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8/31/16

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 for Copperopolis

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) Thank you for considering together the requests to change the proposed map for the Copperopolis area.

Thank you for considering together the requests to change the proposed land use map for the Copperopolis area. The staff report looks at the proposed changes together. While we may quibble about the accuracy of some estimates in the staff report, the report correctly identifies some of the problems posed by granting all these map requests.

2) Oversupplying the market depresses real estate prices.

On page 2, the staff report notes that the proposed land uses will greatly oversupply the market in the area, but it does not explain the problems with that.

Economists tell us, and the laws of supply and demand strongly suggest, that oversupplying the market has a tendency to reduce prices, all else being equal. So, while granting the individual land use designation requests may enhance the value of the requester's parcels, it may depress the price of parcels in the county-wide market overall. The owners of those "other parcels" in the market are real people too. For some of them, their current home, or their future retirement parcel, are among their largest investments. There are a lot more owners of these "other parcels", than there are speculators before the Planning Commission seeking to change their map designations. I doubt that many of the owners of these other parcels will be eager to vote for the Supervisor that made their property values go down.

3) Granting all of the requests will increase regulation and mitigation costs.

On page 3, the staff report indicates that granting all the requests will complicate impact mitigation. This is correct. Take for two examples, road impact mitigation and endangered species habitat mitigation.

A. The proposed development will only happen if the County also commits to a program to pay for the roads for the extra development.

The County currently has a fair share fee system. The Regional Transportation Plan estimates that the County will grow by about 11,000 people by 2035. If the county gets all the development “fair share” fees, all the state funds (their “fair share”), and all the federal funds (their fair share) it expects, those funds will only cover 32% of the cost of the roads needed to accommodate the additional 11,000 people. The other 68% of those costs (over \$600 million) need to come from other sources like local taxes and bond proceeds. In other words, the “fair share” for the rest of the citizenry, for the expected level of development, is \$600 million, and the proposed general plan circulation element includes no commitment to raise the funds. This puts the County between a rock and a hard place. As explained in the CSERC letter earlier this month, such a plan is not consistent with state law. As anyone will tell you, the people of Calaveras County will not be excited by the prospect of an additional \$600 million in taxes.

If you add more than the expected level of development, and concentrate it in one area, then things get even more complicated. You must add to the circulation element a benefit basin plan, or a regional traffic impact mitigation fee to cover the developer’s “fair share” of the additional road costs necessitated by this increased level of development. Again, any funding shortage ends up costing local residents in increased taxes or increased road congestion. (I doubt that anyone will be rushing to the polls to vote for the supervisor who raised their taxes or ruined their roads.) Also, the map in the circulation element also needs to identify the roads in the Copperopolis area that need expansion. The County has the legal right to increase the amount of private development allowed under the general plan land use map, but those subdivisions will not be lawfully approved unless the County also puts in place the means to finance the public infrastructure needed to support that development.

B. The County must commit to develop a Habitat Conservation Plan for off-site habitat replacement.

In order to get a permit for a development project from the U.S. Fish and Wildlife Service (USFW), endangered species habitat must be avoided onsite, or compensated for by contributing to an off-site habitat preserve. The Sawmill project as proposed would have needed to contribute to an off-site habitat preserve. This will be true for other projects in the area that will destroy wetland/riparian habitat suitable for California tiger salamander and red-legged frog. However, there is no provision in the conservation and open space element to create such an off-site preserve. Again, to produce a general plan that is internally consistent, if you add the proposed residential development densities onto the land use map, you will need to add a commitment to develop a habitat conservation plan into the open space and conservation element. Generally

speaking, if the development in the land use map creates a public need within the scope of the general plan, then some other part of the general plan must meet that need.

C. The County must make a choice in Copperopolis.

We have given only two examples of the constraints posed by expanding development in Copperopolis beyond the level in the draft land use map. There are many other issues that pose similar costly and regulatory challenges including water and wastewater infrastructure, recreational development, and toxic substance control.

The other potential option to adding regulatory and funding mechanisms now, is to reserve the right to reject the future subdivisions if, when they ultimately get proposed, there is still no means to pay for the needed road improvements, or to provide for off-site habitat conservation. That is what the County has done to date. However, if that is the path you will choose, then what good does it do to pretend to create the increased development capacity in the general plan now, only to reject the subdivisions when they are proposed in the future? This is far from the orderly development process sought to be achieved by general plan law.

It is time for Calaveras County to stop pretending. Is the County committed to developing Copperopolis to the intensity envisioned by the proposed changes to the land use map? If yes, then the County needs to commit to the public funding and public conservation programs needed to make that development subject to lawful approval. If no, then the County needs to reject the proposed land use designations that cannot support lawful subdivision approvals in the future.

4. Decide whether and how to issue these pre-entitlements.

As noted by CSERC in its letter earlier this month, the prudent choice is to avoid pre-entitling the large developments proposed for the Copperopolis area. This will significantly improve the chances that the general plan update will survive legal challenge. However, I did not get the feeling that the Planning Commission intends to follow that prudent advice.

If you do intend to approve some of the large residential proposals in Copperopolis, please consider doing so with the sufficient specificity to allow for proper environmental review of the general plan. The existing land use designations provide a broad density and intensity of development. For example, development under the Rural Residential designation can be as intense as 1 unit per acre, or as disperse as 1 unit per 5 acres. Community Center development can be as intense as 20 units per acre. Applying these broad ranges to large acreages in one location will lead to an EIR that may exaggerates impacts and increase mitigation burdens of the County.

For example, a land use designation may allow for 1000 single-family units of development, when the developer really only expects and wants to develop 400 units. Just evaluating the land use designation in the general plan EIR, the County would have to mitigate 9000 trips per day on the roadways. But going by the future development plans, the County would only have to mitigate 3600 trips per day. The lower intensity development cannot be assumed, but must be put in place by some manner of adjunct to the land use designation. For example, Rural

Residential-600 could indicate that the designation is rural residential, but the maximum development capacity for the entire project would be 600 units.

Whether you use the above method or another, please find some justified way to accurately approve land use designations for the Copperopolis area, and to evaluate their impact in the general plan EIR.

5. The people of Copperopolis have been ignored during this mapping process.

It is disappointing that the people of Copperopolis went through not one, but two community plan processes, complete with government funding and County staffing; and complete with numerous night meetings in Copperopolis when working people could participate; yet no policy from either of those processes, and no map from either of those processes was deemed adequate by Calaveras County for including in the general plan update. Instead, the community plan texts have been rejected, and the map is being put together in San Andreas, during the day, from future developer requests, and by planning commissioners who mostly do not live in Copperopolis. That is not the inclusive and responsive public participation process envisioned by the general plan guidelines.

If Calaveras County wants the general plan to ever get implemented, the County needs to stop ignoring so many people's concerns, and stop excluding so many people from meaningful participation in the process. We strongly encourage the County to include a community plan text for Copperopolis in the general plan update. As noted in our letter of 8/17/16, a useful component would include a list of conditions that would need to be met prior to rezoning parcels as suitable for development.

Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script that reads "Thomas P. Infusino".

Tom Infusino, for

Calaveras Planning Coalition