

Community Action Project
PO Box 2633,
Murphys, CA 95247
telephone: (209) 728-0710
email: CAP@goldrush.com
www.CalaverasCAP.com

CAP/CPC Newsletter

Community Action Project / Calaveras Planning Coalition

April, 2010 / Issue 22

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Calaveras Planning Coalition Members

- Calaveras Child Care Council
- Central Sierra Environmental Resource Center
- Citizens for San Andreas
- CAP
- Ebbetts Pass Forest Watch
- FOCUS
- Foothill Conservancy
- Keep It Rural, Calaveras
- Mountain Ranch Community Club
- Murphys Homeowners Protection Alliance
- MyValleySprings.com
- Paloma Community Group
- Wallace Citizens Serving Residents

Associate Members

- Frank Meyer

Community Workshops: General Plan Update Alternatives Report

by Mickey Williamson, CAP Board Member

With the release of the Alternatives Report for the General Plan Update process, the county launched the third round of community workshops since the update began. The first workshops were held to gather data for the Baseline Report; the second to solicit input on the Vision Statement and Guiding Principles. This third round, held in March, was to hear citizens' take on the three proposed alternatives for land use.

Members of CAP and the Calaveras Planning Coalition were present for each of the most recent workshops, held in Murphys, San Andreas, Railroad Flat, Mokelumne Hill, Copperopolis, Valley Springs, and Arnold. The Calaveras Taxpayers' Association was also a presence at most of the meetings. Some workshops attracted others with particular opinions and points of view. Generally speaking, attendance was low compared to previous general plan workshops, yet still generated a total county turnout of about 240 people.

The format for each workshop was the same. There was a brief presentation on the General Plan Update and the Alternatives Report by a staff member from Mintier Harnish, the consultants working with the county on the plan, or county planning staff. Participants were then gathered into tables of 6-8 participants. Here they were provided with maps, lists, and paper and charged with two tasks: to select, as a group, their preferred alternative from the three offered, and to suggest modifications to

that alternative.

Across the county there was considerable support for Alternative B, perhaps influenced by faithful CAP and CPC participation and our excellent materials in support of that choice. There was enthusiasm for alternative C from those with business interests who seek to actively promote commercial opportunities and job development. Some workshops had a contingent who raised a voice for "none of the above" or Alternative "D." This was primarily a vote for private property rights and a minimum of regulation by government. Alternative A – essentially business as usual – was also put forward by those who saw it as the least dangerous to property rights and the least restrictive of development.

The approximate tally from all seven workshops: 7 groups for A, 13 for B, 6 for C, two "D," one B/C combination, and one A/C combination.

[Read the Planning Department Report on the Gen. Plan Alternatives Workshops at CalaverasCAP.com](#)

What is perhaps more instructive than the choices made were some of the conversations held in various locations. A Mokelumne Hill complaint about the loss of the Mineral Resource Land Use designation highlights a more general concern that the number of land

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General Plan Workshops (con't..)

use designations being proposed for the new General Plan is very limited. This tends to promote a “one-size-fits-all” set of designations that provides communities less flexibility for planning.

A Copperopolis discussion pointed out that there is really very little choice being offered by the three alternatives. Many agree that A is not really a choice; most see that our current land use plans will not adequately prepare us for the future. Since B and C are the same land use proposals with different projected growth rates, the only choice presented by them is how large we will grow. Participants in Copperopolis suggested that growth will happen as it will and the county would be smartest to be prepared for the largest scenario.

On the whole, those attending the community workshops came with some knowledge of the Alternatives Report and a particular point of view about how the county should or should not grow. The greatest turnouts were in those communities actively updating their community plans. And the greatest of all was in Railroad Flat where the meeting was preceded by a community breakfast!

One of the consultants at the Railroad Flat gathering commented to a CAP Board member, “I LOVE working in Calaveras County. It’s the only place where people really show interest and some understanding of the planning process.” The Community Action Project and the Calaveras Planning Coalition can take considerable credit for generating this interest through the promotion of the General Plan Update and the community planning processes and by the excellent education that our staff provide our members and the public.

For the most complete view of these community workshops, we invite you to view the videos posted on the [CAP website](#).

In addition, video of Planning Commission meetings and other meetings related to the General Plan update is also available on the CAP/CPC website.

Commentary

CAP/CPC Endorse Alternative B

Also, Comments on Other Issues Raised by Alternatives Report

The General Plan Alternatives Report issued last month by consultants Mintier-Harnish presents three alternatives, labeled A, B, & C, that will serve to guide land use policy in Calaveras County for the next 25 years.

**Board of Supervisors &
Planning Commission Joint
Study Session on General Plan
April 20 / 9:00 AM
San Andreas Town Hall**

The three Alternatives differ from each other, and they differ from each other in different ways: Alternatives A & B share the same growth projections but propose different land use patterns, while Alternatives B & C share land use patterns but propose different growth projections.

What are the Alternatives?

Alternative A: According to the Report, Alternative A “Continue(s) the existing policy directions and regulatory environment ... development trends, and outcomes over the last decade,” meaning “Continue(d) dispersed low density and rural residential development on agricultural lands” and “Limited constraints to development on agricultural land or sensitive environmental areas.” This is a reasonable working definition of ‘sprawl.’

Alternative B: While Alternative B shares the same growth projections as Alternative A, it proposes significantly different land use patterns. Alternative B, “Preserves open space / agricultural land by reducing the conversion of agricultural land to residential and other uses.” It does this primarily by changing many areas currently designated ‘rural residential,’ with minimum parcel sizes between 5 and 40 acres, to ‘agricultural,’ which has minimum parcels sizes of 40 to 80 acres.

Alternative C: Alternative C, like B, reflects a change in policy direction from the status-quo of Alternative A. Like B, “the primary policy direction for Alternative C is to focus growth in existing community centers and maintain distinct boundaries between community centers.” But unlike options A & B, Alternative C is “based on more aggressive growth assumptions...” arrived at by simply adding 50% to the statistically based growth projections of Alternatives A & B.

Why Not Alternative A?

The members of the Calaveras Planning Coalition are organized around a shared set of [Land Use Principles](#), and Alternative A ignores nearly all of them.

Put simply, Alternative A represents a “stay the course,” more-of-the-same approach for land use in Calaveras County. We don’t have to guess what this means, we know from experience. Our infrastructure deficit will get worse. Our level of public safety will get worse. Losses of agricultural land, watersheds, wildlife habitats, and valuable scenic byways will get worse.

The Alternatives Report tells us this:

“... The current configuration of land use designations in the existing General Plan is creating sprawling patterns of land use, fragmenting agricultural and forestry land, and discouraging development in community centers. Rural residential development outside of community centers fragments landscapes. It creates small pockets of development that are far from daily services and jobs that burdens the road network with commuting and day-to-day trips to distant destinations.”

This is sprawl, and sprawl adds to the costs of infrastructure. Sprawl adds to the costs to provide first response emergency services, and exponentially increases potential losses from wildfire. Adding on to an already sprawling and underfunded County road system will cost millions more. And providing water and waste-water infrastructure costs so much more that we know the political

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CAP/CPC Endorse Alt. B (cont.)

pressure will be on to allow more wells and septic tanks, at a time when the County already is facing critical issues in both areas.

Environmentally, Alternative A does nothing to stop the continuing loss of oak woodlands, wildlife habitat, watersheds, and migratory corridors.

Economically, besides costing the County and the taxpayers more money, Alternative A will contribute to the continuing loss of priceless scenic viewsheds along State highways, eroding the County's value as a tourist destination and harming the County's economy.

Why Not Alternative C?

As we've seen, Alternative C is similar to Alternative B in that it changes current land use designations to provide for more development around existing town centers. It differs from Alternatives A & B only in that it raises their already optimistic growth projections by 50%. Projecting this unrealistic level of growth may seem innocuous enough, since supply and demand will likely play the dominant role in determining growth rates anyway. But County taxpayers should beware.

It is development interests in the western part of the County that have suggested that it would be prudent to adopt Alternative C and the higher growth projections, arguing that the County would then be better prepared for growth. However, doing so could result in additional public funds for extra infrastructure expansion at exactly the time government (and developer) budgets are tight. Every dollar local residents spend on excess infrastructure for speculative future development is money they cannot spend for their current needs at existing businesses to boost our local economic recovery.

The bottom line is that planning for growth that will not occur within a reasonable time frame costs taxpayers and only benefits developers and land speculators. Also, we know that all too often land use decisions are made

within a political context, and Calaveras County residents have watched too many developments proceed without the needed infrastructure and service expansions, at a cost to existing residents in the form of reduced levels of service.

For these reasons, CAP and the Coalition oppose Alternative C.

A better approach would be for us to try our best to accommodate the infrastructure and service needs of Alternative B. If for some reason growth happens faster we can incrementally expand infrastructure and services as needed.

Option B is the Preferred Alternative

Option B is supported by the CAP and the Coalition because it most closely adheres to the Land use Principles we endorse.

The first of the eleven Land Use Principles is that 'land uses should be consistent with stated community visions or goals.' In this regard, the community-centered growth with surrounding working landscapes that is found in Alternative B most closely reflects the opinion of the majority of citizens' input into the process. In the majority of workshops and meetings related to the General Plan, majority opinion most closely tracked with this land use pattern. Also, in virtually all of the citizen-based Community Plans and community visions submitted, Alternative B most closely reflects the visions and goals expressed.

In the same vein, CAP/CPC believes all eleven Land Use Principles endorsed by the CAP/CPC are better respected by the land use designations and growth projections of Alternative B.

Other Issues

Because we feel they adequately express the feelings and beliefs of a majority of Calaveras citizens, CAP/CPC supports the text of the draft Vision Statement and Guiding Principles.

With regard to the Agricultural Lands designation, we support the 40-80 acre minimum parcel size as a means to reduce resource conflicts

between residential and agricultural land and water uses. However, we also understand and appreciate the desire of agricultural land owners to be able to sell or develop smaller lots, while retaining larger contiguous areas for continued agricultural production. Thus, we encourage the County to consider allowing individual land owners to cluster or transfer density on their land by right under specified conditions in the Agricultural Lands designation. By providing this flexibility we will avoid overburdening the groundwater supply, we will take better advantage of existing roads, we will create market opportunities to provide economic compensation for the currently uncompensated public benefits of agricultural lands, and we will be able to retain larger contiguous areas for agricultural production.

We encourage the County to place limits on the expansion of the Community Center boundaries because prematurely expanding them defeats the very purpose of community-centered development. If the community center boundaries are allowed to expand like rubber bands to rapidly swallow surrounding acreage, the residents will see them as inducing sprawl and will fight them accordingly.

We encourage the County to restore the Mineral Resource land use designation that has been eliminated in the Alternatives Report. Since no one can predict when mineral resources will become economically viable to produce, they must remain available. We believe the Mineral Resource designation does this and helps to avoid future conflicts between competing uses. Miners need places to mine. Residents need places to live. We will all be better off if those two conflicting land uses are properly separated.

Finally, it is impossible to determine how many new parcels are needed without knowing the number of existing unimproved private parcels in each land use designation in each size range. Accordingly we strongly urge the County to make this information available at the earliest opportunity.

Commentary

Point – Counterpoint on the General Plan

The General Plan Alternatives workshops, while orderly and polite, nevertheless revealed a number of misconceptions, fears, and theoretical objections to the General Plan process.

Many of the misconceptions spring from unfamiliarity with the law, the role of the general plan, and the specific purpose of the Alternatives workshops, which was to get feedback based on the three Alternatives presented.

Some residents expressed concern they might have to move if the land use designations of their property were changed. This is, of course, not the case. No currently lawful ongoing use would be affected by any of the proposed changes in land use designations and growth patterns. And just as groundless are fears that a residence cannot be built on land designated as Agricultural.

Some who have spoken out seem to base their objections on their belief that some of the people involved in the update of the Calaveras County General Plan are part of a vast secret conspiracy to impose a centralized world government run through the United Nations. CAP and some members of the Coalition have been specifically accused of being part of this conspiracy.

Ward La Valley, who as CAP Coordinator in 2005 and 2006 helped organize the Calaveras Planning Coalition, knows the truth. He affirms that neither CAP nor the Coalition has any direct connection with the United Nations, nor was he aware of any UN initiatives in the area of community planning at the time the Coalition was organizing. Finally, the truth is the Land Use Principles upon which the Coalition was founded came from groups working in Amador County, *not* the United Nations.

But by far the most vocal objections to the process have been ideological and centered around varying interpretations of the phrase “property rights.” Some

claimed that ‘property rights’ means the US Constitution prevents any land use restrictions whatsoever.

While all Americans are free to express their opinions on how the Constitution is interpreted, the Constitution itself says that it is the Supreme Court who shall have the last say. Here, the Courts have ruled that community planning is constitutional. The right of the community, including members who do not necessarily own real property, to determine its own unique character through zoning was confirmed by the Supreme Court in *Village of Euclid vs. Ambler Realty* in 1926.

Some believe that whatever the Supreme Court may say, community planning is un-American and an unwarranted change restricting the kinds of liberty fought for in the Revolutionary War.

This also turns out not to be the case. Esteemed legal historian William J. Novak tells us “... liberty (in America at the end of the 18th Century) consisted only in those freedoms consistent with the laws of the land. Such liberty was never absolute, it always had to conform to the superior power of self-governing communities to legislate and regulate in the public interest.” (*The People’s Welfare: Law and Regulation in Nineteenth-Century America*, by William J. Novak, winner of the American Historical Association’s Littleton-Griswold Prize and named Best Book in the History of Law and Society, page 39)

To be sure, some ‘property rights’ arguments are more nuanced, allowing for some community regulation of private land use. Upon closer inspection, however, many of these arguments seem to be thinly concealed attempts to allocate public resources to support individual private enterprises.

Many other ideas and objections to the process are harder to classify.

For instance, some usually libertarian-minded critics of the General Plan process have advocated requiring a vote of affected neighbors prior to increasing

the allowed density of a given parcel. While actually contrary to state law, the idea also seems dissonant with traditional libertarian theory, inasmuch as it dis-empowers the individual in favor of the petty jealousies and whims of his or her neighbors. Many would rather take their chances with a professional planning department, and with a Board of Supervisors elected to balance the interests of the neighbors and the parcel owner.

This reveals the difficulty in trying to analyze land use issues from a purely theoretical and ideological standpoint.

As an example, one argument heard was that restricting land use was indeed tyranny and intolerable, and the solution was to ensure that any and all burdens placed upon others by a new land use be precisely and fully mitigated based upon detailed study on a case by case basis. Leaving aside the truth that some impacts cannot be fully mitigated, who decides what gets mitigated, and by how much, is unknown. A free market solution is not easily arrived at, and relying on the courts to adjudicate each and every impact is absurd. This just leaves the other branches of government, who presumably would assess and impose specific mitigation on each and every building permit. This too is absurd, far beyond the means of Calaveras County, and only further empowers a Board of Supervisors that has too often been influenced by special interests. Doesn’t a General Plan, with agreed upon land use designations and, if necessary, an amendment process make a lot more sense? Don’t county-wide ordinances with standard and sufficient mitigation measures make more sense?

As the General Plan process continues, so too will points and counterpoints be made on a wide variety of issues affecting the County. CAP and the Coalition will continue to provide timely and reliable information on the General Plan update, and we urge every Calaveras resident and property owner to become involved in the process, ask questions, and to insist upon answers based on facts.

“Crash Course” on the Future?

by John Adams, Ph.D.

Many readers of this newsletter will recall hearing the title of this brief article on January 28, 2010 at the Opera House in Sonora, as a comment made repeatedly by Chris Martenson, during his presentation to the citizens of Calaveras and Tuolumne counties. Chris introduced over 400 people that evening to the convergence of challenges arising from economics (primarily our rapidly accelerating debt levels); energy addiction and peak oil; the depletion and escalating costs of extraction of all essential minerals; and the still rising (at 70 million a year) global population. He spoke only of factual situations and challenged us to deeply consider the implications for our own continued well-being and livelihood.

Since the first stage of adjusting to a new situation is usually “Denial,” many in attendance might already have forgotten what Chris talked about. Even many of the people who have completed Martenson’s free on-line twenty chapter Crash Course (www.chrismartenson.com) suppress the importance of the issues Chris presents so clearly and convincingly! ‘FACTS, SCHMACTS! THIS CAN’T HAPPEN TO US!’ But what if it does happen?

Maybe the future really will be far different from what we have become accustomed to as “normal” over the past 20 or 30 (or even 60) years. What if it is? Would it be better, in your estimation, to be prepared for an incredibly different future – which has much less in the way of consumer goods and easy travel and regular deliveries and extensive services – and then have everything “return to normal” (i.e. the world you grew up taking for granted); or to be not prepared and then have these changes become your new reality?

The Crash Course (in Economics,

Energy, and the Environment) is not only available on-line – it is also offered periodically locally as a FoCuS Educational program. This course is offered in four weekly segments to allow for “digestion” of the ideas and “gestation” of your responses. Each session reviews several of the Martenson chapters and combines his factual information with discussion and sharing of ideas and reactions.

The fourth weekly session is always devoted to exploring the kinds of responses and preparations that people are considering or choosing to make. The Crash Course does not prescribe any particular outcome or response. It sticks with the factual trends that are well documented (steeply rising debt levels, declining resource quality, growing population, the essential dependence on cheap energy in virtually every aspect of modern life) and then challenges the participants to look deeply into their own priorities and to make conscious choices based on their conclusions.

The Crash Course is being offered in Calaveras County in April and June (by John Adams) and in Tuolumne County in May (by Cooper Kessel). It is OK to mix and match sessions from different months. There is also an active group of Crash Course graduates that interacts regularly to provide mutual support for on-going exploration and for making changes. Go to www.foothillsustainability.org for more information.

The CAP/CPC Newsletter is produced by the Calaveras Community Action Project, CAP’s fiscal sponsor is [Ebbetts Pass Forest Watch](#).

For more information please contact CAP@goldrush.com.

Thank you.

East Bay MUD Wins Change of Venue

In response to a lawsuit filed by the Foothill Conservancy and others to stop plans by the East Bay Municipal Utility District to possibly flood the Mokelumne River valley beyond Highway 49, EBMUD has won a change of venue from Amador County to Sacramento County.

The suit alleges that EBMUD violated the law by approving its Water Supply Management Program 2040, which includes the proposed expansion of Pardee Reservoir on the Mokelumne River.

Foothill Conservancy Executive Director Chris Wright said that EBMUD filed the request for change of venue based on a technical statute that focuses on where a local agency is “situated.” “EBMUD claims they’re ‘situated’ only in Alameda and Contra Costa counties, and that they’re not a part of our community,” Wright said.

“It just goes to show that EBMUD really does view Amador County as a colony,” said Wright. “Now they won’t even let us resolve the issue in a local court.”

County Board of Supervisors The Calaveras County Board

of Supervisors meets Tuesdays at 9:00 am in the Supervisors Chambers at Government Center, 891 Mountain Ranch Road, San Andreas. Agendas are available on the County’s website <http://co.calaveras.ca.us/cc/Departments/Supervisors/SupervisorsAgendaMinutes.aspx>

Calaveras Planning Commission

The Calaveras County Planning Commission meets every other Thursday at 9:00 am in the Supervisors Chambers at Government Center, 891 Mountain Ranch Road, San Andreas. Agendas are available on the County’s website <http://co.calaveras.ca.us/cc/Departments/Supervisors/SupervisorsAgendaMinutes.aspx>



Mickey Williamson, Beth Hirsch, and Dorian Faught look over the maps while discussing the Alternatives at the meeting in Murphys.

Worksheet prepared by one of the approximately 30 different groups who attended meetings from all over the County to review the General Plan Alternatives.

CALAVERAS COUNTY GENERAL PLAN UPDATE COMMUNITY WORKSHOPS ON ALTERNATIVES PART 1: SELECT AN ALTERNATIVE		
ALTERNATIVE A	ALTERNATIVE B	ALTERNATIVE C
<p>PRO</p> <ul style="list-style-type: none"> • if you want just bedroom/retirement then this is it • no change, things remain more stable • Life choices available as long as you don't need services • burdens on people (taxes, fees, fines) and <p>CON</p> <ul style="list-style-type: none"> • developers more likely to build on rural ag, wetland, open spaces, etc. • does not protect water - drinking, streams, other, polluted by seeps • not the reflection of any positive change • allows Superstition to continue to rezone • too expensive to provide services • public safety blackbox • No high-speed internet 	<p>PRO</p> <ul style="list-style-type: none"> • better suited for high speed internet • does not concentrate density for jobs + housing (balanced) • better chance of having public sewer + surface water to farmer • protection of more open space • cheaper emergency services to infrastructure, no high speed internet • schools + towns operate more efficiently • can build "out there" • more aligned w/ stated community values in this process • more abstract, city - sleeker baby boomers <p>CON</p> <ul style="list-style-type: none"> • can still get land out there, but won't be serviced • not anticipating pop. growth • if growth goes to west, jobs might go out of the county + slow revenue • opposing desires among traditional resource users + recreation • people don't want change 	<p>PRO</p> <ul style="list-style-type: none"> • more jobs • line ag tourism to recreational use <p>CON</p> <ul style="list-style-type: none"> • if growth goes to west, jobs might go out of the county + slow revenue • opposing desires among traditional resource users + recreation • steps out of town tourism • people don't want change • not enough money to deal people beyond what we have



Coalition Facilitator Tom Infusino (left) watches as a group in Murphys presents their choice of the Alternatives to the rest of the meeting.