

****Sample short letter on the General Plan DEIR****

[Your Name Here]
[Your **Mailing**
Address here]
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August 13, 2018

Peter Maurer, Planning Director
Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
pmaurer@co.calaveras.ca.us

RE: Comments on the Draft General Plan DEIR.

Dear Mr. Maurer:

Thank you for the opportunity to comment on the General Plan DEIR. (Optional)

As you know, the General Plan DEIR identifies over two dozen significant impacts associated with development under the General Plan through 2035. (Optional)

My main concerns are the impacts to [list] agriculture.

In particular, I have the following recommendations. [Provide a list summarizing your key recommendations]. I strongly encourage the County to include the conservation easement offsets for land converted from agriculture to other developed uses, as originally identified in the Appendix to the Agriculture Element of 2009. I have attached a copy for your information.

Below are my detailed comments on Section 4.2 of the DEIR relating to impacts on agriculture.

Section 4.2.1 - Introduction

P. 4.2-1 The DEIR text indicates that it will evaluate the impacts to agriculture associated with buildout of the general plan as mapped.

It is not enough to merely evaluate the impacts of buildout of the general plan as mapped. The general plan policies also determine the ease or difficulty of amending the general plan map to convert additional agricultural lands to other developed uses. Stronger policies limiting the conversions of agricultural lands can mitigate this impact. For example, Figure 4.2 indicates that approximately 1600 acres of agricultural land currently in Williamson Act Preserves is in non-renewal status. It is likely that these lands will seek conversion to other developed uses.

In the Final EIR, evaluate the potential agricultural land conversion impact of having minimal limits on the conversion of agricultural lands, and having no established programs and/or standards to mitigate such project impacts.

Section 4.2.2 – Environmental Setting

P. 4.2-2 The EIR states, “With the exception of a slight increase in 2014, the amount of farmland in the County has remained relatively consistent between 2012 and 2015, as shown below in Table 4.2-2.”

This is far too short a time frame to demonstrate the loss of productive farmland or rangeland. This long time frame is needed to put the potential impacts of a long-term general plan into perspective, and to evaluate the cumulative impacts of agricultural land conversion over time. As noted in the Background Volume of the December 2014 Draft General Plan, between 2004 and 20012, 59,839 acres of farmland were put out of production (or nearly 7,500 acres per year) and 23,756 acres of rangeland were put out of production (or nearly 3,000 acres per year). Please put these numbers in the Final EIR. The Final EIR must reflect a good faith effort at full disclosure. The Final EIR cannot be merely a list of cherry-picked data that makes impacts appear minimal.

In the final EIR, identify the causes of these reductions in productive acres, and the amount attributable to conversion to other developed uses. Unless we know the causes of these impacts, we cannot identify the appropriate mitigation.

Section 4.2.4 – Impacts and Mitigation Measures

P. 4.2-18 The DEIR states, “Instead, this EIR focuses on potential impacts associated with conversion of agricultural, forest, and mineral resources that would not be protected by the Resource Production or Working Lands designations in the Draft General Plan.”

This analysis leaves out the potential under the general plan for the conversion of lands initially included in the Resource Production or Working Lands designation. These lands are allowed to be converted, without specified impact mitigation, under the terms of the general plan and the zoning ordinance. Mere inclusion in the Resource Production or Working Lands designation, in the absence of some other protection, does not guaranty the long-term protection of agricultural and forest lands.

Over the years, many agricultural lands have been converted to developed uses. In many circumstances, the development approvals were not on lands initially designated for developed use under the 1996 General Plan. These approvals were the result of general plan amendments from natural resource lands to developed lands. This is a foreseeable impact of the General Plan Update that neither meaningfully restricts nor specifies mitigation for these impacts.

Thus, in the Final EIR should identify the proportion of past agricultural land conversion that are a result of general plan amendments, and the proportion of total development that resulted from the conversion of agricultural land. It should consider the impacts if a similar proportion of total development in the future resulted from similar general plan amendments. Then, the Final EIR should consider ways to mitigate that impact. To fail to do so would be to ignore the most likely means of converting of agricultural and forestry land to developed uses as a result of the General Plan Update.

P. 4.2-18 “The Draft General Plan includes policies and associated programs that are intended to retain agricultural lands within the County. The Land Use Element of the Draft General Plan includes the following goals, policies, and implementation measures (IMs) related to protection of agricultural, forest, and mineral resources:”

The Final EIR needs to explain to decisionmakers and the public that the County is not legally bound by the broad goals in the general plan, nor by policy or implementation measures that are optional rather than mandatory. As a result, the goals and optional provisions of the general plan listed in the EIR cannot be relied upon as mitigation measures. Unless this is made clear to the public and decisionmakers, they may get the incorrect impression that these general plan provisions provide more legal protection for agricultural and forestry resources than is the case.

P. 4.2-18 “IM LU-2A Title 17 of the Calaveras County Code – Update the Zoning Ordinance, Title 17 for consistency with the General Plan.” What portions of the County Code are not consistent with the General Plan Update, and will have to be amended to become consistent? What impacts may result while development continues under the obsolete code? Are there ways to mitigate these impacts by restricting certain developments pending the update of the code, or by identifying interim standards in the general plan that will apply to such development pending the code update?

P. 4.2-18 “Policy RP 1.1 Limit the intrusion and encroachment of incompatible uses that may affect Resource Production Lands. (IM RP-1A, RP-1B, RP-1C, RP-1D and RP-1E)

Policy RP 1.2 Require newly created or lot line adjusted parcels adjoining Resource Production Lands be of adequate size and compatibly zoned to minimize potential conflict between the uses or potential uses on Resource Production Lands. (IM RP-1A, RP-1B, RP-1D and RP-1E)”

What are the compatible uses adjacent to Resource Production Lands, and what are the incompatible uses? Unless these are defined, the decisionmakers and the public cannot determine the effectiveness of these policies in reducing impacts, and the need to improve their effectiveness. A general plan is expected to be clear and not vague.

What is the appropriate size of lots for incompatible uses adjacent to Resource Production Lands? Unless investors know, they cannot properly participate in the market. Unless decisionmakers and the public know, then they cannot be sure that the policy will be effective, or

whether it needs clarification. A general plan is expected to have such standards, and there is nothing that prevents their use.

Attached are a number of exhibits I am providing to help you improve the DEIR and the general plan.

Please retain a copy of these comments and exhibits for the administrative record.

Please respond to these comments in the Final EIR.

Please put me on the list of people to notify when the Final EIR is complete.

Sincerely,

[Sign your name]

cc. Supervisors (Optional)

Planning Commissioners (Optional)

[Relevant Commenting Agency] (Optional)

Local Agency Formation Commission