

**Presentation of Thomas P. Infusino, Esq,  
Before the Calaveras Board of Supervisors  
Study Session on the General Plan Update  
1/23/06**

My name is Thomas Infusino. I have been practicing land use law for 17 years. I advised and represented business and non-profit clients during the General Plan Update process in El Dorado County from the development of the draft general plan in 1992, through the completion of the environmental impact report in 1996, and through the first round of litigation in 1999. I currently advise non-profit clients regarding the ongoing general plan processes in Mariposa and Amador Counties.

For the last two months, it has been my great privilege to meet with good people from throughout Calaveras County who have many questions and concerns regarding the general plan update process. I have also had the honor of speaking with some of you Board members on these issues.

In anticipation of this study session, people have asked me to address a number of issues. I was asked to explain to the Board the legal jeopardy posed by the County's currently inadequate plan. It turns out that I do not need to address that issue, since the inadequacy of the current plan is among the worst kept secrets in Calaveras County. In the written materials I am submitting, I point out some of the most obvious flaws in the plan. There is no need to belabor those issues today.

People also asked me to explain the need for a comprehensive G.P. update. It turns out that I don't need to do that either. The Board is well aware of the fact that it could spend the next two or three years tuning up the countywide General Plan, but if it does not address the issues in the outdated community plans in for places like Valley Springs and San Andreas, the County will still have an outdated and legally inadequate general plan.

Finally, I have been asked to provide advice on how the County should go about getting the General Plan from the condition it is in now, to the condition it needs to be in at the end of a General Plan update process. That is the topic I will address in some detail.

My first piece of advice is: Seize the Day.

As supervisors, you can not afford to sit back on the sidelines and let staff do the heavy lifting. Resolving thorny planning disputes in your districts will require your hands-on brokering of the compromises that will become the foundation of peaceful and prosperous communities. The enthusiastic people here today are prepared, not only to point out the problems, but also to be involved in crafting the solutions. Together you can move from conflict over issues, to compromise in agreement, and ultimately to commitment to implement solutions. Seize the day.

My second piece of advice: Improve Upon on What Others Have Done.

Don't waste valuable staff time trying to prove that policies and programs employed successfully in other counties cannot work here. Don't try to prove that you can't have design standards like Mono County, or an open space conservation program like Placer County, or an Air Quality Element like Nevada County. Instead, invest staff time in adapting such measures so that they can play a role in a brighter future here in Calaveras County. If you do this, your end product will be the best general plan in the Sierra, and you should aim for nothing less.

My third piece of advice: Craft a General Plan that Makes Market for People Who Want to make Good Investments in the Community.

This involves placing some mandatory, fundamental and specific policies in the General Plan that provide clear and unambiguous directions regarding what is desirable, what is allowed, and what is not allowed. The good investors will welcome such direction, because it protects their investments. Once you create this floor of certainty for investors, the market will unleash creativity without walls.

My fourth piece of advice: Leave No One Behind.

If the County spends a lot of time and money updating the countywide General Plan, but fails to resolve the planning issues in District 2, Valley Springs, or Lake Tulloch, it will have failed. Do not start this process by aiming for less than the minimum needed for a valid general plan. I realize that this is a long, expensive, and even risky proposition. However, it is far better to engage in a process that has a 50/50 chance of success, than it is to pursue a strategy that has a 100% chance of failure.

My fifth piece of advice: Establish an Even Playing Field.

Many concerned citizens have amendments they would like made to the general plan. In addition, many developers have amendments they would like made to the general plan. If the County tells the concerned citizens that they must wait for the end of a three-year update process to get their amendments approved, it is only fair that the county should extend the same waiting period to the development community. If instead the County sets up a process in which developers seeking General Plan amendments have a fast track to approval, outside the comprehensive general plan update process, the public perception will be that the developers come first, and the rest of the public comes second. Rather than the inclusive general plan update process you seek, you will have one process for the exclusive developers, and another for the excluded public. Separate and unequal processes will fail. During this general plan update process, all general plan amendments must be treated equally.

Finally, the most important advice I can give you about how to get from the current general plan to the next general plan is this: take the first step today. Seize the day. Direct your staff to come back to the Board in a month or so to present options on:

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- 1) How to complete a comprehensive general plan update,
- 2) How to finance a comprehensive general plan update,
- 3) How to involve the public in the comprehensive general plan update, and
- 4) How to process general plan amendments during the comprehensive general plan update.

In conclusion, I would like to congratulate the Board. Your study session today has obviously awakened a new level of community interest in the Calaveras County General Plan Update. Thank you. God bless you, and God Bless the good people of Calaveras County.