to allow each land owner the opportunity to develop their land as they wish. Those desires will only come to fruition if the County has the resources to accommodate that development. One way to achieve this is to increase the resources the County has available to service development (money, water, roads, etc.). However, some resources are likely to remain in short supply for some time.

There is another approach to help as many of these developments as possible toward completion. That is for the County to reduce per-capital consumption of limited resources.

Take for example the current Draft 4 map that is accommodating about an additional 25,000 units. What if there are only enough resources to accommodate 10,000 new units? Then people trying to develop the other 15,000 units will be left out in the cold, unable to achieve the desired use of their land. Another approach to help them realize their dream would be to reduce the per-unit resources each development consumes.

For example, in Copper Cove, people use far more water per household than the CCWD average. **That is why CCWD is working with residents in the Copper Cove area to find ways to reduce their water use.** This will help stretch the existing and cost-effective water supply to serve more people. This allows for additional current development, and delays the need for expensive infrastructure expansions.

As you increase the development capacity, recognize that you are putting more people in line for a limited supply of resources. Unless you can also plan for ways to both stretch and expand the supply of those resources, all you are doing is creating a longer line of people with development expectations that will not be achieved.


The Planning Commission has both rights and responsibilities under general plan law. You have the right to recommend a land use map to the Board of Supervisors. You have the responsibility to ensure that the rest of the general plan can supply the needs created by that land use map. You can't write a land use map check that the rest of the general plan can't cash.

6) Recommend that the EIR evaluate an alternative land use map closer to Draft 4.

By law, the general plan environmental impact report will need to evaluate a reasonable range of alternatives capable of meeting most of the proposed general plan's objectives, while reducing its environmental impacts. If the Planning Commission is intent on adding so much of additional development capacity to the Draft 4 map, we encourage you also to recommend to the Board of Supervisors that the EIR evaluate something closer to the Draft 4 map as an alternative. The Planning Department drafted this map to feasibly attain the objectives of the general plan. As noted earlier, this map makes an effort to reduce the impacts of development under the plan. Since the map is already mostly complete, using it will reduce the costs of developing an alternative. In short, it meets the requirements for a feasible general plan alternative.

Thank you for considering these comments.

Sincerely,



Tom Infusino, for

Calaveras Planning Coalition

Enclosed - Attachments 1 & 2

Attachment 1 – Rezoning Policy

El Dorado County General Plan

Land Use Element

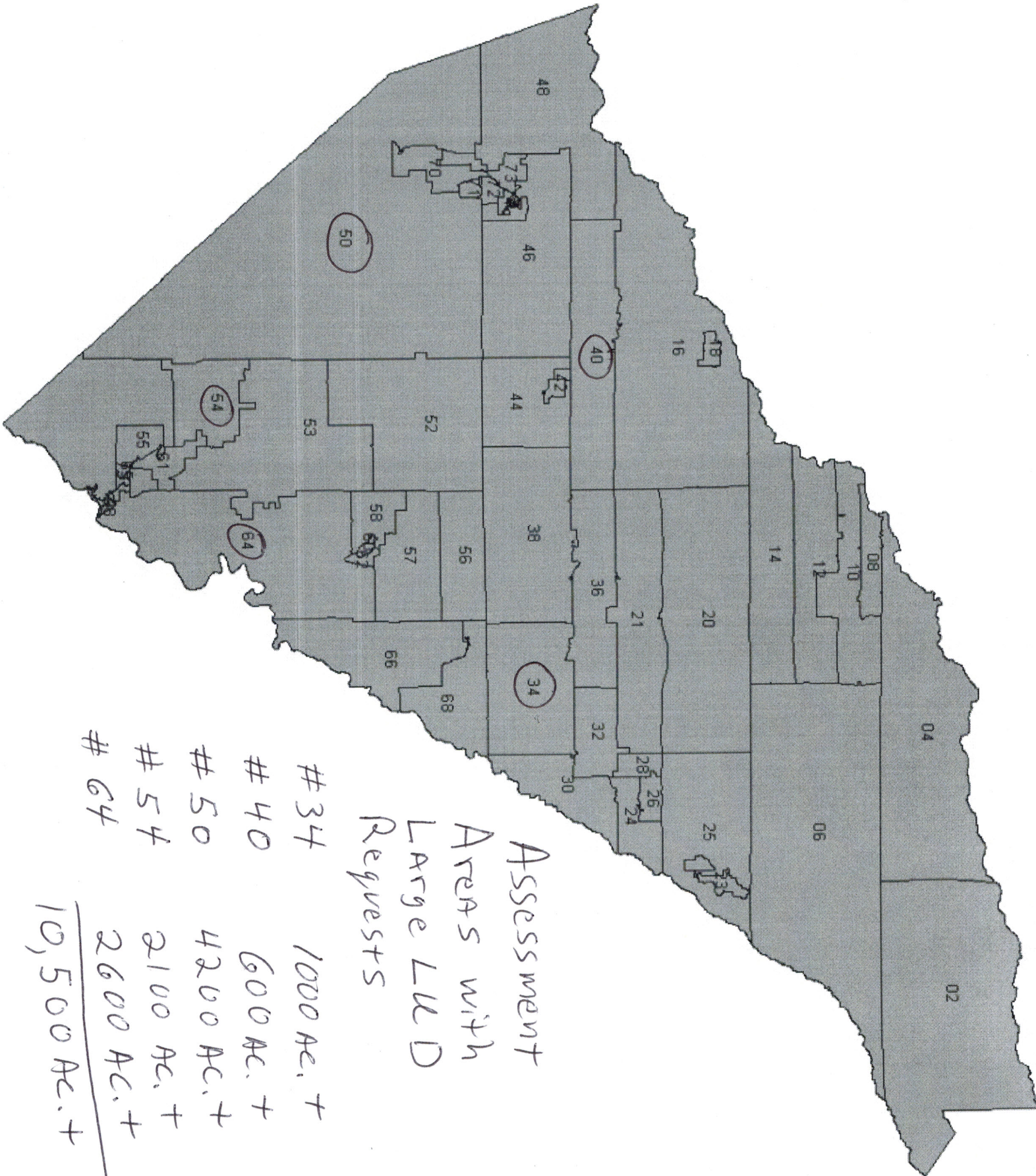
July 2004 (Amended December 2015)

Pages 31-32

Policy 2.2.5.3 The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;
4. Distance to and capacity of the serving elementary and high school;
5. Response time from nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use pattern;
16. Proximity to perennial water course;
17. Important historical/archeological sites; and
18. Seismic hazards and present of active faults.
19. Consistency with existing Conditions, Covenants, and Restrictions.

Attachment 2 - APN MAP



Assessment
Areas with
Large LLD
Requests

# 34	1000 AC. +
# 40	600 AC. +
# 50	4200 AC. +
# 54	2100 AC. +
# 64	2600 AC. +
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	10,500 AC. +