Dear Supervisors,

After review of the staff report and General Plan Update Draft 2 Map we at the CPC have the following general comments:

**A)** **We thank the Planning Department for its careful and open minded review of the 80 comments on the Draft 1 map from the 41 individuals.**  The Planning Department was able to grant, at least in part, 36 of the 49 requests relating to specific parcels.  In my general plan experience, that is remarkable.  The Planning Department explained its choices clearly.

**B) We thank the Planning Department for agreeing to clarify the description of the Resource Production land use designation to specify that these lands may be used for resource conservation as well as resource production.**

In Calaveras County, we know how important it will be to ensure the ecological integrity of our oak woodland and riparian habitats on Resource Production lands.  This will help to ensure the viability of species dependent on these habitats, and will help to prevent development interruptions associated with the federal listing of endangered species.

We also know that this effort will only succeed if private landowners are willing to participate in it.  Why?  Because 102,781 of the 119,841 acres (86%) of hardwood forest and woodland are privately owned.  Because 69,792 of the 83,793 acres (83%) of riparian vegetation are privately owned. (Exhibit 4.1-5, Sierra Nevada Alliance, *Planning for the Future,* 2005, Chapter 3, pp. 15-22.)  It seems obvious from this data that any successful program to maintain the habitat values of our oak woodland and riparian areas will need the participation of private landowners.

**C)** **We at the CPC want to acknowledge the importance of this Draft 2 map to the communities in District 2; and the Communities of Copperopolis, San Andreas and Valley Springs.**  Each of these communities worked hard over the years to get to the point where current land uses choices are reflected on a draft General Plan Update map.  We congratulate these communities for getting to this milestone today.

**D) In the staff report, the Planning Department asked the Board of Supervisor for direction regarding 4 matters**.

1) Does the land use pattern reflect the underlying principles of focusing growth within the community centers?  **The land use pattern is good.**  The next step will be devising the policies to encourage residential development within the community centers, and to discourage additional lot residential lot splits in the Working Landscapes and Resource Production lands.

2) Regarding the development capacity of the Resource Production lands, **we at** **the CPC agree with the suggestions of staff that more can be done to reduce the impact of residential development in the Resource Production land use designation.**  Staff suggests larger

minimum parcel sizes, and additional general plan policies to guide subdivision of these lands.  (Staff Report, p. 10)  We also note that, from an open space conservation perspective, it would also help to reduce the loss of Natural Resource lands to establish strong clustering policies, so that new development has a smaller footprint on the landscape.  As CCWD’s comments on Draft Map 1 suggest, it would be beneficial to identify areas in the County where groundwater is limited.  This information could be used to inform future decisions on the subdivision of Resource Production lands.  Other land characteristics (like fire hazard and slope) and service limitations (like roads, schools, and emergency services) could also be used to inform these future decisions.

**3) Regarding the buildout capacity of communities in the Draft 2 map, we have a few observations.**

First, buildout to that level of development in Copperopolis will depend upon securing an additional assignment of water rights, and on the feasibility of a basin plan to fund the needed road infrastructure.

Second, future development in Mokelumne Hill may be limited by the availability of public water and public sewer.  The old Mokelumne Hill Community Plan varied development capacity of a parcel based upon the availability of public water and sewer.  Those may continue to be real limitations.  Existing systems may reach their limits prior to the projected buidlout.  The expansion of existing facilities may not be cost effective.

Third, the future development of Wallace may also be limited by the availability of water.  Wallace is on groundwater.  The existing system may reach its limits prior to the projected buildout.  Expansion or replacement of the existing system may not prove cost effective.

Fourth, the limited development capacity listed for Valley Springs in Table 3 of the Staff Report may be misleading.  Some of the future development, while outside of the proposed boundaries of the Valley Springs Community, will occur in the nearby existing developments.  Thus, while Table 3 in the Staff Report lists limited future development in the community of Valley Springs, there is extensive capacity for future development in the larger region that surrounds that community.

**4) Modifications are needed prior to the EIR analysis.**

The **MOST CRITICAL issue** that needs to be addressed is that we have been provided no evidence to substantiate **the validity of the “Assumptions for Residential Carrying Capacity”.**

The buildout analyses in the staff report are based upon assumptions that buildout of many of the residential land use categories often will be more than the minimum density allowed and less than the maximum density allowed. (See assumptions 4-9 of attachment 5, regarding Community Center Historic, Community Center Local, Community Center Regional, Residential Low, Residential Medium, and Residential High.)  All we are provided for by way of verification is that these buildout assumptions reflect “the median of each land use category.”  (Staff Report, pp. 7 & Attachment 5.)  What is the evidentiary basis for using these buildout “medians”?

Were these buildout “medians” calculated based upon the density of development already built within these land use designations?  That would be one way to get medians based upon substantial evidence.

Were these buildout “medians” based upon the densities proposed in the approximately 100 development applications that are currently active?  That would be another way to get the medians based upon substantial evidence.

Were these buildout “medians” based upon the density of development in similar land use designations in neighboring Counties?  That would be another way to get medians based upon substantial evidence.

Were calculated density medians adjusted upward or downward based upon the notion that development circumstances in the future will be different than in the past?  That would also be valid.

Were the buildout “medians” based upon applying some development constraints on lands in the GIS system identified with” high fire hazard, flooding, steep slopes,” or “low groundwater”?  That would be another way to get substantial evidence to support the expected level of buildout from each land use designation.  However, to be valid, those limitations would also have to be reflected in general plan policies that would implement those development constraints.

Is the Planning Department proposing to monitor ongoing development to determine the degree to which it mimics these buildout “medians”, so that an EIR supplement will be triggered if actual development is more dense than predicted?

These are not technical minutia.  This gets to the heart of the EIR.  If the buildout is underestimated, the impacts are underestimated, and the mitigation is underestimated.  If the buildout is overestimated, the impacts are overestimated, and the mitigation is overestimated.  A mistake at this point can jeopardize the defensibility of the EIR.  That is exactly what happened in El Dorado County, when the court ruled that similar buidlout estimates lacked the support of substantial evidence in the record.   (See attached Ruling, pp. 126-128.)

This issue is especially important because the land use designations in question are those that have the highest densities.  As a result, their buildout assumptions have great weight in altering the impacts of the General Plan Update.

We at the CPC recognize that the Planning Department’s current “medians” may actually over- predict impacts relative to medians actually based upon available evidence.  We understand that the result of the analysis we are asking for may be less impact mitigation.  We also understand that the mitigation requirements the County makes in the General Plan Update need to be defensible in order to be effectively implemented.

**We strongly caution the County against spending too much money on impact calculations for the DEIR until buildout capacity assumptions are calculated based upon evidence in the record.** If you need assistance in these analytical efforts please contact us.  We may be able to help.

**We also strongly caution the County against spending too much money on impact calculations for the EIR until the County has received scoping comments from the relevant agencies and the public.**  Those comments will identify the level and types of analyses those entities will be expecting in the General Plan Update EIR.  We do not want to disappoint them by doing an inferior analysis.  We do not want to spend our limited analysis funds too soon.  While it will be very helpful for the County to provide some rough impact estimates with the scoping notice, we must not prematurely spend the bulk of our limited impact analysis funds.  While we understand the County’s desire to keep the General Plan Update process moving forward, it is equally important to keep the process moving correctly.  **We cannot afford to let haste make waste.** In the end we want a good general plan that is also defensible.

Sincerely,

Tom Infusino, Facilitator

Calaveras Planning Coalition

cc. Planning Director, GPU Coordinator

P.S. Please keep a copy of this for the administrative record.