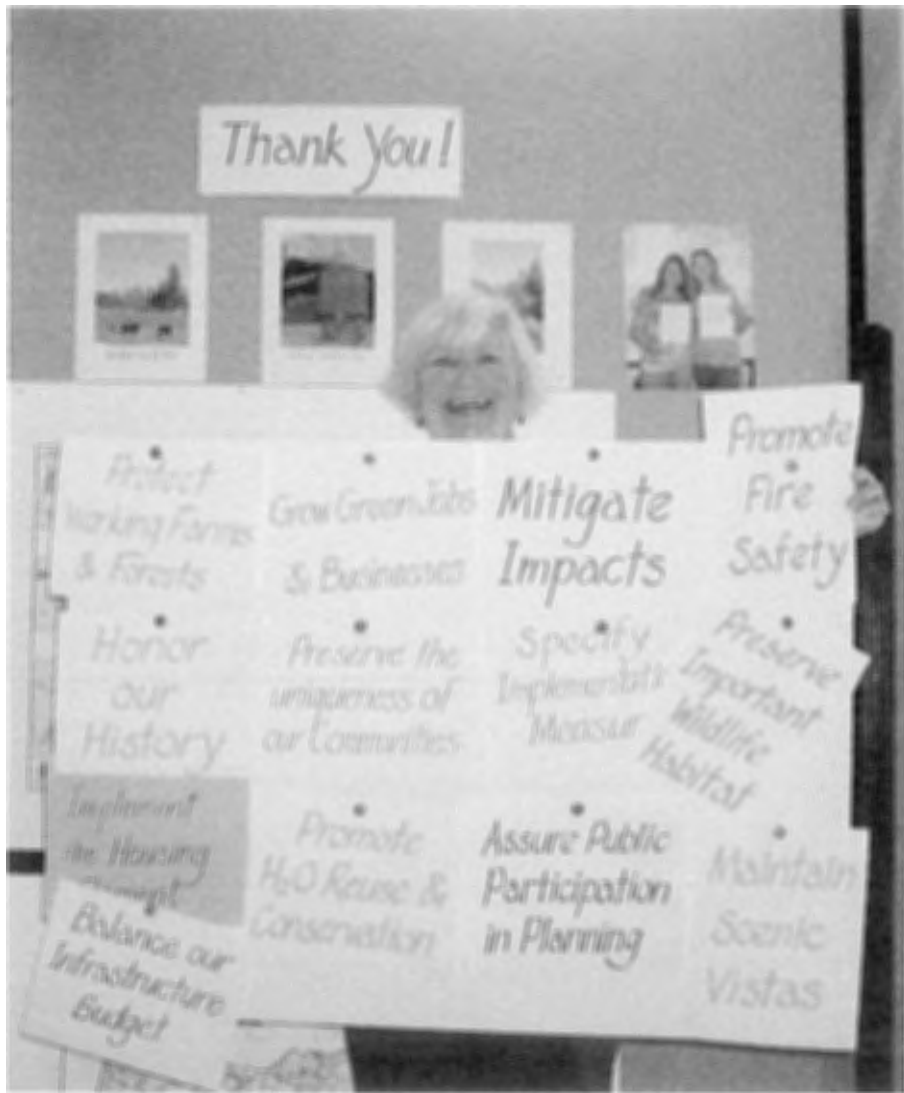


# Comments on the Calaveras County 2014 Draft General Plan



Submitted by

The Calaveras Planning Coalition

March 20, 2015

March 20, 2015

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RE: CPC Comments on the 2014 Draft General Plan

Dear Sir,

My name is Tom Infusino, and I am presenting these comments on behalf of the Calaveras Planning Coalition. Thank you for the opportunity to comment. The more detailed comments that follow this cover letter evaluate each of the elements of the Draft General Plan, and the Background Report.

**1) The General Plan Update process needs to return to being transparent and unifying.**

Recently the General Plan Update process has become less transparent, less diverse, and more divisive.

Originally, communities were encouraged to develop community plans to help provide unified input into the General Plan Update from diverse communities. Now most of the information in the community plans has been removed from the General Plan Update, and the plan's respect for the diversity of these unique communities has waned. Originally, every planning effort by the consultants resulted in the release of a public report. Now, the culminating draft general plan produced by Mintier and Associates has been withheld from public view. Originally, the General Plan Update was to include a unifying Vision Statement and Guiding Principles carefully crafted after hours of public input at community workshops. Now, that vision statement does not appear in the 2014 Draft General Plan.

We strongly encourage the County to find a way to include the community plan information more fully in the general plan update, to restore the Vision Statement and Guiding Principles, and to release the Mintier and Associates draft general plan to those of us who want to see it. It may have pearls of wisdom that we should include in the General Plan Update. It may be as good as the Mintier-Harnish draft general plan recently released for San Joaquin County. If so, we would be wise use the best material from our own Mintier-Harnish draft to keep pace with our

western neighbors, who often compete with us for funding and resources. These efforts would help to restore transparency to the general plan update process, to respect the diversity of our communities, and to re-unify support for the General Plan Update.

## **2) The Background Report and Background sections need improvement.**

The background information Draft General Plan and the Background Report are important for a number of reasons. First, the background information explains the basis for determining which issues are relevant and must be addressed in the General Plan Update. Second, the background information is critical to resident and outside investors alike, as they assess their economic opportunities in Calaveras County, and as they try to manage their way through the project review steps of multiple agencies. Third, background information alerts County residents to the many challenges ahead, so that they can contribute to overcoming the barriers to environmental health and economic prosperity.

We are disappointed that the background section of the elements and the 2014 Background Report neglected to include information critical to understanding and implementing the general plan. It is especially disappointing that the information in the 2008 Baseline Report, much of which was accurate and useful, was not included in the 2014 Background Report. Please include this information in the next draft of the Background Report.

## **3) There are topics missing from the elements.**

The “shoe fits” doctrine explains that a county is responsible for addressing recommended topics in a general plan to the degree that they are relevant to that county. If the County chooses not to address a topic, it must explain why the issue is not relevant in the county.

We were particularly puzzled that the Draft General Plan failed to address weaknesses in the current general plan that were identified in the 2006 Calaveras County General Plan Evaluation. Since that critique was the basis for initiating the General Plan Update, we had hoped that the Draft General Plan would at least ensure that these flaws would be corrected. However, after nine years of planning, we still see little evidence that the Circulation Element is correlated with the Land Use Element. We still see no background information on the regulatory framework for endangered species habitat management in the Conservation and Open Space Element. We still do not see the noise contours in the Noise Element. There are still no evacuation routes in the Safety Element. The General Plan Evaluation called for the correction of each of these flaws.

Since our general plan comments in April of 2007, the CPC has provided the County with a consistent list of relevant topics to include in the General plan. Some topics have been skipped over entirely, like Child Care Facilities. Work on many of these topics has been deferred until some unspecified time in the future including community design guidelines, a bicycle and pedestrian master plan, mitigation guidelines for biological resource impacts, a habitat conservation plan, an oak woodlands management program, climate change reduction measures,

a parks and recreation plan, uniform defensible space standards for fire safety, and emergency evacuation route designations. Even more puzzling were the elimination of ready-to-use standards for agricultural and forest land conversion mitigation and setbacks, prepared by the Ag. Coalition and broadly supported by others concerned. It is as if the County is going out of its way to avoid providing any guidance for both orderly economic development and sound resource conservation.

Furthermore, the 2008 Issues and Opportunities Report identified key topics that the General Plan should embrace. Nevertheless, the Draft General Plan sheds little immediate light on the critical subjects of infrastructure capacity, infrastructure financing, and infrastructure maintenance raised in that report. We are still no balancing our infrastructure budgets.

We strongly encourage the County to at least provide some interim guidance regarding these critical topics in the next draft of this General Plan Update and in the Project Description for the DEIR. The General Plan Update needs to be ready to implement when it is adopted, not 5 or 10 or 15 years later.

#### **4) Provisions are missing from the elements.**

Throughout the General Plan Update process, residents have been identifying provisions (i.e. goals, policies, objectives, standards, and implementation measures) for including in the General Plan Update text. These include provisions from the existing and proposed community plans, and provisions from draft optional elements of the general plan.

We are disappointed that only token provisions from the community plans have been incorporated into the Draft General Plan, and that many of the policies we recommended from the draft optional elements were not included in the text of Draft General Plan. For example, we recommended that four wastewater policies from the Draft Water Element be included in the Draft General Plan (Draft Water Element Policies 5.1, 5.2, 5.3, and 5.4). Three of the four policies were not included. We hope that more of our policy recommendations to protect health, safety, and wellbeing will make it into the next version of the general plan.

#### **5) The plan lacks quantified standards and measurable objectives.**


In general, it is disappointing that there are few quantified standards in the Draft General Plan that provide clear direction of what is required of new development. More standards would provide more clarity for the development community, and more security for existing residents that their interests will be protected. It is also disappointing that there are few measurable objectives that provide targets for achievement in the near-term and long-term. Such objectives would help guide County and citizen actions as we try to implement the plan. It is disappointing that so many of the policies merely call on the County to consider, facilitate, promote, support, investigate, and encourage things; rather than to actually complete specific tasks that would make the county a better place to live in the future. Finally, it is disappointing that so many of the so called “programs” do not specify who in the County, will be completing what specific

task, by what time; and how that effort will be funded. Such detail is needed to ensure that tasks do not fall through the crack and remain incomplete as time passes.

#### **6) Conclusions**

We have done our best to comment on the little that is in the Draft General Plan. Fortunately, we now know the extent of what is missing. In the months ahead we will try to find those missing pieces and provide them to the County. We strongly encourage you to incorporate those missing pieces so that, in the end, we all can benefit from a whole and complete general plan.

Sincerely,

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

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P.S. Please retain a copy of these comments for the administrative record.

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## **List of Contributors**

Muriel Zeller	Introduction, Resource Production Element
Colleen Platt	Land Use Element, Valley Springs Community Plan
Joyce Techel	Circulation Element, Safety Element, Public Facilities and Services Element
Penny Sarvis	Resource Production Element, Conservation and Open Space Element
Mickey Williamson	Conservation and Open Space Element, Noise Element
Marti Crane	Circulation Element
Zerrall McDaniel	Public Facilities and Services Element
Tom Infusino	Conservation and Open Space Element, Editing & Production

## **Incorporated Comments By**

John Buckley - CSERC  
Julia Costello – Cultural Resources  
Pat McGreevy – Parks & Recreation  
Lainne Staniford - West Point Community Plan  
Tim Laddish – Sheep Ranch Community Plan  
Jim Kavanagh – San Andreas Community Plan

## Comments on the Introduction

*“A community is the mental and spiritual condition of knowing that the place is shared, and that the people who share the place define and limit the possibilities of each other's lives. It is the knowledge that people have of each other, their concern for each other, their trust in each other, the freedom with which they come and go among themselves.” —Wendell Berry*

### 1. No Vision

We at the Calaveras Planning Coalition (CPC) can think of no better expression of community than that provided above from Wendell Berry, a poet, philosopher, and farmer. Consistent with that expression of community, CPC members and other county residents have been working together since 2006 to craft an updated General Plan for our county, our shared community-at-large.

Early in the General Plan Update process, citizens came together in a series of community workshops to express what they envisioned for Calaveras County's future. The result was the Draft Working Vision Statement and Guiding Principles dated June 25, 2008 (Attachment IC-1). Our expectation was that the vision we articulated and the principles we embraced to realize that vision would be the foundation for the next General Plan. Imagine our disappointment and dismay when we discovered that there is no clear vision in the 2014 draft Introduction or elsewhere in the 2014 draft General Plan.

The 2014 draft Introduction says, “...the General Plan establishes a variety of land use designations to accommodate the needs of the projected resident and visitor populations, while guiding that growth through implementing the General Plan's goals, policies and programs--all intended to turn the General Plan's vision statement into reality (page-INT 1).” Yet, there is no vision stated. How does one turn an unstated vision into reality?

The only other reference to a vision in the 2014 draft Introduction comes under the heading of Goals and Policies (page-INT 6), “Goals are intended to describe the County's ultimate “vision” with respect to Land Use, Circulation, Housing etc.” This implies we are expected to search out and compile a list of the goals in each element in order to discover this “ultimate” vision, which would undoubtedly be a tedious and unsatisfactory exercise.

“A vision statement is a summary of the shared values of the community to be preserved and enhanced in the future through the updated General Plan,” as expressed in the Administrative Review Draft Introduction dated December 2010 (page I-2) prepared by Mintier & Associates (Attachment IC-2). We couldn't agree more. The 2010 draft Introduction goes on to point out that the Vision Statement prepared in 2008 “reflects input received from members of the public, community groups, stakeholders, Planning Commission, Board of Supervisors, and County staff.”



We request that you incorporate the draft vision statement from 2008, which is also included in the 2010 draft Introduction, into the draft General Plan. It is as follows, “The historical character of the county’s communities, the value of its productive resources, and the distinction of its physical beauty will continue to create a high quality of life for residents and a remarkable and memorable experience for visitors to the county.” The vision statement is the foundation upon which the General Plan rests. Without a vision of where we want to be, we will have no way of knowing how to get there.

## 2. No Guidance

In the first section of the 2014 draft Introduction (page-INT 1) titled, “General Plan Purpose,” there is a discussion of what the General Plan is intended to “guide,” “encourage,” “advocate,” “provide,” “promote,” “respect,” “recognize,” and “maintain,” but there is not a single principle expressed with any real specificity. Without a vision, how could there be? However, we do have specific Guiding Principles that were developed in conjunction with and as part of the 2008 Vision Statement. We request that you include those Guiding Principles, which were also included in the 2010 administrative draft, as they are the “fundamental ideas that represent the County’s philosophy about land use, change, economic development, and sustainability (page I-3).” The Guiding Principles, also the result of extensive community input, are as follows:

- A. The history of the Gold Rush era will be alive in the culture of distinctive communities that provide a high quality of life for generations of residents.
- B. Open space, wildlife habitat, scenic vistas, agricultural lands, forests, rivers, and lakes will be protected and maintained for wildlife habitat, productive grazing and agricultural lands, and recreation.
- C. Communities will have clear boundaries and be separated from one another by working landscapes, greenbelts, or parks.
- D. Communities will have distinct centers where shopping, medical services, childcare, schools, jobs, and infrastructure are available. They will provide a range of housing types and affordability so people of all income levels can live in the same community.
- E. Businesses will thrive in a strong local economy based on sustainable natural resources and innovative industries. New opportunities for economic development will capitalize on advanced technology and catalyze growth and innovation.
- F. Visitors from around the state will be attracted to Calaveras County’s historic communities, local businesses, recreation areas, and wineries. Tourism will play major role in the local economy and protection of natural and scenic resources.
- G. Development will not outpace the ability of County government to provide adequate services and infrastructure or reduce the level of service provided to existing communities.
- H. Highways and streets will be well-maintained and well-connected. Public transit and bike/pedestrian facilities will provide choices for travel within communities and to major destinations.
- I. Water quality and water rights will be protected to ensure that they are sustained for future generations.

J. The risks of flooding, fire hazards, and climate change will be mitigated to the greatest extent possible to protect residents.

K. Residents will have access to medical and emergency services, and opportunities for life-long learning and enrichment at educational institutions.

L. Government services will be efficient and effective with measurable results. Through community involvement and volunteerism, residents will be active participants in guiding Calaveras County towards a common vision for the future.

### 3. No Source

There is nothing in the 2014 draft Introduction to indicate the source of the General Plan's public mandate. In fact, there is no mention of public participation at all, as if the draft General Plan had been created solely under the direction and influence of Planning Department staff and outside consultants in the last two years. Where is the reflection of the General Plan update process which has been ongoing since 2006?

The 2014 draft Introduction says, "Numerous other plans and documents were used in preparing the General Plan as references and background information. These associated plans are referenced in the bibliography to the *General Plan Background Report* (page-INT 6)." When we looked in the bibliography, we saw no reference to those documents that would have given us some hope that the long history of the General Plan process had been given any real consideration in the preparation of the 2014 draft.

There was no mention in the bibliography or the 2014 draft Introduction of the previous Baseline Report (January 2008), the Draft Working Vision and Guiding Principles (June 2008), the Issues and Opportunities Report (June 2008), the Alternatives Report (February 2010), or the Administrative Draft 2035 General Plan (January 2011), all prepared by Mintier-Harnish Planning Consultants (formerly Mintier & Associates), the original consultants hired by Calaveras County to complete the General Plan update. Were these documents ignored in the preparation of the 2014 draft General Plan? In the next draft of the General Plan, please indicate how these documents influenced the preparation of the plan.

Former Planning Director Rebecca Willis allowed the Mintier-Harnish contract to expire in 2011 after the County had paid them \$909,236 for an updated General Plan that was nearly done. According to a letter from Mintier-Harnish to the Board of Supervisors dated December 11, 2012 (Attachment IC-3), "*The General Plan Update was substantially complete when it was put on hold.* In February 2011, when we submitted a complete administrative review draft of the Policy Document, the General Plan Update process was more than 80 percent complete. We had prepared a public review draft of the Baseline Report, worked with county residents to prepare a vision statement and guiding principles, completed the alternatives process, submitted an administrative draft of the complete General Plan Policy Document, and begun work on the Environmental Impact Report. We were on track to complete the General Plan Update within a year or less. In other words, the Board could have adopted a new General Plan as early as Spring 2012. However, our contract with the County was allowed to expire at the end of 2011, after Ms. Willis expressed a desire to 'go a different direction.'"

We are uncertain why Mintier-Harnish was let go after five years and their nearly completed plan abandoned, however we are very certain that Mintier-Harnish conducted substantial public outreach and incorporated public input into the documents they created for the General Plan update process, because we participated in that process and have read the documents, which we fully expected would be reflected in the final General Plan. It is important to note that the 2010 draft Introduction prepared by Mintier-Harnish references all those documents and repeatedly refers to public and stakeholder participation in the preparation of their draft plan.

As the 2010 draft Introduction points out, “The General Plan Update included an extensive public outreach process to solicit feedback on major concepts, alternatives, and proposals throughout the process. Over the four-year update process, hundreds of county residents, property owners, business owners, and stakeholders representing all segments of this community participated by providing their ideas, passions, and energy to plan Calaveras County’s future. This input has directly shaped the 2035 General Plan.”

The 2014 draft Introduction is written as if that four-year process didn’t exist. It is bad enough that nearly \$1 million has been squandered, but it is worse to deny the public any benefit from that investment, especially when the biggest benefit at this point is a record of the public’s participation in the General Plan Update process. In the next draft of the General Plan, please indicate the extent of public input and participation since 2006 and how it has been incorporated into the plan, if at all.

#### **4. A Better Template for the General Plan**

The CPC finds the content, style, and format of the 2010 draft Introduction to be more comprehensive, more easily understood, and more complete than the 2014 draft Introduction. It is a better guide to the General Plan and provides a more complete overview of its function and importance and the role of various stakeholders in it. We request that the next iteration of the draft General Plan adopt the 2010 Mintier-Harnish Introduction as a template or model.

#### **5. Implementation Measures**

The 2014 draft Introduction says, “Not all goals and policies are associated with or require the establishment of an implementation program(s) (page-INT 6).” This seems to conflict with the state’s *General Plan Guidelines*, which say, “Each policy must have at least one corresponding implementation measure (GPG, page 16).” Please clarify how the draft Introduction does not conflict with the guidelines.

#### **6. Nonconforming Uses**

The introduction concludes on Page-INT 7 with a discussion of. “*Legally* existing uses and parcels that do not conform to General Plan standards.” (emphasis added) However, there is no explanation of how the County will treat existing structures and uses that have not been lawfully

permitted, and alleged parcels that have not been lawfully created. Thus the discussion is not balanced.

One reading the nonconforming use discussion might mistakenly believe that the County is expressing a general amnesty toward existing nonconforming uses, as opposed to making a very limited allowance for uses made non-conforming due to new General Plan standards. This misconception is furthered by the fact that, in the current 1996 General Plan, the Land Use Element specifically mentions the treatment of illegal nonconforming uses immediately after the discussion of legally nonconforming uses. The lack of a discussion in the new General Plan could be misconstrued as an abandonment of the County's previous position on illegal nonconforming uses. The County should avoid giving this wrong impression. Furthermore, the enforcement provisions of the County Code need some foundation in the new General Plan.

In the conclusion of the Introduction, please state that "The County retains the right to take enforcement actions consistent with the County Code, against any existing structures that were built, and any existing uses that have been initiated, without obtaining the required permits, and any alleged parcels that were created without compliance with the law applicable at the time."

Please note that the Land Use Element of the 1996 General Plan included:

"Policy II-22B: Deem all uses and parcels not established in conformance with the General Plan or regulations in effect at the time the use or parcel was established or created, which prohibit said use or creation, to be illegal nonconforming uses and parcels, and prohibit their development, continued use or expansion.

Implementation Measure II-22B-1: Apply the provisions of the County Zoning Code relating to non-conforming uses and parcels."

Please include such a policy in the Land Use Element of this General Plan to further clarify the County's position regarding illegal nonconforming uses.

Attachments:

IC-1 Draft Working Vision Statement and Guiding Principles (2008)

IC-2 Administrative Review Draft General Plan Introduction (2010)

IC-3 Mintier-Harnish Response Letter to the Calaveras County Board of Supervisors (Dec. 11, 2012)

## Land Use Element Comments

### Contents Outline:

1. Background Report and Background Settings Relevant to Land Use
  2. Missing or Substandard—Land Use Element Introduction, Organization, Relationship to Other Documents, Special Considerations
  3. Land Use Definitions Table
  4. Land Use Map Draft 3
  5. Missing Land Use Element Topics, Goals, and Vision
  6. Substandard Goals and Policies of the Land Use Element
  7. Land Use Element Programs—Missing or Substandard
  8. Endnotes for the Land Use Element
  9. Attachments for the Land Use Element
- 

### **1) The Background Settings and Background Report relevant to the Land Use Element Need Improvement**

#### **a) Background Settings for the Land Use Element**

**There is no “Background and Setting” Section in the Land Use Element of the 2014 Draft General Plan.** Section LU 1.1 Land Uses contains a Table and a Figure showing *new* land use designations and a *future* land use map, but there is no background information about *existing* land use and development settings. Section LU 1.2 Relationship to Other Plans and Documents refers to four types of documents that guide land use: the County Zoning Code, two Specific Plans, the Airport Land Use Compatibility Plan and a Waste Management Plan. **There is no other background information about existing land use or settings.**

#### **b) Background Report: Land Use Chapter**

As stated on page 36 of the 2003 General Plan Guidelines, “The general plan must be based on solid data if it is to serve as the primary source of community planning policy.” “Background information for all of the elements should be referenced or summarized in the general plan.”

The Land Use Chapter of the Background Report is supposed to contain a detailed description of existing land use in the Planning Area. **The Land Use chapter contains NO background information on land use besides an airport land use compatibility study. All other land use background information is missing in this chapter.** There is no evidence it exists, or clear direction where to find it. The only direction given is the second sentence, “*The majority of background information used in formulating the General Plan Land Use Element is found throughout this General Plan Background Report.*” Really?? Where?? **Readers are expected to search through nearly 300**

**pages of Background Report and Appendixes in hopes of finding information used to formulate the Land Use Element. This is inadequate and substandard.** Specific direction needs to be given as to **what** background information was used in formulating the land use element, and **where** to find it.

We *tried* to find background land use information. The Background Report Table of Contents contained no page numbers or lists of Figures and Tables, so we literally paged through the entire 300-page document looking for land use background content. We may have missed something, but we could find almost nothing. We found Census data and Population Projections in the Introduction, but **we could find nothing that described existing land use conditions in rural Calaveras County or its densely populated areas.**

In November 2011, planning director Rebecca Willis gave a PowerPoint presentation at a supervisors study session about refinements to the preferred general plan land use map (see attachment LU-1 Board of Supervisor Minutes, November 22, 2011, page 2011-209). Director Willis summarized the approx. buildout of 200,000 lots and **listed and mapped countywide improved and unimproved lots: 26,000 “built” lots, 27,000 existing legal unimproved lots in rural areas, 3,500 vacant subdivision lots, 4,500 lots in approved but not yet recorded subdivisions, and 4,200 lots in pending applications.** The Board of Supervisors gave unanimous direction to 1) Identify factors and assumptions in Land Use Plan and 2) Address existing unimproved lots. **Where is this important information and mapping about existing improved and unimproved lots and buildout assumptions in the 2014 Draft General Plan?**

In March 2013, Brenda Gillarde, Calaveras County General Plan Coordinator, spoke at a joint PC/BOS study session about the draft general plan land use map #2 (see attachment LU-2 Board of Supervisors Minutes, March 19, 2013, page 2013-049). She said there were 43,300 legal parcels in the county, 41% were vacant, and she identified the breakdown of the types of land that make up the 41%. The meeting presentation and staff report gave a breakdown of the vacant land by land use category, acreage, and number of parcels; potential parcel splits on vacant land; and carrying capacity and buildout projections along with assumptions used (see attachment LU-3 Calaveras County Planning Department Agenda Submittal, General Plan Land Use Map Draft 2, March 19, 2013 pages 5-10, page 35). **Where is this necessary background land use information about the number and type of legal and vacant parcels, potential splits, carrying capacity and buildout projections in the 2014 Draft General Plan?**

Where is background information on and descriptions of our existing communities and their diverse characters? Where is information about “conditions on the ground”—existing developed properties, current land use and zoning, where current land uses are located and shown on maps, the percentage of developed land parcels vs. vacant/undeveloped, and what land use these undeveloped parcels are? Where is low-, high- and medium-density residential development currently located? At what average densities have developments actually built in the existing land use designations? Where are existing commercial centers and industrial corridors located? Are there conflicts and

inconsistencies within and between existing land uses, zoning, and the existing General Plan that need to be addressed? Where are existing scenic and natural characteristics and resources of our county located in relation to land use, so they might be protected or mitigated as land development occurs? **We could find none of this information in the Background Report.**

We looked in the **Circulation Chapter of the Background Report**, hoping to find maps of existing population centers, land uses, and densities, existing developed parcels, and existing planned or proposed developments, but were disappointed. **We found no background information at all in Circulation.** The text and UPlan diagrams only model *future* growth projections and traffic *forecasts*. **There is nothing in the Circulation Background Report to show existing “conditions on the ground.”** Finally, we looked in the actual **Draft Circulation Element** and found one Circulation Figure CIR-1 that showed the existing circulation system, but **nothing shows existing roadway Levels of Service or the amount of traffic on roadways, conditions of roads and bridges, existing land uses, or where existing population densities are located relative to roadways. There are no maps of developed or undeveloped parcels, and no maps of approved or proposed developments.**

Hoping at least to find some description of our beautiful county and its scenic resources, we looked at **the Conservation and Open Space Chapter of the Background Report—Scenic Resources--and found this heading EMPTY.** No content was included under Scenic Resources, and there was no direction where to find it. This is unacceptable. Later, we found some background information in the Draft Conservation/OS Element itself. Background information either needs to be IN the Background Report, or the Background Report needs references to WHERE TO FIND IT. Otherwise, it is confusing, misleading, and **makes it appear that there is no background information.**

The previous general plan consultant, Mintier-Harnish, provided Calaveras County a Public Review Draft General Plan Baseline Report in January 2008 that had a great deal of well-organized background land use information. Some of it needed improvement (good parcel-based land use maps had not yet been created by the County GIS department) but at least background data was there, and served as a basis for the draft general plan at the time. Where is all that information now? It appears to be missing. Why wasn't this previous background information at least used as a starting point, corrected, and updated?

**Please include Land Use Background information such as the existing 90 pages contained in the Public Review Draft Calaveras County General Plan Baseline Report January 2008, Chapter 3 Land Use** (see attachment LU-4 Calaveras County, Public Review Draft Calaveras County General Plan Baseline Report, Chapter 3 Land Use, January 2008).

Following is the organization and content of the Land Use and Scenic and Community Character Chapters of that 2008 background document:

□ **Chapter 3–Land Use.** *This chapter provides an overview of existing land use conditions and land use regulations in Calaveras County, the existing 1996 General Plan, and other related county plans. This chapter also includes an overview of the City of Angels General Plan and surrounding county general plans, and State and Federal plans/policies that affect the Planning Area.*

□ **Chapter 4–Scenic and Community Character.** *This chapter describes Calaveras County’s one scenic highway, State Route (SR) 4. It also defines the characteristics of the county’s rural landscapes, including mining and ranching landscapes, and provides information and data concerning the character of the county’s diverse communities.*

**Please include this information in the General Plan Background Report.**

Each chapter in the 2008 Mintier-Harnish Baseline Report was formatted to include the following:

□ **Introduction.** *An introduction that provides a brief description of the issues covered in the chapter. It also contains a brief summary of key findings for the chapter. These findings present the key facts and preliminary issues from the chapter, and serve as a key basis for the identification of issues to be addressed in the Policy Document.*

□ **Existing Conditions.** *These sections, which form the bulk of each individual chapter, describe the existing conditions as of January 2008 for each resource or issue area.*

□ **Regulatory Setting.** *Each chapter describes the regulatory issues pertaining to the topical area/topics identified. When applicable, Federal, State, and local regulations are presented.*

□ **Key Terms.** *Key terms used throughout the chapter.*

□ **Bibliography.** *List of references used in the chapter, including reports/publications, websites, and persons consulted.*

**Please format each chapter in the General Plan Background Report in a similar way, including the Land Use chapter (issues, summary of key findings, existing conditions, regulatory setting, key terms, and bibliography).**

A Background Report serves as the foundation document from which subsequent planning policies and programs of the general plan are formulated. Without land use baseline and background information there is no foundation for Land Use Element decisions. **Please include this background information in the next draft of the Background Report and/or in the Background and Setting Discussion in the Land Use Element.**



**c) Background Report: Introduction. Projected Growth/Demographics.**

(Pages 4, 5, and 6)

The Introduction with projected growth and demographics is too brief and confusing—only two Tables and two Figures; almost no text; Figures INT-1 and INT-2 are too blurred and poor quality to read the census distribution maps. There is not enough explanation of the figures in the Tables.

**Table INT-1** Projections, showing New Occupied and New Vacant Units to be Provided, is not explained well. What is meant by “Vacant Units”? Why do New Vacant Units need to be provided?

**Table INT-2** Distribution also raises questions:

a) Please explain footnote j’s reference to “**Vacancy + Seasonal Rate**” and Note re. “vacancy rates”. These terms, usage, and statistics are not explained anywhere. What are the numbers of existing vacant units in the county; how many are vacant because they are rentals or people have moved vs. vacant because they are second homes; and how are vacant and seasonal units counted in population and unit projections?

b) **Column #5 “Total 2035 Units Needed”** does not seem to take into account existing vacant dwelling units in the county (or if it does it’s not apparent how). Its figures echo those in the Land Use Element, pages LU13-LU15, **Special Considerations, Disadvantaged Legacy Communities**, where 2010 Census figures are used to report community populations and numbers of dwelling units, broken down by “occupied” and “vacant” units in this section. Then, population increase numbers and additional dwelling units required are listed. But the number of existing vacant units does not seem to have been factored into the number of new dwelling units required. For example, in Railroad Flat there were more 2010 vacant dwelling units (120 units vacant) than there will be additional dwelling units required, “Population is expected to increase by 101 persons (requiring 56 additional dwelling units) by 2035.” Since the 120 vacant units weren’t factored in and subtracted from units needed, it seems the number of new additional dwelling units required is incorrect—it could even be a negative figure. This same problem and these same numbers are in Table INT-2’s Column #5 “Total 2035 Units Needed.” Calculations should be redone on all communities, counting the number of vacant units available for future use as population grows, and subtracting that figure from Total Units Needed. If there is a different interpretation of this, it needs to be explained.

c) Table INT-2’s “**anticipated distribution of the projected population**” shows **future distribution that mirrors the existing distribution** of population in the county. **Why would future growth be distributed exactly the same as past growth in the county?** Aren’t there current factors and limitations that would change future land use patterns as compared to past development and population growth? Factors affecting future growth patterns should be considered, such as limitations on available water and sewer, new state restrictions on septic systems, costs and maintenance of new roads for development in

remote areas, availability of easily-developable lots (years ago, the easiest and most-desirable lots went first, especially in subdivisions like Rancho); availability of jobs in the county and proximity to jobs in areas outside the county, thousands of already-entitled residential units in approved subdivisions in Copperopolis, etc. We question the blanket uniformity of anticipated growth distribution shown in Calaveras County.

d) **Under Census 2010 Tract 1.20 heading**, Oak Canyon Ranch, Saddle Creek, Tuscany Hills, Copper Town Square/c/ (“entitled units”) is a line item, but there are no numbers entered in population or increase or units needed columns (except “392”, but that also applies to two other sub-areas). The listed subdivisions are entitled and mostly unbuilt except for Saddle Creek, which has at least 310 units constructed. Why aren’t any numbers shown for Saddle Creek’s existing population and units? Why aren’t any numbers shown under 2035 Population Increase or 2035 Units Needed for these approved subdivisions?

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## **2) Missing or Substandard Information in Land Use Element Introduction, Organization, Relationship to Other Documents, Special Considerations**

### **Page LU1, Introduction.**

The second line refers to “Chapter 1, Table INT-2” for the relationship of the Land Use Element to other elements.

**On page INT 5 of Chapter 1, the Table referred to as INT-2 is mislabeled Table INT-1.**

The third paragraph describes the *emphasis* of the Land Use Element:

“The main emphasis of the General Plan Land Use Element is to direct growth to areas in and around existing communities, away from locations where natural characteristics may limit development (e.g., steep slopes or sensitive habitats), and to areas that have, or can readily be supplied with, adequate public facilities and services. The element further emphasizes the preservation of the County’s quality of life through safe, well-designed development.”

This raises questions. How does the Land Use Element direct growth “away from locations where natural characteristics may limit development”? The land use element contains no mention of steep slopes, sensitive habitats, or other areas “where natural characteristics may limit development.” This is not in land use Goals or Policies. How will this direction for growth be accomplished? Shouldn’t there be a Land Use Goal with Policies that reflect and clearly state this well-intentioned desire to direct growth away from problematic natural locations?

There is only one Program that even mentions slopes, page LU24/ **LU-3C Hillside Development**, but that future program would only establish acceptable slope-related densities for development—it *doesn’t direct development away from steep slopes*.

If direction of growth away from natural characteristics that limit development is given in other Elements, shouldn't the land use element mention this, and direct the reader where to find these areas of natural limitations (such as the Safety Element or Conservation & Open Space)? And what are other "natural characteristics" that might limit development (flooding and fire hazard areas come to mind)?

We looked in the Safety Element to see if there was a Goal or Policy that directs growth away from steep slopes. There is not. **Policy SAF 4.3** allows new development on land with grades of 20% or greater, as long as certain conditions are met. Programs **SAF 4-D Hillside Management Guidelines** and **SAF 4-E Development on 20% Slopes** (page SAF 16) also allow development on hillsides and steep slopes as long as certain guidelines are followed and conditions met. Program SAF 4-D Hillside Management Guidelines and Program LU-3C Hillside Development may conflict unless they are intended to be the same program to "draft a hillside management ordinance"?

As explained on page 13 of the 2003 General Plan Guidelines, internal consistency means that "Each element's data, analyses, goals, policies, and implementation programs must be consistent with and complement one another." While consistency among elements means that, "All elements of a general plan, whether mandatory or optional, must be consistent with one another." (See *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90.)

There does not seem to be adequate direction given in the Land Use Element, or other elements, to support the Land Use Element's "main emphasis" statement about directing growth away from problematic natural areas. There also does not seem to be good linkage between General Plan elements. **Please add a Goal and Policies in the land use element to direct growth away from locations where natural characteristics may limit development.**

Page LU1, **Organization of the Land Use Element.**

Where is the "**Background and Setting**" Section in the Land Use Element? This section is referred to in the General Plan Introduction as "typical" for General Plan elements. All the other Elements include this background and setting section except the Land Use Element. LU 1.1 Land Uses contains only new land use designations and a future planning land use map; there is no background information about existing land use. **Please include such a section in the next draft of the General Plan.**

Page LU1 and Page LU11, **LU 1.2 Relationship to Other Plans and Documents.**

The County Zoning Code, two Specific Plans, a Waste Management Plan, and the Airport Plan are listed as documents that "guide or regulate land uses in Calaveras County." But **where are the associated Community and Special Plan documents?** Community plans are referred to in the Community Plan Cross Reference table; community plans are used as a basis for land use designations on the GP Land Use Map; community plan goals and policies are supported in policies in General Plan elements (as shown in the Community Plan Cross Reference), and **community plans are the basis for the Land**

**Use Element’s community development guidance and community-specific Community Planning Goals and Policies (pages LU20-23). All Community and Special Plan documents used to guide land use and policy in the general plan should be referenced in section LU 1.2, listed in the General Plan Bibliography of reference materials, included in the Background Report, and/or attached as an Appendix.**

**Pages LU13-LU15, Special Considerations, Disadvantaged Legacy Communities**

In all six Disadvantaged Legacy Communities described, 2010 Census figures are used to report community populations and numbers of dwelling units. Dwelling units are broken down into “occupied” and “vacant” units. Then, population increase numbers and additional dwelling units required are listed. But the number of existing vacant units does not seem to be factored into the number of new dwelling units required.

For example, in Railroad Flat there are more vacant dwelling units in 2010 (120 units vacant) than there will be additional dwelling units required in 2035 (56 units), “Population is expected to increase by 101 persons (requiring 56 additional dwelling units) by 2035.” Since the vacant units weren’t factored in and subtracted from units needed, the number of new additional dwelling units required is incorrect. **Calculations should be redone on all communities, counting the number of vacant units available for future use as population grows.**

The same problem appears in the Background Report Introduction Population Projections, pages 4, 5, and 6. Railroad Flat is listed as needing 56 units in the year 2035. If there are 120 units vacant in 2010, and the population grows by 101, there are no units needed in 2035. What about all the other communities that had vacant units—the numbers of units needed would be inaccurate for them, too, wouldn’t it? **Please reexamine all community numbers, and factor in the number of existing vacant units available for use when looking at projected population increases and estimating the numbers of new dwelling units needed.**

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**3) Comments on Table LU-1 Land Use Definitions**

[Pages LU2-LU7, Table LU-1: General Plan Land Use Categories; Density and Intensity of Use; General Distributions and Location of Uses]

A diagram along with the general plan’s text, “should be detailed enough so that the users of the plan, whether staff, elected and appointed officials, or the public, can reach the same general conclusion on the appropriate use of any parcel of land.” “Decision-makers should also be able to use a general plan, including its diagram or diagrams, in coordinating day-to-day land use and infrastructure decisions.” (2003 GPG, p. 14.) Unfortunately, Table LU-1 has insufficient detail to meet these needs.

**a) Building Intensity Column. Land Use Designations RM, RP, WL, RTA, RTB, RR/ acreage range questions.**

People are confused by the acreage ranges listed under the “Building Intensity” column such as “40-160 acres/lot” for RP, “20-40 acres/lot” for WL, “10-20 acres” for RTA, “5-10 acres/lot” for RTB, “1-5 acres” for RR, etc. Many existing legal lots on the county land use map have been designated a particular land use but their acreage doesn’t fit the acreage range—either they are smaller or larger. For example, existing 1/2-acre lots in Rancho Calaveras are designated RR (1-5 acres); numerous lots in Sheep Ranch much smaller than 5 acres have been designated RTB (5-10 acres/lot); and numerous parcels less than 40 acres are designated Resource Production (40-160 acres), etc.

Depending on conditions on the landscape, could some RP subdivisions be limited to the higher acreage end of the building intensity range (e.g., 1 lot per 120 acres)?

Is the Building Intensity column with acreage ranges meant to suggest minimum-maximum limits for existing lot sizes to fit into, or does Building Intensity represent the minimum size of any subdivided lot that can result from the subdivision of any existing lot with that designation?

Are the building intensities averages that are applied across a proposed subdivision that may have different minimum and maximum lot sizes? If so, what are the actual minimum lot sizes that apply in each land use designation?

If a 39.85 acre parcel was designated Resource Production but was less than the 40-acre min. shown, would its smaller size disqualify it for a proposed RP uses?

How are lots “on the cusp” to be treated, such as 20- and 40-acre lots? People refer to the “weirdness of having the upper limit of the smaller lot size the same as the lower limit of the next size up.” And why are there upper limits at all? This is confusing. If a landowner has 210 acres in RP (40-160 acres) does it mean they cannot divide the property into one 40 and one 170 acre lot?

These confusions need clarification. We have a suggestion. If the following statement were contained in the Land Use Element as a recurring footnote to Table LU-1, after every lot size entry in the “Building Intensity” column for the designations listed above, it would make sense of these apparent disparities, and perhaps even be what the planners have been intending.

The proposed statement is this:

“When a minimum lot size is stated for a Land Use Designation in Table LU-1, that is the minimum size of any subdivided lot that can result from the subdivision of any existing lot with that designation. Thus a Resource Production lot, listed with “40-160 acres/lot,” cannot be subdivided unless it is at least 80 acres, and unless each of the resulting subdivided lots is at least 40 acres. Also, there are lots on the Land Use Map with Land

Use Designations that usually apply to larger or smaller lots, i.e., their actual current acreage does not come within the lot acreage ranges given in Table LU-1 for those lots' designations. This was done because such a lot is best described in Table LU-1's Description column for the designation it has been given. To determine the minimum size of any lot that could result from any subdivision of a current lot as designated, look to the minimum acreage given for that lot's designation, not the actual acreage of the lot."

**b) Water/Sewer Requirements Column.**

Private wells and individual septic systems are listed as *Requirements* for the land use designations RM, RP, WL, RTA, and RTB; individual septic is listed as a *requirement* for RR five acres or larger. We assume that the County would not rule a 5-acre parcel ineligible for Rural Residential designation, or any parcel ineligible for Rural Transition-B designation, because it had public water? **Perhaps the County meant to say wells and septic systems are the *minimum requirements* for such parcels?** If a parcel has public water or sewer, it would make no sense for the County to bar it from those designations. If that were the case, many properties would not fit in any designation at all. This problem could be solved by either changing the heading to "Water/Sewer **Minimum** Requirements", or adding the phrases "or public water" "or public sewer" to the terms "Private well" or "Individual well" in the above land use designations.

**c) RR Rural Residential LUD. Not restrictive enough.**

The 1-5 acre range shown for RR is a concern, as it would allow further subdivision of RR parcels without public sewer into 1-acre lots. The Description says only that further subdivision would be limited by roads and water, not by sewer. We do not believe it is in the best interest of public health and water quality to encourage subdivision and creation of more 1-acre lots with septic systems. Septic systems are polluting groundwater, which serves residents as drinking water (see USGS news release, "Man-made Pollutants Finding Their Way Into Groundwater Through Septic Systems", February 10, 2015, at the following link: [http://www.usgs.gov/newsroom/article\\_pf.asp?ID=4121](http://www.usgs.gov/newsroom/article_pf.asp?ID=4121) , Attachment LU-9).

There are already enough failing septic systems on smaller parcels (in Rancho Calaveras, Arnold, and other subdivisions in the county). There are many 2- and 3-acre and larger vacant lots in the RR designation throughout the county that might be subdivided into 1-acre lots if the county allows this under RR LUD. Underlying zoning varies greatly, plus zoning may be changed and updated. A 3-acre parcel that is now zoned RR-3 would have no protection from being subdivided further under this new RR LUD description. According to page INT-7, "*Where an inconsistency exists between zoning and General Plan permitted densities, the development density of the General Plan land use designation shall apply.*" **We suggest the county find a way to discourage or prevent**

**further subdivision of RR parcels into anything smaller than 2- or 3-acre lots unless they are on public sewer.**

Additionally, the intention of the Rancho Calaveras Special Plan was that areas with 3-acre residential lots were **never** to be subdivided, not even if public sewer was available. **Allowing further subdivision to happen would harm property values for landowners in Rancho** (in addition to endangering water quality). **A provision to prohibit further subdivision of residential lots in Rancho Calaveras needs to be included in the Description of RR, or codified somehow as a special land use designation or land use element Policy under Community Planning, Rancho Calaveras.**

**d) RLD Residential Low Density.**

Description: “The purpose of this designation is to provide for single family residential development in areas with **public water and sewer service.**” Yet under the Water/Sewer Requirement column, **Well/septic is listed first.** Is this a mistake? Or, is it to limit such well/septic served development to parcels of five acres or larger?

**e) Community Area—Add to Table LU-1 Land Use Definitions**

“Community Area” is shown on the General Plan Land Use Map, but is not described on the map or in the Land Use Definitions table. This is a new land use designation. Please add Community Area and describe it in Table LU-1 General Plan Land Use Categories. (See further Community Area comments under the General Plan Land Use Map Draft #3 heading) “The general plan’s text and its accompanying diagrams are integral parts of the plan. They must be in agreement.” (2003 General Plan Guidelines, p. 13.)

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**4) Comments on the General Plan Land Use Map Draft #3**

**Page LU9, Figure LU-1: General Plan Land Use Map**

**a) At least two “Community Areas” have not been identified** on the map by name. The reader has to be familiar with the communities to guess/ assume they are the Rancho Calaveras subdivision and the La Contenta/Gold Creek subdivisions. Please identify these areas on the map.

**b) Please define “Community Area.”** The term “Community Area” is new and undefined. The current 1996 General Plan’s Community Development Lands section of the Land Use Element contains and defines “Community Plan”, “Special Plan”, and “Community Center” areas (see 1996 Calaveras County General Plan Land Use Element, pages II-6 through II-17). But these 3 community development areas have now been eliminated in the new map and draft general plan, and replaced with the one “Community

Area” land use designation. What does “Community Area” mean in the general plan? What does being in a Community Area mean to a landowner or community? We can find no explanation in the Land Use Element, no definition, and no Glossary entry for “community area.” “Community area” is mentioned only once in Land Use Element text, under Policy LU 1.8 (pg. LU17), **“Community areas and the Community Center land use designations are appropriate areas for mixed use development that combine commercial and residential, or different densities of residential uses.”** Is this Policy the correct and only definition of community areas? What is meant by “different densities”—mixed residential, multifamily, low densities on one parcel? Does this policy mean *all* lands within community area boundaries and *all community areas* can be mixed use or mixed density residential? **If so, that could conflict with many of the lower-density residential land use designations in community areas on the Draft #3 map, such as RR and RTA-B.** Rancho Calaveras will not be pleased to read LU 1.8 encouraging mixed use development in their rural residential subdivision. Sheep Ranch will not be pleased either—they want to remain a non-commercial and low density residential community. **Please explain, describe, and clearly define “Community Area.” Please establish Goals and Policies in the Land Use Element.** The Community Area land use designation should also be included in Table LU-1 General Plan Land Use Categories.

**c) Community Area Boundaries. How will Community Area boundaries be maintained or changed?** And who has the authority to change those— supervisors, planning director, the communities? What are the criteria for changing or expanding boundaries? What is the process? Will it require a GPA? Once a definition, description, goals and policies have been established for “community areas”, we suggest establishing a goal and policies to maintain their boundaries. This could be similar to existing text in our Calaveras County General Plan covering “Community Centers” boundaries (see 1996 Calaveras County General Plan Land Use Element, page II-16).

The following text from the 1996 General Plan could be used as a basis:

“Goal II-11: Maintain appropriate Community Center boundaries.

Policy II-11A: Consider appropriate increases in territory receiving the Community Center designation.

Implementation Measure II-11A-1: Review applications for expansion of Community Centers in light of the following criteria:

- The proposal is accompanied by a specific project application; and
- The area to be added to an existing Community Center is contiguous and forms a logical boundary; and
- The proposed land use and zoning are consistent with all Community Center policies.”

Please, also consider what percentage of community area buildout (60%?, 80%?) must be attained before boundary expansions will be considered. If there is no limit, then community boundaries could prematurely sprawl across the landscape, and defeat the objective of community centered development. Furthermore, consider what efforts are needed (e.g. lower-intensity land use designations) to preserve separation of existing communities.



## 5) Missing Land Use Element Topics, Goals, and Vision

### Goals and County Vision

As stated in the 2014 Draft General Plan Introduction (INT 6), “Goals are intended to describe *the County’s ultimate “vision” with respect to Land Use ...etc.*” What is the County’s “vision” for Land Use? We looked for a Vision Statement and Goals that reflected something similar to the County’s 2008 General Plan Update “Draft Working Vision Statement & Guiding Principles” (which is posted on the County’s General Plan Update web page) but we could find no Vision Statement or Guiding Principles anywhere in the 2014 Draft (see attachment LU-5 Calaveras County General Plan Update Draft Working Vision Statement & Guiding Principles, June 25, 2008).

**We request a Vision Statement & Guiding Principles be included in the General Plan Update. These should be reflective of the direction of the 2008 working draft that represented input from community workshops, Board of Supervisors, and County staff.** It would also be helpful to have a **Vision or Guiding Principles specifically for the Land Use Element to guide its goals and policies.** We suggest using something similar to the following principles from El Dorado Co. (see attachment LU-6 El Dorado County General Plan Land Use Element, Principles, July 2004, page 9):

### **“ PRINCIPLES**

*The General Plan establishes a land use development pattern that makes the most efficient and feasible use of existing infrastructure and public services.*

*The General Plan provides guidelines for new and existing development that promotes a sense of community.*

*The General Plan defines those characteristics which make the County “rural” and provides strategies for preserving these characteristics.*

*The General Plan provides opportunities for positive economic growth such as increased employment opportunities, greater capture of tourism, increased retail sales, and high technology industries.*

*The General Plan provides guidelines for new development that maintains or enhances the quality of the County.”*

–from El Dorado County General Plan Land Use Element

We read and appreciated the six Land Use Goals in the Land Use Element that cover some parts of the desired vision and principles in the 2008 document. However, some goals, principles, and topics did not appear to be included. Following are some suggestions on ways to include some missing principles and topics. More suggestions are under Missing and Substandard Goals and Policies:

**Topics and Principles.** We are disappointed the land use element did not address the following topics. Please correct these missing topics:

**1) Direct Growth.** As mentioned before in Land Use Introduction comments, there does not seem to be adequate direction given in the land element, or other elements, to support the land use element's "main emphasis" statement about directing growth away from problematic natural areas like steep slopes and sensitive habitat. **Please add a Goal and Policies in the land use element to direct growth away from locations where natural characteristics may limit development.**

**2) Community Specific Language.** One general Community Planning Goal LU-6 and a few vague and ambiguous community policies do not equal community specific language. Almost all community-specific language has been eliminated, along with community plans. There is little in the general plan and land use element to explain what makes our communities unique or how to preserve their unique characters, since there are no community histories, community descriptions, community visions, etc. included from any community plans, and general plan policies have been homogenized. Residents want to preserve their **unique communities**. **Please include community-specific language in the general plan.** (See additional community-specific language comments under Goals and Policies) This is very practical. For an example, see the 2014 Draft General Plan from San Joaquin County prepared by Mintier-Harnish Planning Consultants, pages 3.1-88 and following. (Attachment LU-10 San Joaquin County Draft GP 2014-10-20.)

**3) Child Care Facilities.** Not mentioned anywhere in land use element. Is this covered anywhere in the general plan? This is a big concern of county residents. It impacts jobs and our local economy. It affects families' decisions to relocate here. We noted this concern in Volume 1 of our June 1, 2007 background information submission. At that time we referred the County to Kristen Anderson's fine work *Planning for Childcare in California*. It provides a guide and samples of city and county general plan provisions and implementing ordinances regarding child care facilities. We again urge you to prepare such policies for the Calaveras County General Plan.

## 6) Substandard Goals and Policies from the Land Use Element

Page LU17, **LU 1.4 Goals and Policies.**

Page LU-17, **Land Use Patterns**

**Goal LU-1** *“Development of mixed use communities providing for a wide range of residential, commercial, visitor-serving and job-generating uses that facilitate their development as independent communities.”*

**More emphasis should be placed on land use patterns that focus on development in communities while maintaining the open character of the county and preserving the viability of agriculture and timber.** We suggest adding wording similar to the following goal from El Dorado Co. (see Attachment LU-6 El Dorado County General Plan Land Use Element, Objective 2.1.3: Rural Regions, July 2004, page 13-14): **“Provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations.”**

### **Policy LU 1.2**

*“Direct growth to existing communities while protecting and enhancing community and neighborhood character.”*

Please add wording to support Calaveras County residents’ desires for clear community boundaries and separation by working landscapes. Suggested wording:

**Revised Policy LU 1.2:** *“Direct growth to existing communities while protecting and enhancing community and neighborhood character, with clear community boundaries and separation by working landscapes, greenbelts, or parks.”*

### **Policy LU 1.7**

*“New non-residential development shall be designed in a manner to prevent “strip” commercial development.”*

Why? And what is it? Preventing “strip” may be a good idea, but this should be explained (and the explanation should tie in to Goal LU-1). Why should strip development be prevented? What does it harm? Is it aesthetics, increased traffic volume and congestion, increased safety hazards, safe pedestrian circulation, all of the preceding? **Please define “strip” development in the Glossary.** If we want to avoid “strip” design we need to describe what it is and is not. We need to explain why we don’t want it, and what we would rather have (one man’s “lovely shopping plaza” may be another’s “strip mall”). Illustrations and photos of examples would help.

**Clarification and policy could be similar to the following El Dorado County policy** (see Attachment LU-6 El Dorado County General Plan Land Use Element, Policy 2.4.1.4, July 2004, page 36):

**“Strip commercial development shall be precluded in favor of clustered contiguous facilities. Existing strip commercial areas shall be developed with common and continuous landscaping along the street frontage, shall utilize common driveways, and accommodate parcel-to-parcel internal automobile and non-automobile circulation where possible.”**

### **Policy LU 1.8**

*“Community areas and the Community Center land use designations are appropriate areas for mixed use development that combine commercial and residential, or different densities of residential uses.”*

This policy encouraging mixed-use commercial/ residential and mixed-density residential in *community areas in general* is an understandable policy direction to give, but is in conflict with some community-specific policies (LU 6MR.2, LU 6MDF.1, LU 6RC.1, etc.), and is in conflict with *many* land use designations within community areas, such as RR and RTA-B. **The policy implies all lands within community area boundaries are “appropriate areas” for mixed use or mixed density residential** (which may include multi-family). **That conflicts with RR and RTA-B land use designations in community areas, and is in conflict with some community desires for lower-density, single-family, residential-only community areas.** Rancho Calaveras residents will not be pleased to know LU 1.8 encourages mixed use and higher-density development in their rural low-density residential subdivision. Mountain Ranch wishes to remain 8 units per acre single-family residential in the community center. Sheep Ranch will not be pleased either—they want to remain a non-commercial and low density residential community, and 12 units/acre makes no sense in Sheep Ranch. This is not a policy for orderly development.

We suggest remedies to resolve these policy and community conflicts:

- a) Eliminate “Community area” from Policy LU-17
- b) Include Community Plans in the general plan to specify what communities want
- c) Clarify the wording so it does not apply to *all* lands in *all* community areas
- d) Create a new land use designation “Community Center Rural”, for community areas that clearly want no increase in commercial, mixed use, or residential densities.

### **Policy LU 1.9**

*“In addition to the consistent zoning districts listed in Table LU-2, less intensive residential and agricultural zoning districts shall be compatible with the General Plan’s land use designations as an interim zone until such time as infrastructure and services are available to support intended development.”*

What does this Policy mean and intend to do? The wording is confusing. **It sounds like A1, AP, RA, and RR zoned areas can all be used for development purposes when**

water, sewer, and roads are made available. That would be a bad policy. That undoes Table LU-2. That could create new communities. That is not planning, but is a road to indefinite development with potentially catastrophic impacts. How can CCWD plan where to focus infrastructure with such an open door to “develop anywhere”? Our existing 1996 General Plan says simply, “Resource zones (A1, AP, GF, TP, RA) are consistent in any land use designation.” A fix would be to add the qualifier, “*residential and agricultural zoning districts adjacent to community centers, after they fill out to 80%, shall be compatible...*” Please clarify or remove Policy LU 1.9.

Page LU17-18, **Infrastructure and Land Use**

**Goal LU-2**

*“A compact pattern of growth and development that is coordinated with the planned provision of adequate infrastructure, facilities, and public services.”*

Thank you for including the goal of coordinating and providing adequate, well-sited infrastructure for growth in community centers. Please more clearly address the ability to provide and the levels of service, similar to **the seventh 2008 Guiding Principal**.

**Add/enhance Goal LU-2: “Development will not outpace the ability of County government to provide adequate services and infrastructure or reduce the level of service provided to communities.”**

Implementation for the above policy could be similar to this one from the 1996 General Plan:

“Implementation Measure II-1A-1: Work with all special districts and agencies to assess the availability and capacity of public facilities and services for future development and the need to improve those facilities and services to required levels. Condition new subdivision development to build or pay the proportional amount to build the appropriate facilities.”

An additional qualifier would condition final map approval for such development on the County or other service provider securing the matching financial resources to construct the appropriate facilities. The problem with the existing “fair share” fee structure is that it allows development in the absence of the full funding needed to build the supporting public infrastructure. The developer pays its “fair share” but the taxpayers or ratepayers that are supposed to shoulder their matching “fair share” are never even asked to do so. The developer still gets to build his development, but the promised roads, water, wastewater, and other infrastructure is not constructed. This leads to level of service declines. This problem is most evident in transportation funding. According to the most current Regional Transportation Plan, developers impact fees, state funding, and federal funding account for only 30% of the money needed for road expansion. If the other 70% of the matching funds does not must come from existing residents, then the road system will rapidly reach congestion.

Please establish a condition of approval that links final maps to the construction of the infrastructure needed to mitigate the impacts of major developments, not merely on the developer’s payment of a “fair share” fee. For example, the bonds to fund the

infrastructure for development projects that need public matching funds could be put on the ballot for a vote after the project receives tentative map approval. If the bond measure passes, the project can proceed to get a final map. Until the bond measure passes, and the infrastructure is constructed, no final maps are granted.

Page LU-18, **Community Character and Design**

**Goal LU-3**

*“High quality, well-designed development that is compatible with surrounding uses, enhances adjacent streetscapes, preserves Calaveras County’s natural, social, scenic, and cultural environments; and enhances the Calaveras tourism experience.”*

This section title and goal is non-descriptive and non-specific. Other than putting in the word “Calaveras”, this Goal could be for any county or city anywhere. What is the Calaveras “community character”—is it urban, suburban, or rural? Are we flat or mountainous? Big or small towns? Are they historic—isn’t there something about Gold Rush history in Calaveras? **Please describe our community character better in Goal LU-3. We suggest:**

**Add/enhance Goal LU-3: “...enhances the Calaveras tourism experience, enhances rural foothill and mountain landscapes and historic Gold Rush communities, and maintains the characteristic natural landscape features unique to each area of the County.”**

**Policy LU 3.1**

*“New development shall be designed to be compatible with the natural, scenic, and historic resources of Calaveras County.”*

What are the scenic and natural resources and environments we want to preserve? What are the aesthetics of Calaveras County? What is our distinct topography? How will scenic and natural resources be preserved if they aren’t recognized and described? **This policy is too vague. It should describe our rural character, winding roads, foothills, mountains, dark skies, oak woodlands, scenic vistas, scenic corridors, wildlife habitats, open space, forests, etc.**

Please broaden Policy LU 3.1 by describing and identifying the “natural, social, scenic, and cultural environments”, or better yet, **add new Policies to help describe the natural and scenic environments we want to preserve:**

**Add/enhance Policy LU 3.1: “Protect and maintain open space, wildlife habitat, scenic vistas, dark skies, agricultural lands, oak woodlands, forests, rivers, and lakes for wildlife habitat, productive grazing and agricultural lands, tourism, and recreation.”**

**Add/enhance Policy LU 3.1: “Provide for the retention of distinct topographical features and conservation of the native vegetation of the County; disturbance of**

**slopes thirty (30) percent or greater shall be discouraged to minimize the visual impacts of grading and vegetation removal.”**

**Lighting and glare.** There is no clear goal or policy to acknowledge and preserve Calaveras County’s characteristically dark night skies and protect residents from lighting glare from new residential development. Dark skies are one of the important aesthetics making Calaveras special. Nothing in Goal LU-3 mentions the County’s dark skies.

**Policy LU 3.3 has a reference to impacts from lighting but only applies to “non-residential” development.** We suggested previously to Planning that a simple paragraph be included in the general plan about “retaining community character by controlling light pollution (glare, light trespass, and sky glow) and protecting the night sky.” Including this language could set the stage for future legislation and code updates, and could be used as a guideline for residential project applications and development **in the interim** (see attachment LU-7, C. Platt, Letter to Planning Director Maurer re Policy language in General Plan to address light pollution, July 15, 2014). **Please add a new Policy to protect dark skies and prevent impacts from lighting in residential areas:**

**Add Policy LU 3.7: “Retain community character by controlling light pollution (glare, light trespass, and sky glow) and protecting the night sky.”**

Policy LU 3.4

*“Encourage clustering of residential development where appropriate, based on availability of infrastructure and community character, to increase open space and housing affordability.”*

This is a good policy, which would allow for flexibility in site design for residential development. **It should be clarified in Policy text that the overall permitted density of the area would not be increased, and that open space created through the density transfer would be retained** (through zoning or other means). Following is wording from the County’s current 1996 general plan Land Use Element that could be **incorporated in part in Policy LU 3.4 and/or used as an interim standard while developing other programs:**

**Add/enhance Policy LU 3.4:** “Policy II-2A: Allow clustering of single family lots in any land use designation permitting residential use, **without increasing the permitted density of the area.**

Implementation Measure II-2A-1: Utilize the Planned Development Combining Zone provisions of the County Zoning Code when necessary.

Implementation Measure II-2A-2: **Require zoning to retain open space for that area from which the density was transferred.”**

Page LU19, **Economics and Land Use**

**Goal LU-4**

*“A broad range of employment and retail uses that strengthen the County’s economic base, improve the balance between jobs and housing, and sustain a positive economic*

*climate.”*

Policy LU 4.4

*“Promote the use of the County’s unique recreational, scenic, cultural and agricultural resources as economic generators.”*

Visitors and residents are attracted to the County’s many unique and natural resources. Those resources must be **protected, not just used**, in order to retain these attractions as economic generators. **Please add wording to Policy LU 4.4 to reflect this:**

**Add/enhance Policy LU 4.4:** “Promote the use of the County’s unique recreational, scenic, cultural and agricultural resources as economic generators, **while protecting those same unique and natural resources as economic attractions.**”

Policy LU 4.5

*“Facilitate special events and development of destination attractions that celebrate the County’s heritage and promote tourism, including performing arts, agritourism, outdoor sports, and cultural and historical attractions,”*

There is some cause for concern here for the impacts of newly-created events and attractions to surrounding land uses and residential development. Economics should be balanced against impacts to and needs of local residents for quiet rural roads and peaceful surroundings. Please include policy wording that recognizes these needs. We suggest:

**Add/enhance Policy LU 4.5:** “Facilitate special events and development of destination attractions that celebrate the County’s heritage and promote tourism, including performing arts, agritourism, outdoor sports, and cultural and historical attractions, **while maintaining the compatibility of surrounding land uses and residential development.**”

Residents and businesses in Calaveras County want a General Plan that will help grow **green jobs and businesses**, with an economy based on **sustainable natural resources and innovative industries**. Please expand Goal LU-4’s policies to address these economic topics of concern. We suggest adding a Policy:

**Add new Policy LU 4.11:** “Promote green jobs and businesses with a strong local economy based on sustainable natural resources and innovative industries.”

Page LU19-20, **Regional Planning & Coordination**

**Goal LU-5**

*“Coordinate planning efforts with other agencies to identify mutually beneficial goals, avoid duplicating efforts, and leverage limited resources.”*

This is a laudable Goal, but Policies LU 5.1, 5.2, and 5.3 are vague, and there are no implementation programs. LU 5.1: What county, region, and multi-agency “planning



efforts” will be supported (and who will do the supporting)? LU 5.2: What “intergovernmental review procedures” will be developed (and by who)? LU 5.3: Who will provide and coordinate comprehensive planning with the City of Angels Camp? Please answer these questions and clarify these policies.

Page LU20, **Community Planning**

**Goal LU-6, Policies LU6 (3+ pages)**

*"Recognize the unique characteristics, history and development patterns for each community in Calaveras County and support development that enhances those features and qualities."*

Recognizing and enhancing the unique characteristics, history, and development patterns for each community is a very desirable goal. **Residents of Calaveras County overwhelmingly want to preserve the uniqueness of their communities. Unfortunately, there is no clear path to achieving this goal using only the list of brief and vague community Policies that follow Goal LU-6** (plus there are no implementation programs for any of the policies).

**In addition, there are no community backgrounds or descriptions. Many LU-6 community policies are vague or unclear because of this:** “emphasize the community center” (where? center is unidentified in Avery-Hathaway Pines’ extensive highway frontage); “protect the Lake Tulloch shoreline” (from what, why?); “maintain historic character/ nature and atmosphere” (which historic character—what style/era historic, who determines if architectural designs are compatible?); “retain distinctive/ diverse character” (which is what, given no community descriptions?); and “provide a community identity” (which is what, given no community backgrounds?).

**There is very little information provided about our “unique” communities. Without community-specific information and background, how can we create policies that recognize, preserve, and enhance the uniqueness of our communities? What will inform investors and developers?** Goal LU-6 cannot be achieved unless there are specific community descriptions and clear policies to guide decision-making. “For a policy to be useful as a guide to action it must be clear and unambiguous.” “Solid policy is based on solid information.” (See attachment LU-8, State of California Office of Planning and Research, "General Plan Guidelines" (2003), p. 15.).

For example, in addressing Valley Springs, one of the county’s largest and most populous areas, the only specific policy listed (page LU22) is LU 6VS.1 “Encourage the establishment of a satellite campus of Delta College in Valley Springs.” **This tells us nothing about what makes Valley Springs unique or how development might enhance its features and qualities. There is nothing in LU-6 Policies to fulfill the Goal, "Recognize the unique characteristics, history and development patterns" of Valley Springs or any other community. How can the general plan “support development that enhances those features and qualities" when it provides almost no information about community features and qualities?**

**The 2014 Draft General Plan and the Land Use Element should contain community and special plans that describe and make it possible to recognize each community's "unique characteristics, history and development patterns."** Community plan documents contain important, community-specific and background information, such as community visions and guiding principles, descriptions of the community's location and distinguishing physical features, community profiles, community issues, existing uses and infrastructure, and development and planning history of the community area. **Almost none of the county community plans' community-specific and background information is contained in the land use element or general plan policies.**

**Page LU21, Mokelumne Hill.** The two LU 6MH policies boil down to "maintain historic character." This seems a great over-simplification of the MH Community Plan and historic design guidelines. And why is there no acknowledgement in this section that a historic district has already been created, Mokelumne Hill Design Review Guidelines have been adopted by the board of supervisors, and that there is an active Moke Hill Design Review Committee?

**Page LU22, Rancho Calaveras.**

Policy LU 6RC.1,

*"Non-residential uses shall be prohibited in Rancho Calaveras except schools and places of worship unless such uses must be permitted in accordance with state law or are essential to public health and safety."*

Again, this policy is an over-simplification of the Rancho Calaveras Special Plan, and residents' desire to stay single-family rural residential low-density. The policy attempts to keep Rancho residential low-density with no commercial, but doesn't go far enough in its wording. It prohibits "non-residential" uses but doesn't reflect **Rancho's desire to prohibit mixed-use residential, increased density residential, multifamily residential, and to keep the existing residential low densities in Rancho from being increased. These are critical policies that define the community.** Just showing the RR LUD on the general plan map is not enough to prohibit unwanted changes within the Rancho Calaveras Community Area, especially when Policy LU 1.8 states Community Areas are "appropriate areas for mixed use development...and...different densities of residential uses", and Policy LU 1.9 says "less intensive residential...shall be compatible...as an interim zone until such time as infrastructure and services are available to support intended development."

The new Rancho map and one weak policy also doesn't reflect or protect the existing RR 3-acre density and 5-acre density Land Use Designations of the current Rancho Calaveras Special Plan and map, because the new RR land use designation allows division into 1-acre parcels, and underlying zoning can and will probably be changed when the Zoning Code is updated. **In lieu of including the Rancho Calaveras Special Plan, additional provisions need to be added to Policy LU 6RC for Rancho Calaveras:**

**Add Policy LU6RC.2: “Maintain the existing rural residential density of Rancho Calaveras. Existing 2-, 3-, and 5- acre parcels shall not be subdivided further, even if public sewer becomes available. High density single family residential, Duplexes, and Multiple-family residential shall be prohibited in Rancho Calaveras.”**

**Page LU22, Valley Springs.**

Policy LU 6VS.1,

*“Encourage the establishment of a satellite campus of Delta College in Valley Springs.”*

This lone policy encouraging a college campus in Valley Springs is an insultingly brief way of dealing with the complexities of the Valley Springs community. Policy LU 6VS.1 contains no Valley Springs-specific and background information, no community-specific goals, issues, policies, or implementations. **For an example of the specific community background information that should have been provided in this Land Use Element Policy for Valley Springs,** please see the attached **CCOG Valley Springs Community Plan 2010, Chapter 4 “Planning Area”** (pages 4-1 through 4-15) and the **“Community Character”** section of Chapter 6 Proposed Land Use & Circulation Plan (pages 6-19 through 6-27). **For an example of goals and policies that should have been provided in this Land Use Element Policy for Valley Springs,** please see the attached **CCOG Valley Springs Community Plan 2010, Chapter 7 “Goals and Policies”** (pages 7-1 through 7-9) (see Attachment CP-10, Calaveras Council of Governments, Valley Springs Community Plan Final Version, October 2010, pages referenced above).

**Add New Policies LU6VS.2++:** Please include all Land Use, Transportation/Circulation, Economic Development, Housing, Public Facilities and Services, Natural Resources, Hydrology, Cultural Resources, Health & Safety, and Noise Policies from the CCOG Valley Springs Community Plan 2010, Chapter 7 Goals and Policies (referenced attachment CP-10 above, pages 7-1 through 7-9).

Page LU22. **There is no community listing or planning policies for the community area of Vallecito (shown on the Land Use Map).** Please explain or include policies for Vallecito.

**Additionally, we note there are no Programs to implement Community Planning’s Goal or any of its Policies** (see comment under Programs).



## 7) Land Use Element Programs—Missing or Substandard

### Pages LU23-LU25, LU 1.5 Programs

Thank you for including the 25 implementation programs in the Land Use Element LU 1.5 Programs. There is a need to develop impact mitigation and other programs to feasibly mitigate the impacts of new development, and to carry out general plan policies.

*“A policy is a specific statement that guides decision-making. It indicates a commitment of the local legislative body to a particular course of action. A policy is carried out by implementation measures.”* (2003 GPG, p. 15.)

*“An implementation measure is an action, procedure, program, or technique that carries out general plan policy. Each policy must have at least one corresponding implementation measure.”* (2003 GPG, p. 16.)

*“Noble sentiments can turn into empty promises without means to implement.”*—anonymous Calaveras landowner, February 2015

*“We want a General Plan that will ensure timely implementation of plan provisions.”*—Calaveras residents, 2007

The General Plan Guidelines state that “Each policy must have at least one corresponding implementation measure.” (2003 GPG, p. 16.) It appears that some policies lack implementation programs. **Please include implementation details for the following policies in the next draft of the General Plan Update and in the Project Description.**

#### **Missing Programs.**

- 1) There is no Program or implementation measure listed that will implement “**Regional Planning & Coordination**” Goal LU-5 or any of its LU-5 Policies;
- 2) There is no Program or implementation measure listed that will implement “**Community Planning**” Goal LU-6 or any of its LU-6 Policies. Many community plans contained implementation measures, including the CCOG Valley Springs Community Plan, but these have not been included in Land Use Element Programs. It is especially discouraging that the Draft General Plan has not only failed to draft implementations for some of the new policies, but has refused to include implementation measures previously drafted.

**Substandard Programs.** *A policy is a commitment to a course of action, and must be carried out by implementation measures.* LU 1.5 Programs is mostly a well-intended “wish list”, with inadequate explanation of who will do the programs, or when and how programs will happen. It’s a list of objectives without enough specifics to get there. **Each Program must answer the questions, “who? what? when? where? why? how?”** **None of the 25 programs state who the responsible party or agency is that will implement them. Only two of the 25 programs indicate any time frame for tasks to be started or completed; none of the programs say what will happen in the interim**

**period before implementation.** Many programs have **no clear connection to which policy they relate to.** LU-3B Lighting and Glare and LU-3D Landscaping have no clear “why”—they aren’t related to a specific land use policy. They may be great ideas, but what is the specific goal or policy that these programs are to carry out? **None of the 25 programs talks about program costs or funding sources.** For programs to be effective and meaningful, they have to be carried out by someone, sometime, somehow. There needs to be a clear path to a course of action. Some examples of weaknesses:

For example, (page LU23) **LU-1A Title 17 of the Calaveras County Code** “*Update Title 17 for consistency with the General Plan*” gives no guidance as to who is responsible, when this will happen, how and why. We assume this responsibility would go to the “Planning Department” and other agencies/depts. needed? We suggest giving a time frame such as, “Begin Zoning Ordinance rewrite immediately upon adoption of General Plan. By tiering off the General Plan EIR and relying on previous work completed for 1996 General Plan, adoption should occur within one year of General Plan adoption.” (See attachment LU-6 El Dorado County General Plan Land Use Element, Principles, July 2004, page 45):

Another example, (page LU25) **LU-3I Historic Design Standards** “*Adopt historic design standards to implement the Historic Community/Historic Mixed Use land use designation and zoning*” gives us no idea who will create the design standards, how this process of creating standards will occur and where, when it will occur, how long and how many people it will take, or how it will be funded. Also, what will happen in the interim until historic design standards are completed and adopted? What are the limitations on development until this happens?

Most of the other implementation programs are equally vague and weak as these two examples—they have no teeth and no time frame—no idea of who will do the work suggested, when, or how. Costs to implement actions and funding sources are not listed. And nothing is said about what happens in the meantime—**the interim period**—until programs are implemented. Because of the long delay in completing this general plan, it is essential that it provide clear interim guidance on both land use development and resource conservation immediately upon approval.

The General Plan Guidelines (pg. 16-17) give an example of **interim implementation** measures:

“*Implementation measures:*

- ϕ The city shall adopt an interim zoning ordinance restricting further development in the general vicinity of the proposed downtown shopping center until a study has been completed determining its exact configuration.
- ϕ During the interim zoning period, the city shall adopt a special regional shopping center zoning classification that permits the development of the proposed downtown mall.
- ϕ Upon completion of the study, the city council shall

select a site for the downtown mall and shall apply the shopping center zone to the property.”

**Please work to include clearer and more complete information and implementation details for Programs in the next draft of the General Plan Update, including related policies, defined implementation responsibility, funding sources, and time frames.**

**For an example of clear and complete Implementation Programs containing these specifics (who/ what/ when/ where/ why/ how), please see the CCOG Valley Springs Community Plan 2010, Chapter 8 “Implementation Programs”, Table 8.1 (see attachment CP-10, Calaveras Council of Governments, Valley Springs Community Plan Final Version, October 2010, pages 8-1 through 8-8). Please follow a similar clearly-charted format for LU 1.5 Programs to implement Land Use Goals and Policies, in order to provide clear connections, responsibilities, accountability, costs, usage, and tracking.**

We began this general plan update process in 2006 to fix problems in the 1996 General Plan outlined in a report the County commissioned from Mintier and Associates. That report stated, “The wording of most policies and implementation measures does not make it clear who is responsible for carrying them out.” We must fix these kinds of 1996 general plan problems in the 2014 Draft General Plan. If program implementations are vague and non-committal, they are not real mitigations that will reduce impacts to the environment or actions that will effectively carry out general plan policy. If in the end, you have not corrected the flaws identified the 1996 General Plan, your general plan update process will have failed.

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## 8) Endnotes for the Land Use Element

Page INT 7, discussion of **Nonconforming Uses**. Please verify that the ability to subdivide a parcel under a previous land use that allowed subdivision does not constitute a “legally existing nonconforming use” that will continue to be available under the Introduction and Title 17 of the County Code. The Draft General Plan Glossary does not define “nonconforming”, “use” nor “legally existing use.” We need clarifying language that current ability to subdivide is not an existing “use” within the coverage of the Introduction.

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9) Attachments for the Land Use Element and Community Plans/ Valley Springs  
Community Plan Comments (See CD for “LU” and “CP” attachment files)

Name	Size
CP-1 Burke Letter Community Plans_BHarrington_09_23_1983.pdf	362 KB
CP-2 101019m.pdf	35 KB
CP-3 100907m.pdf	152 KB
CP-4 100601m_VSCP hilites.pdf	121 KB
CP-5 Board approves revised Valley Springs Community Plan map_CE_06_02_10.doc	21 KB
CP-6 Rival plans for area's future go to county VSN_09_10_2010.pdf	946 KB
CP-7 Caltrans-funded VS plan finished_UD_10_22_10 .doc	23 KB
CP-8 RE_Status of Rancho SP, reformat.eml	17 KB
CP-9 Study Session on District 2 Communities_05_24_12.pdf	127 KB
CP-10 VS_community_plan_final_100810.pdf	8,648 KB
CP-11 VSCP_final_draft_trans_ltr_CCOG.pdf	438 KB
CP-12 Welcome to Valley Springs sign_VSN_04_11_14.pdf	656 KB
CP-13 Valley Springs eyed for new hospital clinic_01_27_15.pdf	88 KB
LU-1 20111122m.pdf	888 KB
LU-2 BOS Minutes from Map2 Study Session_20130319m.pdf	349 KB
LU-3 GP_Draft2_Staff_Report_3_19_13.pdf	2,986 KB
LU-4 CalGPU_Prelim_Draft_BR_Chapt_3_Land_Use.pdf	19,776 KB
LU-5 2008 Draft Vision & Guiding Principles.pdf	100 KB
LU-6 El_Dorado_land_use_element.pdf	827 KB
LU-7 Letter to Planning re lighting in GPU_July 15_2014.doc	25 KB
LU-8 Element Sects of General_Plan_Guidelines_2003.pdf	1,880 KB

LU-9 Contamination from septic systems

LU-10 San Joaquin County Draft GP 2014-10-20

## Circulation Element Comments

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After defining “correlated,” the *Concerned Citizens* court described a situation where correlation does not exist:

“We conclude the [Calaveras County] general plan cannot identify substantial problems that will emerge with its state highway system, further report that no known funding sources are available for improvements necessary to remedy the problems, and achieve statutorily mandated correlation with its land use element (which provides for substantial population increases) simply by stating that the county will solve its problems by asking other agencies of government for money. To sanction such a device would be to provide counties with an abracadabra by which all substance in (Code) 65302’s correlation requirement would be made to disappear.”

(From: OPR, General Plan Guidelines 2003, Chapter 4: Required Elements of the General Plan-Circulation, Page 56, quoting *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90.)

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### **1) The Background and Background Report sections relevant to the Circulation Element Need Improvement**

We are disappointed that the background section of the Circulation Element and the 2014 Background Report neglected to include information critical to understanding and implementing the Circulation Element.

- There are 4 small maps and less than one page of text to discuss a road circulation system that has \$672 million in unfunded projects.
- A complete picture of existing transportation facilities in Calaveras County cannot be determined from the data available. Because of rapid growth and increased transportation complexity, County data collection and analysis has not kept up with the need to provide baseline information on the local road system suitable for long range planning. (General Plan Baseline Report-January 2008-(Mintier) page 6-1)
- The County is unable to adequately maintain existing transportation facilities with the funding available. (Page 6-2)



- The County is unable to adequately fund all of the transportation improvements necessary to accommodate growth despite establishing a county-wide road impact fee program to address new development impacts to regional roads in the county and a basin fee program for areas with above average growth. (Page 6-2)
- The county has an entire system of private roads that are substantially unregulated and underfunded to be maintained consistent with the health and safety standards in effect at the time of creation. (Page 6-5)
- The RTP identifies existing conflicts between truck traffic and recreational vehicle traffic on the county's narrow two-lane highways as an issue. Additionally, minimal shoulders and passing opportunities on the highway system is a safety concern. (Page 6-15)
- Some County-maintained roads are substandard compared to current (2007) road standards, and as a result are identified for improvement. However, a comprehensive list of substandard roads in the county has not been prepared. It is estimated that over half of roads classified as regional roads are built below The American Association of State Highway and Transportation Officials (AASHTO) standards. (Page 6-12)
- According to the Calaveras County Regional Transportation Plan (RTP), LOS C is required for all State Highways and County roads within the region, while LOS D is the goal for all routes in the urban/developed areas such as Valley Springs, San Andreas, and Angels Camp. This policy, however, is not consistent with the adopted General Plan LOS policy to maintain LOS C or better when possible. (Page 6-12)
- Safe tour bus travel is negatively affected by narrow roadways and poor pavement conditions. ( Page 6-25)

Background information alerts County residents to the many challenges ahead, so they can contribute (in the strictest sense of the word) to overcoming the barriers to environmental health and economic prosperity.

The Government Code requires that a general plan include:

“A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.” (Government Code, sec. 65302, subd. (b).)

On page CIR-1, the Circulation Element states that “Discussion of the circulation of public utilities such as water, sewer, power, and natural gas is contained in the Public Facilities and Services Element.

Neither the Circulation Element nor the Public Facilities and Services Element, nor the Background Report include maps that identify the location and capacity of public utilities. The location and capacity of water lines, wastewater lines, telecommunications systems, electricity and natural gas lines are of critical importance to the distribution of future residential, commercial, and industrial development in Calaveras County. A circulation element is supposed to identify the systems that circulate all the things that make land uses possible, not just vehicles.

The information that is in the Background Reports vary in their detail and usefulness. For example, the water supply chart in the Background Report give us only a vague hint at some of the county’s water infrastructure needs. The chart includes unquantified statements on page 177 like “improve distribution system” and “replace aging pipelines” that apply to unspecified locations across entire service areas. Similarly, the list of PG&E power plants and substations on page 197 provides insufficient detail regarding the geographic extent and transmission capacity of electrical service in Calaveras County. This makes it impossible for the County to demonstrate that there is a correlation between the development accommodated by the land use element, and the capacity of utilities in the circulation element. While the Wastewater Infrastructure Needs chart beginning on page 187 does a much better job of identifying specific capacity improvements and their costs, it does not explain where the funding will come from to pay for these many and costly system improvements. Similarly, the Disadvantaged Community Needs chart identifies inadequate financing is available for wastewater improvements needed in Valecito and West Point.

**The Revised General Plan and Project Description need to do a much better job of identifying the existing circulation systems and the needed improvements to them that can be feasibly funded. The future development anticipated in each community should be reconsidered (and adjusted where needed) to ensure that it correlates with these infrastructure limitations.**

Future investors and residents have different circulation needs. By identifying the circulation services available from each community in the Circulation Element and the Public Facility and Services Element, we provide investors and residents with the information they need to make good choices on where to live and where to open businesses. We should not be misdirecting private investment and future residents toward communities unable to provide for their circulation needs. We will prosper if we direct investment and new residents to those communities where their circulation needs can be met.

**Comment:** The public and developers might find it helpful to have the Circulation Chapter from the 2008 Baseline Report included in the Circulation Element Background Report.

**Please include this information in the next draft of the Background Report.**

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As the old saying goes,

if you want to get out of a hole--

**STOP DIGGING!!!!**

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**2) Goals and Policies**

**CIR-1** A balanced circulation system that provides for the safe and efficient movement of people and goods while maintaining the county’s rural and historic character.

**Add, “energy, water, wastewater, storm drainage, and communications” to the list of things we want safely and efficiently moved.**

**CIR 1.5** Actively seek all possible financial assistance, including grant funds available from regional, state, and federal agencies, for street and highway improvements and other transportation projects when compatible with General Plan policies and long term local funding capabilities.

**While this is a nice general statement, it does not address the systemic and chronic road funding shortage. The Circulation Element needs to confront these unanswered questions regarding funding of roadways taken from the Calaveras 2012 RTP Update Final Report, October 3, 2012:**

“The following questions remain critical to the County’s transportation system:

How should limited transportation funds continue to be prioritized to meet the needs of motorists, transit riders, goods movement, bicyclists, pedestrians, and visitors over the next 20 years while maintaining fiscal constraint?

What should the share of Federal vs. State dollars be for transportation projects?

Should local governments assume a greater role in funding local projects?

What type of funding strategy should Calaveras County adopt to provide the needed transportation improvements to its transportation system while maintaining the existing system? "

**Comment: This is déjà vu. (See the quote at beginning of comments from *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90.)**

**Please consider goals and policies and implementation measures that will have meaningful results in the future and answer the four questions from the Calaveras 2012 RTP Update Final Report printed above.**

**For your consideration we offer sample policies from Nevada County:**

Nevada County GP V1 PG 78

**Policy 4.10** In the absence of an approved plan and funding program to provide needed roadway improvements, and where the County has determined that there is no feasible project mitigation, the County may deny those amendments to the General Plan that exacerbate an identified deficiency in local or State roads or highways.

**Objective 4.4** Implement funding strategies for the development and maintenance of circulation facilities and services that will allow the development and expansion of the transportation system concurrent with County Growth.

**Action Policy**

**Policy 4.11** Implement a comprehensive program that imposes development fees in amount sufficient to mitigate the cumulative impact of development on the regional (non-local) highway and roadway network as defined in the Nevada County Road Functional Classification Plan and as shown on the Nevada County Circulation Plan Maps.

The comprehensive development fee structure shall ensure that future growth fully mitigates its direct and cumulative impacts upon the County and, where possible, the State transportation system.

**Additional sample policies to consider from Mariposa County:**

**Page 9-9**

Timing: Ongoing review standard

Responsibility: Mariposa County Planning Department, Public Works Department.

Fiscal Impact: Ongoing review.

Consequences: This is an up-front environmental threshold.

*Implementation Measure 9-1c(3):* The capacity of a county road must be assessed for its capability to meet existing and new uses when the aggregate potential development will increase the utilization of the road by more than 25%

Timing: Ongoing review standard

Responsibility: Mariposa County Planning Department, Public Works Department.

Fiscal Impact: Ongoing review.

Consequences: This is an up-front environmental threshold.

*Policy 9-1d:* Road improvement requirements shall be based on road capacity.

*Implementation Measure 9-1d(1):* No subdivision or discretionary project shall be approved if the traffic generated by the proposed project will exceed the capacity of the road systems which provide access from the nearest County major collector or State highway unless mitigation is required.

Timing: Ongoing review standard

Responsibility: Mariposa County Planning Department, Public Works Department.

Fiscal Impact: Ongoing review.

Consequences: This is an up-front environmental threshold.

*Policy 9-1e:* Adopt comprehensive standards for all County roadways.

*Implementation Measure 9-1e(1):* The County shall incorporate standards and specifications applicable to roads under County jurisdiction, which will include:

- a requirement that all roads serving road systems shall have an allweather surface,
- all new roads shall be constructed to fire safe standards,
- all new non-County maintained roads shall be contained within mandatory road maintenance associations or zones of benefit,
- all road construction shall be inspected and approved by the Public Works Department, and
- road circulation within a system shall be designed to be interconnecting and cul-de-sac or dead-end roads shall be designed to be safe.

Timing: Short-term

Responsibility: Public Works Department.

Fiscal Impact: Staff time.

Consequences: These standards provide a basis for the road ordinance Update.

**Comment: Traffic/road issues have been “put off” for years in Calaveras County. If we are to get out of the hole we have dug for ourselves, and continue to move forward, we require more accountability. We want to know who will be responsible, what the time frame might be, and how we will achieve needed funding.**

**On Page CIR 12, the Circulation Element states:**

**“Cir 2.3** Road impacts created by new development shall not reduce the minimum level of service of (LOS) D or better for roadways and intersections in Community Areas (as indicated on the General Plan Land Use Diagram-Figure LU-1) and LOS C or better on County-maintained roadway outside of Community Areas...”

**It is important to note the information on Page V, Calaveras 2012 RTP Update Final Report, October 3, 2012:**

**Future Roadway Deficiencies**

The future (2035) roadways with LOS D or higher are shown in Table E.4. The list includes six local facilities (county/city roadways) that moved from LOS C to LOS D based on the capacity thresholds. In addition, eleven new segments on state facilities were forecast to be LOS D or higher through 2035. The County and City have proposed several capacity projects and operational improvements at intersections to help facilitate local circulation. Due to funding constraints, several of these projects have moved to the “unfunded list” in Appendix M. The remaining projects from the Benefit Basin, Road Impact Mitigation (RIM), and Capital Improvement Program (CIP) will help with local circulation. The capacity improvements proposed by Caltrans for State Highways as reflected in the Transportation Concept Reports (TCR) identify needs. **If funding were available to implement the improvements, projects could be conceived and included in the RTP. Unfortunately, funding is not available to implement these improvements at this time (See Appendix 2A).**

**Comment: Given Policy CIR 2.3, how will the County be able to stop this deterioration of the LOS ratings given the existing and projected funding challenges?**

**It is also useful to recall the criticism of the 1996 General Plan that the new general plan is supposed to address:**

- In 2005, County Resolution No. 05-158 (approving General Plan Amendment 2004-174) removed the Circulation Element Appendix from the General Plan and designated the contents of the Appendix as a separate road service classification system to be maintained by the Public Works Department and capable of being updated by resolution. This was done in an attempt to facilitate the updating of road LOS ratings. To date, no updates have occurred. The LOS ratings appears to date back to the early 1980s and have not been updated since originally adopted. (Calaveras County General Plan Evaluation, October 12, 2006, Page 32.)

**The old LOS ratings that date back to the 1980's are not acceptable. The LOS ratings need to be updated. This calls for an implementation measure.**

**We note that the plan calls for a maintenance of a road impact mitigation fee:**

**CIR 2.20** Maintain a program of proportional road improvement mitigation fees for general transportation improvement projects. General improvement mitigation requirements shall be appointed on an equitable basis, based on the projected cumulative impact for a 20-year horizon.

**Comment: Will this road mitigation fee for general transportation improvement projects be collected in addition to the RIM and Benefit Basin fees? Who has the responsibility to implement this fee program?**

**On page CIR 14, the plan addresses airports. We would add a policy that calls for the County to amend the Airport Land Use Compatibility Plan when needed for it to comply with current regulations or new transportation or land use circumstances.**

**On page CIR 15, Program CIR-1.A calls for, "Balanced design to accommodate walking, cycling, transit, driving, parking, drainage, stormwater management, emergency vehicle access, snow removal and deliveries." We would add to the list "wheelchairs."**

**On page CIR 17, Program CIR-5.A deals with Bicycle and Pedestrian Plans. Please note that the following plans have been adopted by the CCOG, but have not been accepted by the Board of Supervisors, nor have they had their Environmental Review. Calaveras County is missing funding opportunities by not having these plans ADOPTED. This should be resolved immediately.**

- **Calaveras County Pedestrian Master Plan, 2007**
- **Calaveras County Bicycle Master Plan, 2007**
- **Arnold Rural Livable Community-Based Mobility Plan, 2007**
- **San Andreas Rural Livable Mobility Plan, 2009**

**As pointed out in the OPR General Plan Guidelines, the best general plans consider implementation up front, during plan development. We at the CPC encourage the County to identify in the GPU the necessary implementation items, their timeline for completion, and their potential funding sources. This will help the County to promptly implement the GPU and thereby promptly reap its benefits.**



## Resource Production Element Comments

*“We need to redefine what progress is. Progress is keeping the farmland in this valley.”*

*—Catherine Webster (1944-2012)*

*addressing the perpetual conservation of 7,400 acres in Salt Spring Valley in 1990*

We at the Calaveras Planning Coalition (CPC) agree with Catherine Webster, quoted above, that a redefinition of progress is required if we are to preserve our farmland and other resource production lands. Catie and her family were willing to donate the development rights to thousands of acres of land in Calaveras County to the California Department of Fish and Wildlife in order to make that redefinition of progress real, in order to preserve the resource production and open space values of that land in perpetuity.

### 1) Resource Values

In the Introduction to the Resource Production Element we are told, “Resource values of agriculture, timber, and mineral resources that may be related to wildlife, aesthetics, recreation, watershed protection, or other beneficial purposes are described in the Conservation and Open Space Element (page-RP 1).” Yet, we found no such description, nor did we find any description of what “other beneficial purposes” might be. There is a restatement of the fact that agricultural, timber, and mineral resource lands contribute to the County’s scenic resources (page-COS 8), but no description or discussion of the associated benefits.

In the General Plan, please include a discussion of how resource production lands are related to wildlife, aesthetics, recreation, watershed protection, and other beneficial purposes. For example, you may discuss benefits such as foraging habitats for wildlife species, the aesthetics of oak woodlands and pastoral settings and their relationship to tourism, the recreational value of agritourism activities, and the existence of groundwater recharge areas. Also, please provide examples and discussion of “other beneficial purposes,” such as carbon sequestration, pollination, flood and storm protection, and soil erosion control.

### 2) Farming is A Growing Industry

Under “Agricultural Resources,” the Resource Production Element points out that “total farmland has declined by approximately 18% since 1999 (page-RP 2).” However, the Background Report notes, “The total number of farms identified by the USDA in Calaveras County has ranged from a low of 457 farms between 1999-2003, to 576 between 2004-2007 and to a high of 631 farms between 2008-2012 (page 24).”

So, even though total farmland has declined, the number of farms has increased, which leads one to conclude that there is a growing number of small boutique farms, which means farming is a growing industry in the County. Please include this information in the Resource Production

Element. It will also serve to bolster this statement in the following paragraph of the element, “‘Calaveras Grown’ products are expected to increase in popularity as small producers find expanding retail markets in the region, and efforts from marketing groups such as The Wine Grape Alliance attracts visitors to the county who seek out a ‘grape to the glass’ experience (page-RP 2).”

### **3) Williamson Act Contracts**

The Resource Production Element makes the following statement on page RP 2, “Williamson Act contracted land acreage is expected to remain relatively constant,” but there is no discussion of why or how long this is expected. Will new contracts keep pace with the non-renewals and why? At what point would that cease to be the case? In 2008, a total of 4,910 acres of land were in non-renewal for Williamson Act contracts (Public Review Draft Baseline Report, January 2008, page 9-43). There are now 7,580 acres of Williamson Act land in non-renewal (Background Report, page 28). Even though there has been a 4% increase in Williamson Act contracted land since 1999 (page-RP 2), it would make a difference if, for example, the increase was concentrated in the first five years of that 16-year span. Please provide a more comprehensive discussion of Williamson Act contracts in the General Plan, particularly because the non-renewal of a contract likely signals the intention to convert the land to other than an agricultural use.

Regarding Program RP 2-C Solar Easements, which says, “Amend the County Code to incorporate required findings and procedures for implementing state legislation relative to solar easements affecting Williamson Act Contracts (page-RP 10),” we understand the need to create procedures relative to Senate Bill 618 (Statutes of 2011, Chapter 596), which, according to the Department of Conservation, “authorizes the parties to a Land Conservation (Williamson) Act or Farmland Security Zone contract, after an eligibility determination and management plan review, to mutually agree to rescind a contract (or a portion of) in order to simultaneously enter into a solar-use easement. The new easement would require that the land be used for solar photovoltaic facilities for a term of 20 years, or if the landowner requests, for a term of not less than 10 years.” However, the CPC does not encourage the conversion of even marginally productive agricultural land in Calaveras County to solar fields, as there are substantial and unavoidable impacts to species habitat, scenic resources and agriculture.

### **4) Conservation Easement Overlay**

There is no mention at all of existing conservation easements in the Resource Production Element, the Conservation and Open Space Element, or the Background Report. This is a serious oversight. Members of the CPC suggest a conservation easement overlay be prepared for the General Plan update map in order to identify all land in Calaveras County under the protection of a perpetual conservation easement. (While land protected by a conservation easement is generally also under a Williamson Act contract, not all Williamson Act land is protected by a perpetual easement.) We were assured by General Plan Coordinator Brenda Gillarde in May 2013 that the intention was “to have a map in the general plan that shows all parcels with a known recorded conservation easement (see Attachment RPC-1 Conservation Easement Overlay Correspondence).”

Such an overlay would facilitate planning for the preservation of important eco-system services such as carbon sequestration, watershed protection, plant and wildlife habitat, and open space including farmland, rangeland and forests. An overlay would also identify the potential for connectivity between existing permanently protected lands, including Bureau of Land Management and Forest Service land, and coincide with the California Department of Fish and Wildlife Sierra Nevada Foothills Wildlife Connectivity Modeling Project, which is “using species-specific data to model connections between blocks of protected lands.” (See Attachment RPC-3) Also, land that provides connection between existing protected acreage is often the best choice for mitigation purposes.

There are literally tens of thousands of acres in Calaveras County already under the protection of perpetual conservation easements held by agencies and organizations such as the California Department of Fish and Wildlife, the California Rangeland Trust, the Pacific Forest Trust, and the Amador Land Trust. There is a long-standing but quiet tradition of land preservation in Calaveras County, to which the attached article, “Protected for Perpetuity,” can attest. (See Attachment RPC-2) The article reports on the preservation of 7,400 acres in Salt Spring Valley in 1990. Conservation easements benefit the public and the environment. As the Nature Conservancy points out, conservation easements:

- Protect water quality
- Conserve wildlife habitat
- Preserve open space
- Preserve farmland, ranchland, timberland
- Maintain the character of rural communities
- Buffer public lands
- Maintain landscapes for tourism
- Require less in public services, generate more in local revenues
- Stretch public conservation dollars

It only makes sense to identify the exact number and location of our existing permanently protected acres. That they will remain perpetually unchanged is an extremely important consideration for local land-use planning.

In addition, Policy RP 1.6 says, “Use a wide variety of conservation tools, such as conservation easements, long term conservation leases, transfer of development rights, density bonuses, urban in-fill, mitigation banking, cluster development, Williamson Act land conservation contracts, and agricultural enterprise zones to encourage the long-term productivity of Resource Production Lands (page-RP 5).” The identification of existing permanently protected land would be invaluable in instituting this policy as well as the following goal and policies from the Conservation and Open Space Element, “COS-4 A: County with abundant scenic resources that preserves rural character, quality of life, and tourism-based economic development, while acknowledging private property rights; COS 4.1: Conserve forestlands, ranchlands, oak woodlands, scenic byways, rivers, lakes, reservoirs, hillsides, hilltops, landmarks, natural and historic landscapes as scenic resources important to the County’s rural character, scenic beauty and tourism-based economic development; and COS 4.2: Maintain scenic resources that are visible from designated scenic highways in the County (page-COS 13).”

On a related note, we recommend General Plan include Implementation Measure 1.2.3.1.1 from the Agriculture Coalition's draft Agriculture, Forestry and Minerals Element (Attachment RPC-4), which says, "Encourage private organizations and land trusts in the utilization of conservation easements or other alternative conservation methods for voluntary long-term protection of Resource Production Lands." As noted, there are already a number of land trusts active in the County of which Planning staff seemed mostly unaware. The land trusts may be more willing to invest further conservation dollars in Calaveras County if they had the cooperation and support of local government.

### **5) Definitions**

Regarding Policy RP 1.6, please include definitions in the Glossary for conservation easement, long-term conservation leases, density bonus, mitigation banking, and agricultural enterprise zones. We find the existing definition in the Glossary for clustered development to be inadequate. It reads, "Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open-space area." We suggest the following from the Office of Planning and Research, "Development which is clustered in a portion of a site, leaving the remainder in open-space. The amount of development allowed equals the amount that would have otherwise been allowed on the entire site."

### **6) FMMP Excludes Calaveras County**

The Resource Production Element states, "There are no state-designated prime, unique, or other important farmlands in Calaveras County," and the footnote explains, "The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) excludes Calaveras County and other foothill counties (page-RP 2)." While this may be true, it is still important to note that "given the rich characteristics of soils and agricultural resources in the county, it is highly plausible that some lands within the Planning Area meet the various criteria for important farmlands (Public Review Draft Baseline Report, January 2008, page 9-43)."

Historically, environmental review of some development projects in Calaveras County has claimed no impact to agricultural land simply because the county is not yet included in the FMMP. In other words, no important farmland exists because none has been mapped, therefore there is no impact on important farmland. This is why it is important to note the probable existence of state-designated prime, unique, or other important farmlands in Calaveras County. Also, it is our understanding that the Natural Resources Conservation Service began soil testing in Calaveras and Tuolumne Counties in 2006. Please contact the NRCS for an estimate of when their tests and mapping will be complete and include this information in the General Plan.

### **7) Conversion, Mitigation, and Buffers**

Policy RP 1.1 says, "Apply consistent evaluation criteria and mitigation for discretionary actions involving the conversion of resource production lands to non-resource production uses and/or for proposed land uses on or adjacent to active or potentially active resource production lands (Page-RP 5)." Implementation RP 2-A, Significance Criteria for Agricultural Land Conversions, says,

“The Calaveras County Department of Agriculture, Planning Department, and the Agricultural Advisory Committee shall establish a consistent methodology for evaluating the potential significance of agricultural land conversions to non-agricultural uses pursuant to the California Environmental Quality Act (CEQA) for use in conjunction with evaluating proposals requiring a discretionary entitlement subject to CEQA (page-RP 9).”

To meet the objectives of RP 1.1 and RP 2-A, we suggest the General Plan incorporate the Agriculture Coalition’s Agricultural and Forest Land Conversion Guidelines, which is Appendix B in the Coalition’s draft Agriculture, Forestry and Mineral Element which the Board of Supervisors voted in 2009 to use as the base document for the development of an optional element addressing agriculture, forestry, and minerals. It makes little sense to ignore the existing Guidelines, especially given that non-specific implementation measures cannot be relied upon as mitigation for the impacts of the General Plan. At least incorporate the Appendix B Conversion Guidelines into the General Plan as an interim measure until such time as the County can develop a final version.

Similarly, we ask that the County include Appendix C, Agricultural and Forest Land Mitigation Guidelines, of the Agriculture Coalition’s element to address RP 1.1 and RP 2-B, Mitigation for Agricultural Land Conversions, which says, “The Calaveras County Department of Agriculture, Planning Department, and the Agricultural Advisory Committee shall establish consistent mitigation standards for the conversion of agricultural lands to non-agricultural uses (page-RP 9).”

Policy RP 1.4 says, “Buffer Resource Production Lands through setbacks or other measures to prevent non-compatible uses from impacting resource production uses (page-RP5).” Implementation RP 1-A says to “Amend the County Code to: Incorporate guidelines and standards for the development and maintenance of setbacks or other measures designed to minimize conflicts between activities conducted on Resource Production Lands and the encroachment of incompatible uses (page-RP 9).” Until such time as the County Code can be amended, please include Appendix A, Buffer and Setback Guidelines, from the Agriculture Coalition’s draft element in the General Plan to meet the objective of minimizing the encroachment of incompatible uses on or adjacent to Resource Production Lands.

We at the CPC embrace the purpose and intent of Appendices A, B, and C and are in substantial agreement with the conversion, mitigation, and setback guidelines themselves. Please strengthen the policies and implementations of the Resource Production Element by including these important guidelines. As the Agriculture Coalition’s draft element so aptly maintains, “Resource Production Lands are key to the preservation of the County’s rural character, which has been identified as being of primary importance to its residents.” We would go even farther and say that they are *the* key to the preservation of rural character.

### **8) Not Open Space?**

On page RP 5, Policy RP 1.8 defines actively harvested timberlands and actively mined mineral lands as not “open space”. We would like the County to explain the contexts in which this definition applies. For example, we would agree that if a residential developer wants a planned

development, the developer should not get open space credit for clear-cut lands or an un-reclaimed surface mine.

### **9) Alternative Beneficial Uses**

Policy RP 2.4 says to "...provide for multiple or alternative beneficial uses of agricultural lands (page-RP 6)." Likewise, RP 3.4 says to "...provide for multiple or alternative beneficial uses of timber lands (page-RP 7)." In the General Plan, please define or provide some examples of what "multiple or alternative beneficial uses" might be. For example, are you talking about ecosystem services, agritourism, or something else?

### **10) Clustering**

Resource Production Program 1-A says, "Amend the County Code to: Incorporate guidelines for clustering residential development on Resource Production Lands (page-RP 9)." We assume the guidelines for clustering on Resource Production Lands will be included in the Open Space Zoning District included as an implementation measure in the Conservation and Open Space Element, "COS-A: Create an Open Space Zoning District, or equivalent, as a tool for preserving and/or managing unique, important, or significant natural and cultural resources."

We make this assumption based upon the fact that Randall Arendt, who pioneered open space zoning in the United States, and other planners use the terms open space zoning, clustering, and conservation subdivision design interchangeably. For example, "As 'open space zoning' is based upon the technique of 'clustering,' these two terms are used interchangeably..." ("Open Space Zoning: What It Is and Why It Works," *From Issue 5 of the PCJ, July/August 1992*). For clarity, we recommend you include a definition of open space zoning in the Glossary of the General Plan and explain how or if RP 1-A and COS-A differ in regard to Resource Production Lands, especially since the Introduction tells us that "all implementation programs are stated only once in the General Plan (page-INT 6)."

The CPC supports the idea of open space zoning in principle, but we foresee some issues with clustering on Resource Production Lands, especially those which are under Williamson Act contracts and/or conservation easements as the Act and the terms of individual easements restrict residential development. We foresee potential infrastructure issues associated with isolated islands of residential development and potential conflicts due to residential needs which are incompatible with resource production land uses. We would want some limits on the size of the residential development that could be created through clustering. We would also want the designated open space area to be perpetually protected with an appropriate conservation easement.

Nevertheless, we support adequate worker and family housing on Resource Production Land to help ensure its continued viability. In the General Plan, please include Objective 1.2.4 from the Agriculture Coalition's element, "To Provide For Adequate Resource Production Related Housing," its attendant policy, 1.2.4.1 "Encourage efficient and continued management of local resource production operations/activities by allowing the development of adequate amounts of

worker and family housing that will support resource production operations” and implementation measure 1.2.4.1.1, “When a parcel in Resource Production Lands is deemed adequate, allow for the placement of additional housing structures upon said parcel to help accommodate the housing needs for workers and/or family members.”

### **11) Agritourism**

Resource Production Program 1-A says, “Amend the County Code to: Expand the types of agricultural tourism and other compatible non-traditional activities allowed on Resource Production Lands to enhance their economic viability (page-RP 9).” The CPC supports agritourism as defined in the County Code (17.06.0151 – Agritourism). We cannot support the expansion of that definition or “other compatible non-traditional activities” if they will result in significant and unavoidable impacts.

For example, the CPC would not support driving ranges or golf courses on Resource Production Lands, because of the potentially significant and unavoidable impacts on roads and groundwater. We are concerned that the County intends to amend its Code to allow the clustering of residential development on Resource Production Lands and expand non-traditional activities on those lands. We cannot support activities that would tend to induce leap-frog type growth and development. In the General Plan, please define or give examples of expanded agritourism and “other compatible non-traditional activities.” Also, please clarify if compatible non-traditional activities include clustering.

We can support the provisions of RP 2-G Agritourism, which will “Update the County Code to:

- Allow seasonal, small-scale produce sales in the Residential Agriculture (RA) zoning district;
- Support the development of small-scale and/or mobile processing facilities for locally produced foods;
- Allow temporary use of vacant buildings for agricultural purposes (e.g., indoor farmer’s markets) or using barns for limited ag-related events
- Support the development of new and existing agricultural marketing and tourism programs and integrate them with County economic development efforts to attract business through agricultural/ecological tourism (page-RP 10-11).”

However, we find the fourth provision to be rather vague, especially with reference to ecological tourism, which doesn’t exist in the County Code. Please define “ecological tourism” in the Glossary or in the element. While we recognize existing agricultural marketing and tourism programs like Calaveras Grown and the Visitors Bureau, we are unsure of what constitutes County economic development efforts. Do you mean County government? Please clarify.

### **12) Miscellaneous**

Here are two more provisions from the Agriculture Coalition’s element not previously mentioned that we would like to see included in the Resource Production Element.

In order to better protect food safety, please include the following from the Agriculture Coalition’s element:

- Policy 1.2.6.1, which says, “The, County shall continue to work with local, state, and federal agencies as well as producers, to ensure the safety of food produced in Calaveras County and to maintain a local regulatory framework that ensures the” economic viability of resource production operations/activities while promoting environmental safety” and include its implementation measures, 1.2.6.1 and 1.2.6.2.

Implementation Programs COS-3C, COS-3D, and COS 3E intend to “establish target reductions in GHG emissions to achieve year 1990 emission levels by the year 2020,” develop “a GHG reduction plan outlining the strategies, goals, and actions for reducing municipal and community-wide greenhouse gas (GHG) emissions as necessary to meet the mandates of California’s Global Warming Solutions Act of 2006 (AB 32),” and “Adopt an ordinance discouraging the removal of native vegetation in anticipation of new development requiring a discretionary entitlement... (page-COS 17).” In order to better utilize Resource Production Lands in addressing greenhouse gas emissions and to help implement COS-3C, COS-3D, and COS 3E, please include the following from the Agriculture Coalition’s draft element:

- Policy 1.2.7.1, which says, “Priority for off-site mitigation of greenhouse gas emissions shall be given to Resource Production Lands that serve to sequester carbon. Management activities that sequester carbon also provide additional public benefits such as protection for watershed processes, plant and wildlife habitats, and reduced soil erosion.”

If you prefer, you could place this policy in under Goal 3 in the Conservation Element that deals with greenhouse gases.

### **13) Implementation Programs related to Forest Lands**

The programs/implementations that are proposed start with amending the County Code to permit compatible uses on TPZ lands such as fuels reduction, mineral extraction, wildlife habitat, energy production, agriculture/grazing, and recreation. Other Code changes involve mostly TPZ conversions and compatible uses.

RP 3-A includes a provision calling for the immediate rezoning of Timber Preserves. We caution the County against rushing any such decisions associated with the ill-conceived rezones of isolated lands with substandard roads, limited utilities, far from emergency and other public services, in high and very high risk fire zones. Such rezones have the potential for irreparable mistakes of a catastrophic nature. These rezones need to be carefully evaluated and considered, just like any other.

RP 3-A also directs developers to get Timberland Conversion Permits for removing timber prior to development. In addition, we encourage the County to condition developments so that the timber removal occurs after the other necessary conditions on the tentative map are met (e.g. water capacity, sewer capacity, etc.). This would avoid the circumstance in which the timber is removed early in the development process, and the scarred landscape remains idle for years while the other map conditions remain unmet. Such prematurely scarred landscapes detract from the attractiveness of the County to residents and tourists alike.



The section also includes:

**“RP 3-B: Review of Timber Harvest Plans**

Continue to review and provide input to CAL FIRE on timber harvest plans to ensure that measures are included to protect water quality, control erosion and flooding, and preserve the viewshed.”

As this is an implementation measure, it should be noted whose responsibility this is.

Other THP-related implementations we recommend:

Where applicable, comment on timber harvest plans in support of increased protection of Class III streams.

Review timber harvest plans adjacent to designated Riparian Corridors and request that clear cutting not occur within streamside conservation areas. Where clear cutting is approved by the applicable State or Federal agency along designated Riparian Corridors, ensure that at least 50 percent of the overstory canopy and at least 50 percent of the understory vegetation be retained.

Additional implementation measures could focus on encouraging value-added activities to enable the County to be more than just the location of a resource that is extracted and taken elsewhere. We propose this measure from the Economic Development Element that was not included in this Draft General Plan:

The County will work with the Amador-Calaveras Consensus Group and other organizations to expand regional support for value-added markets for natural resources, including manufacture of furniture, wood pellets, post and pole products, and biomass. [Identify what department or official with do this – probably Agriculture]

The County will pursue grants for feasibility studies addressing expansion of other activities such as carbon markets, ecosystem management, and restoration services (i.e. mitigation banks) to help develop a new forest economy. [Also needs person or department responsible]

On page RP-11, RP 3-C calls for the development of a timberland conversion evaluation methodology after consultation with “affected parties”. Will groups like Ebbetts Pass Forest Watch and CSERC be among those consulted? What if anything is wrong with the provisions proposed in the Agriculture and Forestry Element (2009 Draft, Section 1.4, pp. 16 and 17). Consider using these as interim standards, pending the County getting around to putting the final standards in place.

On page RP 12, Program RP 4-D calls for the County to identify “criteria for development of designated mineral reserves in close proximity to existing or proposed residential developments.” The CPC discourages new residential developments in close proximity to designated mineral reserves, as these have resulted in conflicts in other foothill counties. Instead, consider a provision like Measure A in El Dorado County.

On page RP 13, Program RP 6-A calls for the County to identify “standards for evaluating land use proposals with the potential to adversely affect geothermal resources.” Please include the CPC among those the Count will consult when preparing these standards. Please amend the plan to provide some specificity regarding which County department will be working on this, and when the County intends to start the process.

In general, the CPC is disappointed that so much of the Agriculture Coalition’s Agriculture, Forestry and Mineral Element did not make it into the draft General Plan. We suggest you return to their element and incorporate more of it into the General Plan to improve the detail and clarity of the Resource Production Element.

## Conservation and Open Space Element Comments



We preface these comments by referring the County to the far more detailed comments made by CSERC, one of our member organizations. (Attachment COSC-5.) We hope that the County will incorporate their fine suggestions into the revised General Plan and Project Description.

## **Background and Setting**

On page COS-4, the element references the 2006 MAC IRWMP. While this document does have some historical significance, it includes projects not in the 2013 MAC IRWMP Update. These projects include project 40 IRCUP and Project 15 Enlarge Pardee Reservoir.

EBMUD removed Enlarge Pardee Reservoir from its 2040 Water Supply Management Plan and instead collaborated with Contra Costa County Water District to expand Los Vaqueros Reservoir. Efficiency and need studies have led to the tabling of the Duck Creek Reservoir component of IRCUP. Now, a different groundwater banking pilot project is in the works. Also, the focus of attention in the basin has shifted to meeting the requirements of the new groundwater legislation passed in 2014.

The accurate project list is in Appendix D of Volume 1 of the 2013 MAC IRWMP. (Attachment PF-3) The MAC IRWMP is available from the State Department of Water Resources website at [http://www.water.ca.gov/irwm/grants/docs/PlanReviewProcess/Mokelumne\\_Amador\\_Calaveras%20%28MAC%29%20IRWM%20Plan/](http://www.water.ca.gov/irwm/grants/docs/PlanReviewProcess/Mokelumne_Amador_Calaveras%20%28MAC%29%20IRWM%20Plan/)

Efforts are currently underway to amend this project list to better serve Calaveras County, and to take advantage of new funding opportunities presented by the 2014 Prop. 1 water Bond. You can keep up to date with these changes at the UMRWA website ([www.umrwa.org](http://www.umrwa.org)) or by contacting their very knowledgeable and cooperative staff person, Rob Alcott ([robalcott@aol.com](mailto:robalcott@aol.com)). Please change the reference to the current version of the MAC IRWMP.

The 2006 Calaveras County General Plan Evaluation recommended that the Open Space Element include a section to explain the current wildlife habitat regulatory structures affecting activities on open space lands. These include the Federal Endangered Species Act, The California Endangered Species Act, NEPA, the Clean Water Act, the Migratory Bird Treaty Act, and the regulations of the U.S. Fish and Wildlife Service, the Army Corps of Engineers, and the California Department of Fish and Wildlife. There is no such guide in the Conservation and Open Space Element. We agree that such a guide could improve compliance with these habitat protections in Calaveras County. Please add the creation of such a guide to the list of programs in this element for the County to implement.

## **Goals and Policies**

### **1) Water Resources/Water Quality**

When the County decided not to include a separate Water Element in the General Plan in 2012, then Planning Director Rebecca Willis indicated that the County did intend to address the water issues in the mandatory elements of the General Plan Update. Those who worked so hard to produce the Water Element, costing countless volunteer hours and over \$147,000 of CCWD funds, were challenged to identify the provisions of the Water Element that should find a home

mandatory elements of the General Plan. In July of 2013, people and government agencies were invited to make recommendation for policies for inclusion in the General Plan Update. We at the CPC took up the challenge, and identified the policies in the Water Element that should in the mandatory elements of the general plan. We thank the County for including Policy COS1.1 to continue to participate in IRWMP efforts.

Government Code Section 65302, Subdivision (d), states:

That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies that have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared.

We hope that the County will continue to work with CCWD to include in the Revised General Plan and Project Description more of our recommended policies from the Water Element.

## 2) Biological Resources

Government Code Section 65302 states:

The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. (emphasis added)

The 2003 General Plan Guidelines state:

“An objective is a specified end, condition, or state that is an intermediate step toward attaining a goal. It should be **achievable** and, when possible, **measurable and time-specific**. An objective may pertain to one particular aspect of a goal or it may be one of several successive steps toward goal achievement. Consequently, there may be more than one objective for each goal.” (2003 GPG, p. 15, emphasis added.)

“A standard is a rule or **measure** establishing a **level of quality or quantity** that must be complied with or satisfied. Standards define the abstract terms of objectives and policies with concrete specifications.” (2003 GPG, p. 16, emphasis added.)

The problem with the Biological Resources section on page COS-12 is that it contains no objectives or standards. In fact, with the exception of one numerical standard in Policy COS 5.1, there are no objectives or standards anywhere in the Conservation and Open Space Element. After nine years of general plan development, we are told that stormwater management standards, streamside setbacks, wetland setbacks and buffers, scenic resource development standards, and hilltop construction guidelines will all have to wait to be developed at some unspecified time, by an unspecified department, with unspecified funding. Furthermore, there

are no interim standards to direct development or conservation while we wait for the final standards.

The County knows better. The current Housing Element, that must pass muster with the State Department of Housing and Community Development, includes quantified objectives, provides time frames for task completion, notes the responsible department, and identifies the funding source for implementation. While elements of a plan are supposed to be equally weighted, clearly the County puts more effort into compliance with the letter of planning law when it prepares the Housing Element.

Moreover, this failing is systemic throughout the entire Draft General Plan. The Draft General Plan includes only Goals, Policies, and Implementation Programs. Missing are the principles, objectives and standards. Thus, three of the six components of a general plan are largely missing from the document.

When we began this process in January 2006, we begged the County. "Do not start this process by aiming for less than the minimum needed for a valid general plan." (Infusino, Presentation to the BOS, 1/23/06.) Recently, we have been disappointed each time we hear that the County is currently seeking to draft only the minimum legally adequate general plan. We are heartsick to find that the County's idea of the minimum legally adequate general plan is one devoid of half the required content.

**Please include principles, as well as quantified objectives and standards in the revised Draft General Plan and Project Description. Please structure the plan at least as diligently as the 2010 Housing Element.**

### 3) Air Quality/Greenhouse Gases

"These efforts, impressive though they are, are not enough. The United Nations' Intergovernmental Panel on Climate Change, backed up by the vast majority of the world's scientists, has set an ambitious goal of limiting warming to 2 degrees Celsius by the year 2050 through drastic reductions of greenhouse gases. If we have any chance at all of achieving that, California, as it does in many areas, must show the way. We must demonstrate that reducing carbon is compatible with an abundant economy and human well-being. So far, we have been able to do that.

"In fact, we are well on our way to meeting our AB 32 goal of reducing carbon pollution and limiting the emissions of heat-trapping gases to 431 million tons by 2020. But now, it is time to establish our next set of objectives for 2030 and beyond.

"Toward that end, I propose three ambitious goals to be accomplished **within the next 15 years:**

"Increase from one-third to 50 percent of our electricity derived from renewable sources; Reduce today's petroleum use in cars and trucks by up to 50 percent;

Double the efficiency of existing buildings and make heating fuels cleaner.

"We must also reduce the relentless release of methane, black carbon and other potent pollutants across industries. And we must manage farms and rangelands, forests and wetlands so they can store carbon. All of this is a very tall order. It means that we continue to transform our electrical grid, our transportation system and **even our communities.**" (emphasis added)

*Governor Edmund G. Brown Jr.  
Inaugural remarks  
January 5, 2015*

The background information for this General Plan includes several possible scenarios that could be the consequence of a changing climate, a warming world. Governor Brown is proposing increased action for the State of California to forestall or alleviate those consequences. Whether or not those actions will be sufficient, Calaveras County must consider doing no less. In this political climate, a county submitting a new General Plan ought to clearly and boldly address our changing earth climate.

We appreciate that the issue is acknowledged and addressed in the draft plan. We ask that the County be more specific and comprehensive in addressing this topic throughout the elements of the General Plan.

**A) The Background and Background Report sections relevant to climate change need improvement.**

There is good background information on Greenhouse Gases on pages 90-91 of the Background Report in relation to the Conservation and Open Space Element. If read carefully, there are implications for policy and programs in nearly all elements of the General Plan, particularly Land Use, Circulation, Resource Production, Safety, and Public Services in addition to Conservation and Open Space. Thus, it seems not adequate to limit it to one element as that implies limiting its implementation to one element. Perhaps this information might find a more prominent home in the Background Report, throughout all these various elements.

In a report submitted on June 1, 2007, for the Mintier and Associates Background Report, members of the Calaveras Planning Coalition encouraged all of the following actions relevant to climate change:

- Sustainable methods of energy production for commercial and residential development, utilizing forms of energy other than fossil fuels
- Sustainable building methods for all areas of construction: public, commercial, residential
- Reduced reliance on fossil fuels in transportation
- Support for the encouragement of green business development in the county
- Preserving and protecting open space and wildlife habitat
- Preserving a safe and adequate water supply in the face of dwindling resources

We continue to urge the county General Plan to contain all of the above. We recognize some steps toward them in the Draft General Plan. Yet given the scenario included in the Background Report, we find the policies and programs to be inadequate.

**In the Background and Setting sections of the General Plan Elements:**

**Page COS 2: Water Resources/Water Quality**

It seems important in this section to address water quantity also. As stated on page COS 7,

“...temperature increases associated with greenhouse gas emissions are expected to result in a reduced snowpack resulting in changes to the existing water resources (e.g., decreased water supply)....”

- 1) This should be noted as one of the water concerns in this section, especially as linked to two other factors: 1) the population increase of at least 20% anticipated in the next 20 years, and 2) the extreme drought that California is currently experiencing. This concern can be linked to the paragraph on groundwater, which acknowledges “*a decline in groundwater levels over the past fifty years.*”
- 2) The projected temperature increase, under a low emissions scenario, is 3.8 degrees F by 2070 (ref. Caladapt.org)

**On Page 2 of the Resource Production Element**, water is discussed as an important element for agricultural production. This paragraph should include a sentence about the implications of climate change on water availability, particularly as wine grapes are an increasing crop and they are heavy users of water.

Likewise, the **background comments on timber on Page 3** of the Resource Production Element should contain some mention of the probable effects on timber lands from climate change.

In the **Background and Setting section of the Circulation Element, page 2**, there is a discussion on the uses of LOS (Level of Service) and VMT (Vehicle Miles Traveled). It is indicated that the County will wait to use VMT until State guidelines are adopted. Perhaps it would be good to start gathering this data now and applying it to new development? We do not just want to comply with State guidelines; we want to protect the future of this County.

**B) Missing Provisions in the Draft General Plan related to Climate Change**

We do appreciate that the plan does include reference to development strategies that will assist in preventing or mitigating climate change effects. Among these are concentrating new development in existing community centers; adopting a complete streets approach to planning



that will encourage walking, cycling and public transportation; studying and reducing greenhouse gas emissions. We feel so much more must be included in the plan.

Here are several proposed inclusions (there could be many more!):

- The County shall require energy conserving construction and retrofitting in all public, commercial, and new residential buildings. This could include renewable sources of energy, techniques of insulation, and conservation of heat and water.
- The County shall encourage the development of new “green” businesses that support sustainable building and lifestyles. Examples: Solar installation, water reuse and recycling systems, energy efficient building materials, home energy monitoring and retrofitting, creating new goods out of recycled materials.
- The county shall encourage the development of job training for jobs that support sustainable and green businesses.

### **C) Substandard Provisions of the Draft General Plan related to Climate Change**

The only explicit goal related to climate change is **COS-3B**: Greenhouse gas emissions associated with vehicular travel, electric power generation, and energy use in compliance with applicable state goals and standards.

And the only policy accompanying this goal:

**COS 3.4**: Develop and adopt a comprehensive strategy to reduce GHG within Calaveras County to achieve year 1990 emission levels by the year 2020, and in the interim, pursue a Greenhouse Gas reduction target of 15 percent in accordance with State law.

How will we know how we are doing in our reduction if we don't have a measure for where we are now? Do we have such a measure?

If our water, our agricultural lands, our timber, the safety of our homes, the health of our residents are all potentially (and currently) at risk due to climate change, is it enough to simply comply with state goals and standards? And which goals and standards? Given Governor Brown's inaugural speech, quoted at the beginning of these comments, might we want to consider something much more aggressive?

Other policies tied to climate change:

**CIR 1.6:** Encourage development that reduces or limits vehicle miles traveled, consistent with the policies of the Land Use Element.

How will that be encouraged? Might it actually be required, at least for projects of a certain size?

**CIR 3.1:** Maintain the County's existing transit system and strive to increase service efficiency, availability, and convenience for all residents, employees, and visitors to the degree feasible with available resources.

Can we set the standards and service we need and then seek the funding to do what is needed, rather than limit what we can do with "available resources"? If we want a good public transportation system, we need to go after it.

#### **D) Implementation Programs related to Climate Change**

Only three Implementation Programs are specifically related to climate change and the above goal and policy:

**COS-3B:** Undertake a greenhouse gas emissions inventory to establish baseline levels of GHGs generated from all major emission sources in the County consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006).

**COS-3C:** Based on the results of the GHG baseline inventory, establish target reductions in GHG emissions to achieve 1990 emissions levels by the year 2020. In the interim, apply a GHG reduction target of 15% below emissions expected under a "business as usual" scenario pursuant to guidance provided in the State's AB 32 Scoping Plan.

**COS-3D:** Development of a GHG reduction plan outlining the strategies, goals, and actions for reducing municipal and county-wide greenhouse gas emissions as necessary to meet the mandates of California's Global Warming Solutions Act of 2006 (AB 32).

First of all, the timing is not realistic. We are currently in 2015 and all we have is a Draft General Plan that is far from finished, has no DEIR developed, and a full adoption process to go through. Given how long it has taken to get to this stage, by when will we actually have an adopted plan: 2016? 2017? 2018? And so then we are going to undertake a study and adopt a plan to get a result by 2020? Not likely. Also, there are no stated specifics for who is responsible for conducting this study and proposing a plan, and by when it will be done.

Second, strategies and plans for reducing greenhouse gas emissions are already well known and being done in communities across the country and across the world. We know which ones will be needed here in our county: reduce vehicle miles traveled; reduce energy uses through conservation, retrofitting, and new renewable sources; adopt standards for new building and community design. Why are we not putting such policies in the General Plan?

Other Implementation Programs tied to climate change:

**CIR-1.B: (Note: the draft actually has two CIR-1Bs)** When preparing capital improvement plans and reviewing development proposals, the County shall favorably consider projects which minimize greenhouse gas impacts and are appropriate to the rural nature of Calaveras County, including , but not limited to, transit programs, ridesharing programs, bicycle and pedestrian improvements, and maintenance of existing roadways to reduce vehicle emissions.

What might “favorable” consideration look like? Might the County consider requiring some of these programs, especially for large new developments?

**CIR-5.A** Adopt a bicycle and pedestrian master plan and implement the priority projects in those documents as funding allows. The County shall utilize all available federal, state, and local funding for construction of non-motorized transportation facilities.

Who will create this plan and by when?

Specifically, here are some implementation programs that could be added in appropriate places in the General Plan:

- Under Land Use, Regional Planning and Coordination: Participate in the Sierra Climate Adaptation and Mitigation Partnership (a new program of the Sierra Business Council).

From the Draft Energy Element:

- The County shall monitor opportunities for using outside financial assistance to fund energy planning and climate action planning. The County shall monitor opportunities from Federal, State, utility, nonprofit, and private resources.
- The County shall project future energy needs based on population growth projected in General Plan build out in order to plan for the potential of renewable energy to contribute to those future needs.
- The County shall support the education and training of agency staff (planners, building inspectors, plan checkers) to ensure their knowledge of current California Energy

Efficiency Standards and the CALGreen Code to facilitate approval and inspection processes.

- The County shall provide an annual report to the Board of Supervisors on the status of implementing and enforcing the California Energy Efficiency Standards. The report will include a set of performance measures for tracking compliance with the standards.
- The County shall identify and remove, or otherwise address, any regulatory or procedural barriers to implementing green building practices within its jurisdictions, such as updating codes, guidelines, and zoning.
- The County shall work with stakeholders (architects, engineers, builders, property owners and community groups) who implement the CALGreen Code to ensure that the review and implementation process is working as intended.
- The County shall require that all future construction of new or renovated County facilities shall incorporate energy efficiency measures deemed to be cost-effective within the projected life of the facility.
- The County shall develop protocols to ensure that the operation and maintenance of all existing County facilities include energy efficient practices whenever practical.
- The County shall examine the potential for renewable energy use in County-owned facilities and incorporate that use during new construction and major renovations if found to be cost-effective within the projected life of the facility.

From the Draft Water Element:

- The County shall adopt policies and programs, and support efforts by local agencies to mitigate greenhouse gas emissions resulting from energy consumption related to water use to comply with state and federal law.
- The County shall support efforts by local, regional, state, and federal agencies and others to develop policies and manage programs that allow the County to adapt to climate change effects such as prolonged drought, flooding, wildfires, and other events.
- The County shall encourage water and wastewater agencies to investigate opportunities for revenue generation from green technologies, greenhouse gas mitigation strategies, and other climate change mitigation strategies.
- The County shall encourage forest, woodland, and grassland management practices that maximize carbon sequestration and minimize greenhouse gas emissions from soil, equipment, and harvest techniques.

### **E) Endnotes**

Truthfully, we are out of gas and energy for further comments at this time. There are many more policies and implementation programs we would like to see. There are many other county General Plans we could draw examples from.

What we would really like to see is the attitude toward climate change reflected below in paragraphs from the **Mintier Harnish Introduction to the Draft Administrative Review version of their General Plan update for the County, December 2010:**

**“Climate Change and Sustainability**

“Climate change refers to the change in the average weather of the earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. Human activities associated primarily with the use of carbonbased fossil fuels have led to changes in the composition of the atmosphere.

The combustion of carbon-based fossil fuels creates greenhouse gas (GHG) emissions such as carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O), which has caused the earth’s atmosphere to absorb more heat from the sun.

“Sustainability refers to the long-term social, economic, and environmental health of the community. A sustainable community grows and prospers while not compromising the ability of future generations to do the same. Sustainable communities are those that use resources efficiently and effectively, provide economic security, and distribute benefits evenly throughout the county.

In 2006 the California State Legislature took a proactive role in addressing the challenges of climate change with the adoption of the California Global Warming Solutions Act of 2006 (AB 32). AB 32 focuses on reducing greenhouse gas (GHG) emissions in California. AB 32 requires the California Air Resources Board (CARB), the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve GHG emissions equivalent to 1990 statewide levels by 2020.

“Finally, an emerging topic related to climate change and sustainability is adaptation to the expected impacts of climate change. In 2008 Governor Schwarzenegger issued Executive Order S-13-08 to prepare a statewide strategy to manage the impacts and challenges from climate change. The 2009 California Climate Adaptation Strategy summarizes the best known science on climate change impacts in specific sectors and provides recommendations on how to manage against those threats.

**“The General Plan includes policy standards for greenhouse gas reduction targets for both County operations and communitywide emissions consistent with AB 32. The cumulative effects of the General Plan policies addressing greenhouse gas emissions result in measurable reductions in emissions consistent with the adopted standards. The General Plan also includes policies to mitigate the impacts that are expected to occur due to climate change.**

**“Sustainability, greenhouse gas emissions reduction, and climate change adaptation are addressed by policies and programs throughout the General Plan, rather than in a single section. Each policy and program in the General Plan that promotes sustainability or addresses climate change is indicated with the ☐ icon. In addition, Appendix C: Addressing Recent State Mandates, includes a table that summarizes by topic area General Plan policies and implementation programs that address climate change.”**

(emphasis added.)

These paragraphs make us want to see the rest of the Mintier Harnish draft General Plan, and it suggests that if you are looking for policy and implementation that addresses climate change this plan would be a good place to look. It is honestly absurd that this plan was scrapped without any review after all the time, resources, and public participation that went into its preparation.

Thank you for the opportunity to comment. We strongly suggest that the climate change provisions of the General Plan be strengthened.

### **3) Scenic Resources**

Much of the scenic beauty of Calaveras County is due to its extensive conifer forests. The forests are home to diverse wildlife and provide recreational opportunities to residents and tourists. In fact, the forests are a primary draw for tourists, and tourism is an increasingly important driver of the County economy. Moreover, and perhaps most importantly in a time of warming climate and drought conditions, forests act as essential reservoirs for both carbon and water.

We appreciate that these dimensions of forest benefits are touched on in the Draft, but feel their importance deserves more emphasis.

#### **The Background and Background Report sections relevant to forests and woodlands need improvement.**

The Background section in the Resource Production Element deals only with “Timber Production.” Elsewhere, as in the Scenic Resources section of the Conservation and Open Space Element, there is passing mention of forests and woodlands as visual attractions:

“Forests, rolling hills, ranches, agricultural land, mining landscapes, oak woodlands, rock formations and other unique topographical features, river corridors, lakes, and streams are just a few of the County’s exceptional scenic resources.... (p.8)”

Nowhere is there sufficient acknowledgement of the crucial role forests play in storing and purifying water, storing carbon in plants and soils, providing habitat for wildlife and plants, maintaining biodiversity, and providing aesthetic and recreational enjoyment for residents and tourists alike. An important start in highlighting these contributions would be to refer to “Forest Lands” throughout the document rather than simply “Timber Lands”. “Timber Lands” reduces the acknowledged value of trees to board feet.

We recommend putting this introductory sentence from the 1996 General Plan (p. IV-8), with the added bracketed statements, in the Background and Setting section of Conservation and Open Space Element:

“Forests are a significant natural and economic resource for Calaveras County. The forest lands provide for open space, recreation, natural habitats, [carbon storage, and water storage and purification]. In addition, these lands are utilized for timber production.”

It seems especially important to highlight the importance of forests given this sobering paragraph in the Air Quality/Greenhouse Gases section of the Background section of the Conservation and Open Space Element:

“In Calaveras County, temperature increases associated with greenhouse gas emissions are expected to result in a reduced snowpack resulting in changes to the existing water resources (e.g. decreased water supply), increased risk of wildfires, changing weather expectations for farmers and ranchers, decreased timber production, and public health hazards associated with higher peak temperatures, heat waves, decreased air quality and an accompanying decrease in the tourism industry.”

Intact forests are a front-line response to decreased water supply, because they are efficient water storers, and to the need to reduce greenhouse gas emissions, because they are a primary carbon sink. And as the paragraph notes, one expected effect of climate change is decreased forest growth and volume. So they are crucial players, and also under threat.

Even though timber harvesting practices are governed by the Forest Service on its own land, and the Forest Practice Act on private lands, and therefore the County’s role with regard to harvesting is limited, the importance of forests for the wellbeing of the County can still be highlighted in the General Plan. Moreover, the Forest Practice Rules require “consideration” of all forest values – not only timber production but also aesthetics, recreation, watershed protection, wildlife, range and forage – and the Attorney General has clarified that the other values are of equal importance as timber production.

On page COS 8, it states that portions of State Route 4 and State Route 49 are eligible for listing as State Scenic Highways. Please add a policy and implementation showing the County’s support for such listing of those segment.

## **5) Recreation Resources**

We refer you to Pat McGreevy’s email of 3-19-15 and attachments. (Attachments COSC-1, COSC-2, and COSC-3.) We encourage you to take him up on his offer to complete a Parks and Recreation Master Plan as a means to mitigate the impacts of new development under the general plan. Ideally, you would adopt this implementation plan at the same time, and under the same environmental review, as the General Plan Update.

## **6) Cultural Resources**

We refer you to the comments of Julia Costello (Attachment COSC-4.) We encourage you to take her suggestions.



**Implementation Programs**

As noted above, please identify the responsible department, the timeframe for implementation, and the funding source for each program. Also, correct the program numbering to 4, 5, 6 from 5, 6, 6.

## Noise Element Comments

“The filth and noise of the crowded streets soon destroy the elasticity of health which belongs to the country boy” (and girl).

*Rutherford B. Hayes*

“Bronzaft was the lead investigator on a groundbreaking 1975 study that found that children whose classrooms were on the noisy side of one New York public school lagged far behind children whose classrooms were on the quiet side. When school officials insulated the school against the noise, both sets of children began to test equally.”

*Noise Pollution: An Underestimated Environmental Health Risk, Annie Hauser, 10/9/2013, weather.com*

We have the good fortune to live in a relatively quiet place. Many of us who live here particularly appreciate that and want to preserve it. And, we know that growth and change bring the possibility of increasing sources of noise: more people, more business and more traffic. We don't face the same noise issues as a large city or urban county. But we do have to be prepared in order to retain that which we love and which is good and healthy for all of us.

As I read the proposed Noise Element, it contains a good beginning toward that goal. It has some good data and good intentions. It could use the promise of a real commitment to follow through on what it states. It needs backbone. That seems to be true of all the elements of this Draft General Plan.

Government Code Section 65302, Subdivision (f) requires a noise element to identify noise problems in a community. It is to quantify, to the extent practicable, “current and projected noise” from mobile and stationary sources, using noise contour diagrams. The contours are to influence the pattern of land use in the land use element to “minimize the exposure of community residents to excessive noise.” The element includes implementation measures to address both “existing and foreseeable” noise problems.

### **1. The Background and Background Report sections relevant to the Noise Element Need Improvement.**

While the Background information on the Noise Element is greatly improved from the 1996 General Plan Background Information there is room for improvement.

A. The report prepared for the County by Mintier and Associates in 2006 found that data relevant to the Noise Element was not available because it was included in the Background Report for that Plan but that the Background Report was not adopted as part of the plan. At the moment, it appears that the Background Report for the 2014 plan is also a separate document. Will it be adopted in some way so that the data is available into the future?

B. The relevant information for noise levels and contours from the Airport Land Use Compatibility Plan is also included in the Background Report. If this information is not included directly in the Plan, it would be good to have it, and all relevant noise data and regulations, in one easily accessed place for residents and developers who need it.

C. The Background information, both within the element and in the appendix, omits any reference to the effect of noise on well-being and quality of life. The 1996 General Plan Noise Element at least offers:

“The presence or absence of noise in the environment can greatly affect quality of life. Given its rural character, Calaveras County affords a relatively quiet environment, compared to urbanized areas of California. This factor is one of many which attracts visitors and residents to the County.”

D. The current Background information does not relate how the element interfaces with other elements in the General Plan. The 1996 plan did do this in Section 1.2, page VI-2. It is encouraged to add this information to the Revised General Plan and Project Description.

E. NOI 1.1 (Background and Setting) identifies the major noise sources in the County. There is no reference to the sources of noise that inspired the creation of the County Noise Ordinance (County Code Chapter 9.02) and which are often the source of public noise complaints: agricultural uses, recreation related noise including parties, music, boats, off road vehicles. The Noise Element does not address these noise sources other than by referring to the enforcement of the Noise Ordinance. (Also note, NOI 1.1 refers to a section of the Noise Element and also to the first policy. This numbering can be confusing.)

F. NOI-1.1 identifies noise sensitive uses but omits parks and open space from this list. Places set apart for play and the enjoyment of nature deserve to be protected from excessive noise. (They can also be potential producers of noise and so may need some limitations on where they may be developed.)

G. Appendix 1, prepared for the Calaveras Council of Governments by J. C. Brennan and Associates, suggests that noise contour maps will be prepared in conjunction with the report data and included in the General Plan Update. I do not see such maps in either the plan or the background document. Do they exist and will they be included?

H. The study presented in Appendix 1 does update information that was out of date in the 1996 General Plan. However, I did not find any projections of how this data, particularly traffic related noise, might increase in the future. Were any projections made? If not, how can this adequately guide development into the future? (I do note that standards were set for levels of increased noise in the element policies.)

I. In its 2008 comments on the General Plan Update Baseline Report, the Calaveras Planning Coalition identified existing noise issues with Foothill Materials (quarry near New Hogan Reservoir) and trucks travelling to and from the quarry on Silver Rapids Road. There are likely other instances of noise conflicts, from road traffic or

site-specific noise generation, which involve existing development. While the General Plan draft makes it clear that already existing uses have the right to continue operating, could there be some means of addressing such issues with possible mitigations (sticking to posted hours of operation, limiting the use of jake brakes, for example).

We respectfully ask that you consider the above issues in any revision of the Draft General Plan.

## **2) Substandard Provisions of the Noise Element**

A. Goal NOI-1: This mentions nothing about protecting the health and well-being of county residents and visitors. Could this be added?

B. Policy NOI 1.1: Regarding “adopted County noise standards”: Which “adopted County noise standards” are being referred to? Has any recent study been conducted on whether adopted County standards are addressing the needs of residents and visitors or not? Since the Noise Ordinance was adopted in 2012, has there been any evaluation of its use and enforcement in the County?

C. Policies NOI 1.2, 1.4, 1.5, and 1.6: These address the evaluation of and design of projects generating transportation noise. It is not clear how these will be implemented, other than by the rather vague Program NOI 1-A which promises to update the Noise Element to implement these policies. Who will perform any evaluation? The county? The developer? Some other agency? Who will make the determination of a significant adverse noise-related impact and what will be the consequences? Mitigation? Denial of project? How will mitigation possibilities be proposed and by whom? How will compliance be enforced? Who bears the cost for these? There are several counties who have an implementation in the general plan that states that developers of projects with projected noise impacts must conduct a noise analysis, at their own cost, and then outlines a series of outcomes based on the results of the study. It is encouraged that the county consider this as a kindness to anyone negotiating the development approval process and to impacted neighbors of potential developments.

D. Policies NOI 1.7, 1.9, 1.10: Similar comments as in C. above would hold for developments around stationary sites and the County airport.

E. Policy NOI 1.11: Nearly all the information and policies in the General Plan Draft Noise Element relate to traffic and stationary sources of noise, while the County Noise Ordinance primarily relates to human noises such as parties. It appears that NOI 1-A will add traffic and industry related noise since the updates will “implement the policies of the General Plan Noise Element.” But should there not be some mention in the element policies of noise sources such as agricultural noises, recreational noises and other human instigated noises?

F. Policy NOI 1.12 recognizes the right of legally pre-existing noise-generating operations to continue operating. Might they, however, at some time be subject to mitigations if conflict develops (or continues) with neighboring land uses?

G. Table Noise 1 – Could parks and open space be added to this list of noise sensitive development? These land uses complicate noise issues as they are at the same time places where one might expect a degree of quiet and at the same time they can be noise generators (as in playgrounds and swimming pools and athletic fields).

### 3) Noise Element Programs (Implementation)

A. A general comment regarding all implementation measures, in this and all elements. These programs are not specific enough to qualify as implementation measures. They contain no reference to who is responsible for carrying each program through and by when it will be done. Without this information, the document is meaningless. It cannot possibly be helpful for anyone wishing to develop housing or businesses in the county. They can look at these “programs” and not know if they have been implemented, what requirements might have been created, and where to find the information.

Also, the State of California Guidelines for General Plans indicate that there should be at least one implementation measure for every policy. The Noise Element has 12 policies and 4 implementation measures. How can something be a policy if there is no plan for implementing it? If, indeed, the county believes that these 4 implementation programs take care of all 12 policies, it should be so indicated in the programs (which policies are being implemented by each program).

B. An example of being more explicit in the Plan: NOI 1-D states “Make noise-management standards for new construction/remodelling available on the County website and/or at the public counter of the Planning Department.” Yes, of course. And if those standards exist, why not include them in the Plan itself? Or refer to a specific document that could be requested online or in person?

C. NOI 1-B: Who will adopt these? By when? How will they be made available to the public? What will be done while we are waiting for them to be adopted? Isn't a plan to guide development supposed to include standardized noise management requirements?

D. NOI 1-C: Who will coordinate with Public Works and Council of Governments? What is the plan for continuing to gather input? What are the mechanisms for minimizing truck travel through residential and visitor-serving centers?

E. Could the plan include specific development guidelines for managing noise? For example:

- Construction specifications such as degree of insulation
- Road setbacks
- Landscaping mitigations such as berms
- Noise contours off limits to either commercial or residential development

Admittedly, I am no expert in noise. I am a resident who values the silence of the neighborhood in which I live, a silence marred only occasionally by chain saws and

neighbor kids on off road vehicles. I read the element as a citizen who has an interest in quiet and, therefore, noise. I had to learn some things about noise measurement and mitigation just to make sense of the element and background information.

I have looked at noise elements from other counties. Some are not as good, some are better. So we are in a good position to make this one the best protection for our county, its citizens and visitors, its environment, and for everyone who would like to come here to live or do business.

Attachments:

1. Example of a specific implementation program, Mariposa County General Plan (See Atch. NEC-1.)

*Implementation Measure 15-2b(1):* Where proposed non-residential land uses are likely to produce excessive noise levels at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the project review process. An acoustical analysis should:

- be prepared by a person qualified in environmental noise assessment and architectural acoustics,
- include representative noise level measurements to adequately describe local conditions,
- recommend appropriate mitigation to achieve compliance with the adopted policies and standards,
- estimate noise exposure after the prescribed mitigation measures have been implemented, and
- describe a post-project mitigation measure effectiveness assessment program.

Timing: Ongoing review standard

Responsibility: Mariposa County Planning Department and Building Department.

Fiscal Impact: Applicant cost for noise studies.

Consequences: Noise reduction

2. Example for adding specific accountability to implementation measures from the Marin County General Plan (See Atch. NEC-2)

The Marin County General Plan produces an implementation chart for each of the elements. The components of each column are:

Implementation Number

Responsibility (Which department or staff member or agency)

Potential funding (Existing budget or other source)

Priority (Low, Medium, High)

Time Frame (ongoing or specific time period)

## Safety Element Comments



### 1) The Background and Background Report sections relevant to the Safety Element

On Page 109 of the Safety Element General Plan Background Report it states, “.....hazards on life and property was derived from multiple sources, including the following. In addition, the location of facilities..., including the following.”

**Comment: It looks like a list of information sources did not get inserted. Please review this and, if necessary, add any missing information intended for this space.**

On Pages 113/114 Table SAFE-2 Calaveras County Essential Public Facilities

**Comment: Foothill Fire Protection District and Jenny Lind Fire Protection no longer exist. The correct district would be Calaveras Consolidated Fire Authority.**

On Page 117, FIGURE SAFE-2 Calaveras County 100-year Flood Map

**Comment: The section of Hwy.26, south of Valley Springs is designated a flood area but a stranger viewing that map would miss that information. Is there some way to improve that information, without taking it out of scale?**

Page 121 Text states “There are four repetitive loss buildings in Calaveras County. Two are located in special flood hazard areas (A or AE Zones) and two are located outside of these areas (B, C or X Zones). One of these buildings is post-FIRM. Two have more than four losses, and these are target repetitive loss structures. None of the structures have two to three losses greater than the building’s value.

**Comment: There were no dam failure inundation zone maps included in the Background Document. Calaveras County has “7 high hazard dams (probable loss of life), 30 significant hazard dams (possible loss of life, likely significant property/environmental destruction).....” Those maps must appear in the background section of the Calaveras County General Plan.**

**Comment: What is a “target repetitive loss structure?” Please include this definition in the Glossary.**

Page 122 Table SAFE-5: Calaveras County Repetitive Loss Properties (Flood)

	A, AE Zones	B, C, X Zones	Total
Repetitive Loss Payments (Building)	489,937	279,201	469,138

**Comment: The total should read 769,138. Please correct or explain why the number currently in the table is correct.**

**Please consider adding the following article to the background report section on flooding.**

**County, CCWD to look at Cosgrove Creek flooding/Calaveras Enterprise/1-9-06**

“All five supervisors endorsed the feasibility plan and flood control effort, but they also raised concerns about adding more work to an already overburdened planning and public works staff.

"We don't have enough planning staff to do what's coming through the door," board Chairwoman Merita Callaway said.



Supervisor Tom Tryon also supported the effort, but added he was disappointed the county and developers allowed so much development in a recognized flood plain.

"I would very much like to have a study session on how the heck we got here," Tryon said.

Supervisor Steve Wilensky agreed with Tryon, saying it would have been cheaper for the county not to have allowed the building there in the first place."

Wilensky also acknowledged the added burden to county staff, but added it's come about because the county failed to adequately plan in the first place.

He supported Tryon's suggested study session to find out where other similar large problems might exist."

**COMMENT: These statements were made by Calaveras County Supervisors, some of whom had held office for almost 20 years. They were the people making the decisions to allow the projects to go forward without adequate mitigation, using a legally deficient General Plan.**

Page 131 Table SAFE-11: Large Calaveras County Fires 1979-2012, All Fires 2000-2012

**Comment: Please add 2004- Pattison Fire- 2483 acres; 2004- Power Fire-16983 acres to Table SAFE-11.**

Page 138 Figure SAFE-9: Local Fire District Boundaries

**Comment: The map appears to be correct but Foothill Fire Protection District has 2 stations listed and Jenny Lind Fire Protection District has three stations listed. Neither of those districts exists today. After consolidation there is only Calaveras Consolidated Fire Authority. Please correct the Figure SAFE-9 map text.**

Page 139 Table SAFE -12: Fire Protection Districts in Calaveras County.

**Comment: Calaveras Consolidated Fire Authority no longer has 5 Stations as listed on Table SAFE-12. Please confirm with Calaveras Consolidated Fire Authority that 2 stations were sold.**

## 2) The Safety Element

### SAF 1.1 Background and Setting, Associated Plans and Documents

#### Page SAF-2: Associated Plans and Documents

**Comment: All Associated Plans and Documents referenced should show the year the plan or document was published and made available to the public. Please add that information.**

**Comment: In the 1996 Calaveras County General Plan it was reported (Page VII-10) that a Fire protection Master Plan had been drafted. Is there a Final Fire Protection Master Plan in existence? If it exists, was it ever updated?**

**Comment: The Calaveras County Community Wildfire Protection Plan 2011 is intended to reduce risk to people, property and the environment. Fuel reduction projects identified in an approved C.W.P.P. receive priority for federal funds. Please expand the C.W.P.P. description in the Associated Plans and Documents list.**

#### Page SAF-2 Flood Hazards

**“Four properties have repeatedly flooded in the County accounting for 66% of the \$748,269 paid in losses through the National Flood Insurance Program (NFIP).”**

**Comment: Is there a program, federal, state or county, that would allow purchase and removal of a structure that flooded repeatedly? It makes no sense to repair such a property over and over and over again. The affected area could become a public area when not flooded. Please add a goal, policy and/or implementation measure to cover a situation like this.**

Page SAF-3 “...and the Calaveras County Flood Prevention Officer (Community Development Department).”

**Comment: This Community Development Department no longer exists. Should this be changed to Planning Department Director? Please make this correction.**

#### Page-SAF 3 Dam Failure Inundation

**“The National Inventory of Dams (NID) has classified 42 County Dams based on the degree of potential hazard posed to downstream areas in the event of dam failure or faulty operations. Seven high hazard dams (probable loss of life), 30 significant hazard dams (possible loss of life, likely significant property/environmental destruction).....”**

“...areas with the greatest threat from dam inundation are located downstream of New Hogan and New Melones Lakes and Pardee, Camanche and Tulloch Reservoirs in the western County.”

Goal SAF-2

“Communities protected from unreasonable risks of death, injuries, property damage and economic and social dislocation resulting from floods, including flooding caused by seiches and dam failure.”

**Comment: This is the last reference to dam failure in the Calaveras County General Plan Safety Element. The policies listed below this goal on Page-SAF-10 do not mention dam failure.**

**Please consider the below policies and an Objective which discuss how El Dorado County addresses dam failure. There is mention of “dam failure emergency response plans maintained by the county.” If Calaveras County has such plans, the information should be referenced in the list on page SAF-3 under Associated Plans and Documents. Please include last date of review of the document, which should reflect any legislation changes.**

El Dorado General Plan 2004, Page 261

Policy 6.4.1.4 Creation of new parcels which lie entirely within the 100-year floodplain as identified on the most current version of the flood insurance rate maps provided by FEMA or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County shall be prohibited.

Policy 6.4.1.5 New parcels which are partially within the 100-year floodplain or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County must have sufficient land available outside the FEMA or County designated 100-year floodplain or the dam inundation areas for construction of dwelling units, accessory structures, and septic systems. Discretionary applications shall be required to determine the location of the designated 100-year floodplain and identified dam failure inundation areas on the subject property.

**OBJECTIVE 6.4.2: DAM FAILURE INUNDATION**

**Protect life and property of County residents below dams.**

Policy 6.4.2.1 Apply a zoning overlay for areas located within dam failure inundation zones as identified by the State Department of Water Resources Division of Safety of Dams.

Policy 6.4.2.2 No new critical or high occupancy structures (e.g., schools, hospitals) should be located within the inundation area resulting from failure of dams identified by the State Department of Water Resources Division of Safety of Dams.

**Comment: Are land transactions involving dam inundation areas required to include that information on parcel maps? Are there laws covering dam inundation areas? Does Calaveras County have policies and implementation measures regarding dam inundation? Not in this plan!**

Page --SAF-6 Geotechnical Hazards; Soil-Related Hazards

**Comments: "...asbestos-containing soils and related hazards." That is the only reference to asbestos mentioned SAF 1.1 Background and Setting, Associated Plans and Documents Soil-Related Hazards. On Page 141 of the Calaveras County General Plan Background Report, under Naturally Occurring Asbestos, we learn that:**

"Areas identified as potentially containing naturally occurring asbestos in Calaveras County are:

- From Pardee Reservoir extending southwest through the Valley Springs area to just southeast of New Hogan Reservoir.
- In the area north of Copperopolis extending southwest through New Melones Reservoir.
- In the Mountain Ranch area.

The state considers all types of asbestos to be hazardous and identifies asbestos as being a carcinogen. Exposure to airborne asbestos fibers can result in several common diseases found in the lungs including: asbestosis, lung cancer and mesothelioma. The risk of contracting any one of these diseases depends on the intensity and DURATION OF EXPOSURE (emphasis added)."

**Comment: The Draft Calaveras County General Plan does not adequately address the health and safety concerns around asbestos. This is very disappointing, as we provided extensive background information regarding this issue in Volume 1 of our *Input for the General Plan Background Report* on June 1, 2007.**

**Again, El Dorado County General Plan 2004, in their Goals, Objectives and Policies, does address health and safety issues and acts to protect the residents of El Dorado County.**

Page 259 El Dorado County General Plan 2004

**GOAL 6.3: GEOLOGIC AND SEISMIC HAZARDS**

**Minimize the threat to life and property from seismic and geologic hazards.**

**OBJECTIVE 6.3.1: BUILDING AND SITE STANDARDS**

**Adopt and enforce development regulations, including building and site standards, to protect against seismic and geologic hazards.**

Policy 6.3.1.1 The County shall require that all discretionary projects and all projects requiring a grading permit, or a building permit that would result in earth disturbance, that are located in areas likely to contain naturally occurring asbestos (based on mapping developed by the California Department of Conservation [DOC]) have a California-registered geologist knowledgeable about asbestos-containing formations inspect the project area for the presence of asbestos using appropriate test methods. The County shall amend the Erosion and Sediment Control Ordinance to include a section that addresses the reduction of thresholds to an appropriate level for grading permits in areas likely to contain naturally occurring asbestos (based on mapping developed by the DOC). The Department of Transportation and the County Air Quality Management District shall consider the requirement of posting a warning sign at the work site in areas likely to contain naturally occurring asbestos based on the mapping developed by the DOC.

Policy 6.3.1.2 The County shall establish a mandatory disclosure program, where potential buyers and sellers of real property in all areas likely to contain naturally occurring asbestos (based on mapping developed by the California Department of Conservation [DOC]) are provided information regarding the potential presence of asbestos subject to sale. Information shall include potential for exposure from access roads and from disturbance activities (e.g., landscaping).

Policy 6.3.1.3 The County Environmental Management Department shall report annually to the Board of Supervisors regarding new information on asbestos and design an information outreach program.

**Comments: These important provisions, using the word “shall” are needed in the Calaveras County Final General Plan. The asbestos isn’t going to go away and Calaveras County needs to institute protections for the health and safety of the citizens of Calaveras County.**

### **SAF 1.2 Goals and Policies: General Concerns**

**Comment:** Are these listed policies on Page SAF-9 new policies? Will they require a change to ordinances, rules or regulations for the building and fire protection communities and local government agencies? If so, that needs to be disclosed. It reads like a shopping list with no accountability. How do we get there? When will we get there? What standards will apply in the interim?

It would be much more useful after stating a Goal, to be able to read a policy followed by an implementation measure which informs the reader who is responsible, in what time frame, how the measure will be funded and the consequences. By joining them in this way, the reader has a beginning, middle and a conclusion. At the very least, indicate which programs are intended to implement which policies.

SAF 1.1 indicates that new development should not compromise evacuation routes. Does the County have a complete set of identified evacuation routes? If so, please identify these in the Safety Element. If not, please identify some and put them in the Safety Element. Government Code Section 65302, Subdivision G, indicates that a safety element:

“shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.” (emphasis added)

The 2006 Calaveras County General Plan Evaluation, page 42, criticized the 1996 General Plan’s Safety Element for not sufficiently addressing evacuation routes, minimum road widths, and clearances around structures. We see no minimum road widths standards, and no clearance around structure standards in the draft Safety Element. Please add these to revised Draft General Plan and Project Description.

SAF 3.1 indicates that the County will “Apply consistent standards” to new development to reduce the adverse impacts of fire. Are these standards available now? If not now, when? What standards will be applied to development in the interim? Will subdivisions in high and very fire hazard areas be limited until such standards are in place?

SAF 3.6 indicates that the County supports fire districts impact fees to “adequately fund minimum levels of service and staffing to meet the protection needs of existing and future residents and businesses.” Does the County really only support funding for minimum levels of service? Is that all our lives and property are worth to the County?

We note that while projects may be denied for unreasonable flood risk, there is no such comparable policy to deny a project for unreasonable fire risk. Fire risk seems to be

addressed only through mitigation measures to reduce potential impacts, and the application of adopted fire codes and standards. (See Policies SAF 3.1 to 3.6.) Even essential public facilities are eligible for construction in high and very high fire hazard areas. (See Policy SAF 3.3) Please reconsider the suitability of very high fire risk areas for at least some types of development (e.g. special needs housing). Also, given the amount of high and very high fire risk acreage in the county, please consider the need to develop county fire safety codes that go beyond the state minimum requirements. (See Attachment SAF-1 – Amador County Letter from State Fire Board.)

### SAF 1.3 Implementation Programs

#### Programs General

#### SAF 1-A Local Hazard Mitigation Plan

**Comment:** It may prove necessary to adjust County codes and conditions of project approval due to designation of high and very high fire danger and changes in legislation that may have occurred since last reviewed. We agree that the Planning Department and Public Works Department should be represented in the LHMP planning process.

#### SAF 1-B Level of Service

**Comment:** Please put a suggested time frame on adoption of county-wide level of service threshold(s) for fire protection, ambulance service, EMS, and related emergency response providers to be met by new development. Is the Planning Department the responsible agency?

#### SAF 1-C Evacuation Routes, Sites and Centers

**Comments:** Is the Planning Department the responsible agency for this implementation program? How will this be funded and in what time frame will this be accomplished? Since we are 18 years out from the last General Plan, will this agency also determine if additional evacuation routes, sites and centers will be necessary? As of 2006, identifying these evacuation routes was to be part of this general plan update. Nine years later, and all we get is a promise that an unspecified department will identify the routes at an unspecified time in the future. Meanwhile, in the last two years we have had major fires around us in Tuolumne, Amador and Eldorado counties. You have got to be kidding!

**SAF 1-D Post-Disaster Recovery**

**Comment:** Will the Planning Department be the responsible agency, how will this be funded and in what time frame is this process expected to be accomplished? Will any other agencies be involved in addressing safety improvements?

**Suggestion:** Is there a program, federal, state or county, that would allow purchase and removal of a structure that flooded repeatedly? It makes no sense to repair such a property over and over and over again. The affected area could become a public area when not flooded. Please add a goal, policy and/or implementation measure to cover a situation like this.

**SAF 1-E Emergency Provider Impact Fee**

**Comment:** GOOD! Please involve Fire Protection Districts with the Planning Department in achieving this goal. Please discuss funding and time frame to accomplish program. Please do not just “investigate” this, do it!

**SAF 1-F Water Supply Inventory**

**Comment:** We are assuming that, along with the Planning Department, the Calaveras County Water District, and all of the smaller water districts in Calaveras County will participate in developing this data. Please discuss funding and a time frame for this task.

**SAF 1-G Current Information**

We are aware, from personal experience, that current data is lacking in Calaveras County and we applaud any effort to correct that situation. We know in order to address cumulative impacts from many years of heavy development that many departments will benefit from current data. Our hope is that, with updated data, Calaveras County will strengthen our ability to successfully go after much needed funding to help us accomplish all these needed tasks brought forward in this new plan. Is there an estimated time frame to gather this information?

**SAF 1-H Public Safety Information**

**Comment:** Please strive to make these public communications on the website user friendly. Who will be responsible and how will it be funded?

**Programs:** Flood Hazards

**SAF 2-A Flood Damage Prevention Ordinance**



**Comment:** In the interest of flood damage prevention, is there a program, federal, state or county, that would allow purchase and removal of a structure that flooded repeatedly? It makes no sense to repair such a property over and over and over again. The affected area could become a public area when not flooded. Please add a goal, policy and/or implementation measure to cover a situation like this. Is the Planning Department the responsible agency?

**SAF 2-B Zoning**

Will it be necessary to update the Zoning Ordinance to accomplish this program? Is the Planning Department the responsible agency? How will this work be funded?

**SAF 2-C Project-Specific Run-Off Management Standards**

**Comments:** GOOD! Is the Planning Department the responsible agency? The time frame would be on-going and how would it be funded?

**SAF 2-D Storm Water Run-off Management Standards**

**Comments:** GOOD! Will the Planning Department be the lead agency in all of these plan efforts? Will the County seek grant funding to assist in developing each of these needed plans? How long is the development of these plans expected to take? Please also consider ways to store and apply runoff to beneficial uses. Please also consider ways to store and apply runoff to beneficial uses.

**SAF 2-E Bridge Damage**

**Comment:** GOOD-except for the bridge in Calaveritas, which is scheduled for tear down and to be replaced with a wider bridge. Very inappropriate! Needs to be replaced, but not with such a wide bridge, as stated by the local citizens at a Public Works meeting on January 20, 2015.

**Programs:** Fire Hazard

**SAF 3-A Calaveras Code Consistency with Adopted Fire Code**

**Comment:** GOOD! This is a major undertaking and will require the Planning Department, Fire Districts and other functioning groups involved with fire safety to participate. Who will participate in funding and will there be any grant funding to assist in accomplishing this task? What is the time frame to accomplish the initial task?

**SAF 3-B Calaveras Code Consistency with State Fire Safety Standards**

**Comment: GOOD! This is a major undertaking and will require the Planning Department, Fire Districts and other functioning groups involved with fire safety to participate. Who will participate in funding and will there be any grant funding to assist in accomplishing this task? What is the time frame to accomplish the initial task?**

**Please see samples of Fire related Objectives and Policies that seem to be appropriate with this program.**

El Dorado General Plan 2004 –Page 257

**OBJECTIVE 6.2.2: LIMITATIONS TO DEVELOPMENT**

**Regulate development in areas of high and very high fire hazard as designated by the California Department of Forestry and Fire Prevention Fire Hazard Severity Zone Maps.**

Policy 6.2.2.1 Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.

Policy 6.2.2.2 The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as “urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.

**OBJECTIVE 6.2.3: ADEQUATE FIRE PROTECTION**

**Application of uniform fire protection standards to development projects by fire districts.**

Policy 6.2.3.1 As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Policy 6.2.3.2 As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

**SAF-3-C Local Fire Safety Standards**

**Comment: Please add for consideration:**

**Calaveras High School Earth Club General Plan Team input:**

Include restrictions on open burning near sensitive receptors in community centers, coupled with planning for constructive options for disposing of yard waste.

**Is the Planning Department the agency responsible for this program? Will any other agencies participate? How will this work be funded and what is the time frame for completion.**

**SAF 3-D Comprehensive Fire Safety Standards**

**Comments: GOOD! Sounds like the Planning Department will be the responsible agency. How will the work be funded and what is the anticipated time frame? Please reconsider the suitability of very high fire risk areas for at least some types of development (e.g. special needs housing). Also, given the amount of high and very high fire risk acreage in the county, please consider the need to develop county fire safety codes that go beyond the state minimum requirements. (See Attachment SAF-1 – Amador County Letter from State Fire Board.)**

**SAF 3-E Exception Procedures for Fire Hazard Management**

**Comment: Acceptable as long as end results are the same or better than provisions in the code. Do not let the exceptions swallow the rules. Is the Planning Department the responsible agency?**

**SAF 3-F Fire Fuel Treatments for County Rights of Way**

**Comment: GOOD! What other funding will be necessary, along with Federal Fuels Grant Program. Responsible agency looks to be the Planning Department, with coordinated effort between the Calaveras County Department of Public Works, the Calaveras Foothills Fire Safe Council and local fire districts. Timing ongoing. Please emphasize the mechanical removal of fuels rather than use of herbicides.**

**SAF 3-G Fire Safety Committee**

**Comment:** Good! Who will be the responsible agency and how will it be funded?

**SAF 3-H Coordinated Fire Prevention and Response Planning Efforts**

**Comment:** GOOD! Anything that can be done to improve interdepartmental communications will move this county forward, especially important regarding fire protection and planning. Will the Planning Department be the Lead Agency? How will this work be funded? In what time frame will we see an action item?

**SAF 3-I Fire Protection District Funding**

**Comment:** Please consider impact fees that will support more than the “minimum levels of service.”

**Programs:** Geotechnical Hazards

**SAF 4-A New Solis Information**

**Comment:** We have been awaiting this soils data for over 10 years. This is not an “if feasible” situation. Naturally occurring asbestos and agricultural interests make it imperative that the information be incorporated on the County’s GIS maps. Will the Planning Department be the responsible agency? How will this be funded?

**SAF 4-B Grading, Drainage and Erosion Control Manual and Grading Ordinance**

**Comment:** GOOD! Is the Planning Department the responsible agency? The time frame will be on-going. How will this effort be funded?

**SAF 4-C Geological hazards Risks**

**Comment:** GOOD! Is the Planning Department the responsible agency? How will the work be funded? Is there a time frame or will the work be classified as ongoing?

**SAF 4-D Hillside Management Guidelines**

**Comment:** The Hillside Management Ordinance and the Hillside Development Guidelines are needed. Will the Planning Department be the responsible agency? Will any other agencies participate? How will this work be funded? Is there an anticipated timeline for presenting this draft ordinance for review? Will it have to wait on the completion of the General Plan Update?

**SAF 4-E Development on 20% Slopes**

**Comment:** Please, just keep us all safe! (Humor)

**SAF 4-F Historical Mine Hazards**

**Comment:** Much needed. Is the Planning Department the responsible agency? How will this work be funded? Is there an estimate of the time necessary to accomplish this task?

**Programs:** Hazardous Materials

**SAF 5-A Hazardous Material Data Consolidation**

**Comment:** GOOD! There has traditionally been a shortage of data in Calaveras County and this consolidation of information should assist staff in the planning process. Will the Planning Department be the responsible agency? How will the work be funded? What is the timeline to accomplish the task?

**SAF 5-B Developing and Remediating Contaminated Sites**

**Comment:** Will the Planning Department be the responsible agency? How will this task be funded? Time frame- ongoing?

**SAF 5-C Certified Unified Program Agency (CUPA)**

**Comment:** The responsible agency appears to be Calaveras County Environmental Health Department. How is this funded? Time frame- ongoing.

**SAF 5-D Local, State, and Federal Hazard Materials Management Regulations**

**Comment:** Is the Planning Department the responsible agency? How is this work funded? Time line- ongoing

**SAF 5-E Plans Addressing Hazardous Materials Management**

**Comment:** Are the County Operational Area Hazardous Materials Response Plan (Area Plan), County Emergency Operations Plan and Hazardous Waste Management Plan current? Please include date of release or date of latest update. Is the Planning Department the responsible agency? How is this work funded? Time frame- ongoing.

**SAF 5-F Land Use Compatibility**

**Comment: Good! Is the Planning Department the responsible agency? How will this task be funded? In what time frame will this task be completed?**

## Public Facilities and Services Element Comments

### "CPC Land Use Principles (CPC founding document)

2: Development should not outpace the ability of local governments to provide adequate services and infrastructure or reduce the level of services provided to existing community residents.

5: Projects should be approved only if there is adequate water to supply them.

7: Infrastructure such as water lines, sewer lines, and roads should not be extended outside existing developed areas unless those areas are contiguous to existing communities and scheduled for development in the near future as part of a general or community plan."

**GENERAL COMMENT: We are concerned that Calaveras County has not provided the necessary standards to ensure the appropriate levels of services, and adequate Capital Improvement Programs, to meet facility and service needs. Calaveras County makes development decisions, therefore it must take the responsibility to determine the appropriate levels of service, the areas where infrastructure is to be provided, time frames when service levels will be achieved, and how the infrastructure and services will be funded.**

Thank you for including an element dealing with public facilities and services. We had requested that this topic be covered in the general plan in our comments of 4/24/07 and 8/16/13. We expected that it would be in the Land Use Element. We did not expect a separate element to address these concerns.

### **1) General Plan Background Report: Public Facilities and Services Comments**

Page 154 indicates that policies and programs in the Public Facilities and Services Element are based upon population projections, including those in the 2010 Urban Water Management Plan. The Background Report then lists those population projections from the 2010 Urban Water Management Plan. The 2035 population projection from that plan is 68,401. Table 2 on page 154 demonstrates how these CCWD growth projections exceeded the projections used for the

rest of the General Plan. The current 2035 population projection is 50,650. (See Background Report, p. 4.) The CCWD population projection is greater by over 17,000 people.

Such an over estimation of water supply, and water and wastewater infrastructure, should not be the basis for general plan goals, policies, and programs. We strongly encourage Calaveras County to revise the statement in the Background Report to reflect that the goals, policies, and programs in the general plan are to be interpreted to provide for the current 2035 population projection on page 4 of the Background Report.

We also encourage the County to provide these growth projections to CCWD, as they are preparing their update of the 2010 Urban Water Management Plan. It is essential that public facility and public service providers use the same population projections to ensure that scarce public funds and valuable natural resources are not squandered as providers seek to serve an exaggerated future population figure.

Finally, we encourage the County to consistently revise its population projections for the entire general plan each time the State provides the Regional Housing Needs Allocations that become the basis for the updated Housing Element.

The 2003 General Plan Guidelines are clear regarding the need for using consistent data in a general plan, stating on page 13:

“All elements of a general plan, whether mandatory or optional, must be consistent with one another. The court decision in *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90 illustrates this point.”

“Each element’s data, analyses, goals, policies, and implementation programs must be consistent with and complement one another. Established goals, data, and analysis form the foundation for any ensuing policies. For example, if one portion of a circulation element indicates that county roads are sufficient to accommodate the projected level of traffic while another section of the same element describes a worsening traffic situation aggravated by continued subdivision activity, the element is not internally consistent (*Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90).”

Furthermore, page 36 of the 2003 General Plan Guidelines emphasize the need to keep general plan data current:

“After the plan has been adopted, evaluating its implementation and making course corrections relies upon the local agency’s ability to continue collecting and analyzing information. The general plan is a long-term document. It must be regularly refreshed



with new data as it becomes available in order to ensure that its longterm outlook does not become outdated.”

It makes no sense to base affordable housing needs in the Housing Element on one set of growth projections from a current year, but to retain outdated population projections for making other infrastructure and service needs.

Page 155 regarding Water Supply Sources states:

**“Calaveras River**

CCWD and CPUD hold rights to Calaveras River water. Only CCWD presently makes use of this source to serve the Jenny Lind area and agricultural users along the lower Calaveras River.”

**Is this statement correct?** CCWD does not have any water rights to New Hogan Lake. The US Bureau of Reclamation (USBR) holds water rights to New Hogan. SEWD (Stockton East Water District) in partnership with CCWD contracts with the USBR for an average of 84,100 acre-feet (af) per year from New Hogan. According to Kevin Kauffman, GM of SEWD, during an average year CCWD’s share of water from New Hogan is approximately 31,000 af. Currently, CCWD uses about 3,500 to 4,000 af per year. One acre-foot is about 326,000 gallons, or enough water to supply two typical families for a year, which means that 4,000 af would serve approximately 8,000 households with water for one year. SEWD, depending on their demand, will use either part or all of CCWD’s unused portion of water. According to CCWD staff, SEWD is the Water Master for Hogan (the responsible party for delivering water to CCWD). (Attachment PF-1, Letter on Hogan drought years-by L. Whitney, December 8, 2005) **Please correct the Background Report to reflect the aforementioned facts.**

Page 155 of the Background Report also states:

**“Mokelumne River**

CCWD, CPUD and EBMUD hold water rights to the Mokelumne River in Calaveras County.”

**How many af make up the CCWD water rights on the Mokelumne River? Is it a water right they have or an area of origin water reservation?** A recent study by U.C. Davis indicates that the water rights allocated on many California rivers exceed their flow. (Attachment PF-5 Water Rights UC Davis study) **Should we assume that Calaveras County will be successful in converting that**

reservation into a permit and/or license for water from the Mokelumne River, given that the river is over-committed by 142% ? (See Attachment PF-4 Article on over-allocation of rivers.)

On page 158 we see Table PF-3: A. Calaveras County Water District (CCWD) Service Area & Facilities. That table includes data:

“Average Annual Water Demand (Acre-Feet per Year)

	2010	2015	2020	2025	2030
Irrigation/Landscape	2,275	18,597	31,965	43,336	53,455”

You should be aware that these data were based upon a study that by its own admission used outdated and incomplete information. (Attachment PF- 6 – CCWD Irrigation Study.) The CPC has consistently criticized reports that continue to rely upon this study without noting its limitations. (See pp. 14 – 17, Attachment PF-7 - IRWMP Comments on Draft MAC IRWMP, and supporting Attachments PF-8, PF-9, and PF-10.) Your Background Report should not report data without indicating its level of reliability. As the General Plan Guidelines state on page 36, “The general plan must be based on solid data if it is to serve as the primary source of community planning policy.” **Please revisit and qualify these projections as they may not “hold water” (pun intended).** When CCWD releases its 2015 Urban Water Management Plan, please check to see if the irrigation numbers have changed, and/or if additional studies have improved the reliability of the data. As noted on page 36 of the 2003 General Plan Guidelines, “Information collection and analysis is important throughout the planning process. For example, additional information regarding the state of the community may be needed during the fine-tuning of draft policies...”

Pages 183-190 of the Background Report deal with wastewater. The LAFCO Municipal Services Review reports:

“SERVICE CHALLENGES

All of the wastewater providers self-reported significant challenges faced in providing adequate services. Common challenges faced by a majority of the providers include:

1. Disposal of sludge during winter months.
2. Remaining in compliance with ever evolving regulations that are time consuming given reporting and monitoring requirements and generally require additional financing.
3. Living within the means of the wastewater utility and simultaneously building reserves given financial constraints.
4. Completing capital improvements while keeping rates at reasonable levels.

5. Instituting a continued inspection and replacement plan to identify and minimize areas prone to I/I.
6. Operating isolated systems without interconnections to other systems due to the rural nature of the County.
7. Negotiating the fallout of the housing bubble burst which lead to a delay of anticipated development and foreclosures of structures with existing connections that are now vacant and on standby.”

In addition, a Calaveras Enterprise article, Jan. 13, 2015 reported:

“And that cost has been rising because district infrastructure built decades ago is nearing the end of its useful life. Problems have included repeated breaks in water mains in Arnold and aging sewage pumps near Lake Tulloch that put the district at risk, if they fail, of releasing untreated sewage into the lake and then being fined by state pollution regulators.

Fixes to those problems have been among the top priorities the district has addressed in the past year with the revenues from the rate hikes.

Because West Point has many low-income residents, district officials have been able to use federal grants to make some water system infrastructure replacements there, said Joel Metzger, spokesman for CCWD. Now, district officials are looking to get similar grants to fund needed work for the sewage system in West Point, he said.”

As the population increases and surface water discharge requirements are increased, solutions other than a discharge to the surface waters will need to be addressed. The costs to communities to implement new or expanded sewage collection and treatment systems will be much greater than it has been in the past. Local communities will face the true and full cost of growth.

While development impact fees provide a significant means of funding for facilities to serve future growth, such fees are not intended to provide funding to solve existing deficiencies. Therefore, providing an adequate level of service for existing development will require funding from other sources. While grants from State and Federal Agencies may be available in very limited cases, the County itself would need to provide the majority of funds, either by allocating funds from existing sources or by obtaining new funding through additional taxing authority.

**These challenges need to be clearly enumerated in the Background Report. Background information alerts County residents to the many challenges ahead, so that they can contribute to overcoming the barriers to environmental health and economic prosperity.**

Some important water issues are not included in the Background Report.

For example, another challenge to water planning is the over-drawn Eastern San Joaquin Ground Water Basin which extends into the northwest corner of Calaveras County. This basin extends east to Valley Springs and can influence water availability for development in Valley Springs, Campo Seco, Burson, Wallace and everything in between.

An article in the Union Democrat referenced a groundwater report:

“The report states that the East San Joaquin Ground Water Basin, under the northwest corner of the county, is losing water as more is drawn out each year than the basin can recoup from rivers, subsurface flows and rainfall.

“Although the report did not specify how much water was being lost each year, Larry Diamond, grants manager for Calaveras County Water District, said a recent report from the Northeastern San Joaquin County Ground Water Banking Authority puts the amount at about 160,000 acre feet per year.

“‘That translates into billions of gallons a year,’ Diamond said, adding that the basin is refilled by rivers and subsurface flows from Calaveras and other surrounding counties.”  
(Ground water report raises some concerns; Union Democrat; Oct. 6, 2004)

While additional data collected in subsequent years indicates that the overdraft situation may not be as severe in some parts of the valley as in the past, we have yet to see a definitive study to verifying that. This background information supports the general plan provisions aimed at continuing to conserve groundwater in this area of Calaveras County so that it remains available for isolated agricultural operations, and so that it is not overtaxed by commercial, residential, industrial, or recreational development that is better served by piped water near community centers.

Table PF-16: Mokelumne, Amador, Calaveras Integrated Water Management Plan Projects, appears to draw information from the outdated 2006 MAC IRWMP. While this does have some historical significance, it includes projects not in the 2013 MAC IRWMP Update. These projects include project 40 IRCUP and Project 15 Enlarge Pardee Reservoir.

EBMUD removed Enlarge Pardee Reservoir from its 2040 Water Supply Management Plan and instead collaborated with Contra Costa County Water District to expand Los Vaqueros Reservoir. Efficiency and need studies have led to the tabling of the Duck Creek Reservoir component of IRCUP. Now, a different groundwater banking pilot project is in the works. Also, the focus of attention in the basin has shifted to meeting the requirements of the new groundwater legislation passed in 2014.

The accurate project list is in Appendix D of Volume 1 of the 2013 MAC IRWMP. (Attachment PF-3) Efforts are currently underway to amend this project list to better serve Calaveras County,

and to take advantage of new funding opportunities presented by the 2014 Prop. 1 water Bond. You can keep up to date with these changes at the UMRWA website ([www.umrwa.org](http://www.umrwa.org)) or by contacting their very knowledgeable and cooperative staff person. Rob Alcott ([robalcott@aol.com](mailto:robalcott@aol.com)). Please do not retain merely the outdated information in the background report, without also including the current information as well.

## **2) Comments on the Public Facility and Services Element**

**On page PF-13, Goal PF-1 states:**

**PF-1** Adequate public infrastructure and services sufficient to serve the County's current and future demand and synchronized with the pace of development.

**COMMENT: Please replace language in Goal PF-1, the language is not sufficient. Please consider:**

GOAL 5.1: PROVISION OF PUBLIC SERVICES /El Dorado County GP

"Provide and maintain a system of safe, adequate, and cost-effective public utilities and services; maintain an adequate level of service to existing development while allowing for additional growth in an efficient manner; and, ensure a safe and adequate water supply, wastewater disposal, and appropriate public services for the county.

**The suggested language strengthens the Policies PF-1.1 thru PF-1.7.**

**In addition, please add a new policy as PF-1.8.**

Policy 5.1.2.3 New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. Lack of available public or private services or adequate infrastructure to serve the project which cannot be satisfactorily mitigated shall be grounds for denial of any project or cause for the reduction of size, density, and/or intensity otherwise indicated on the General Plan land use map to the extent allowed by State law. (El Dorado County GP)

**COMMENT: Furthermore, please include policies for maintaining current public services fees that will recover costs for providing services. See suggested language below ( from El Dorado County General Plan)**

## PUBLIC FACILITIES AND SERVICES

### OTHER PUBLIC SERVICES

Besides the public service functions addressed in detail in the previous sections of this Element and other Elements of this General Plan, there are other public services provided by County government that should be considered. Some of the County functions are primarily administrative, like the County Administration Office, while others provide direct service to certain taxpayers who have need of a particular service, such as the District Attorney's Victim/Witness Division. The following is a list of other such offices, all of which provide public services: Air Pollution Control District, Animal Control, Building and Safety, District Attorney, Child Support, Victim/Witness, Elections, Farm Advisor, Child Protective Services, Environmental Health, Health, Tuolumne General Hospital, Mental Health, Welfare, Courts, Planning, Probation, Public Defender, Public Works, Recreation, Solid Waste, and Weights and Measures.

The purpose of this section of the Public Facilities and Services Element is to address the level of services of the various functions of County government to meet the future needs of the County.

### GOAL 7.L

Maintain County public service functions at an adequate level by identifying funding sources to allow public services to expand as the County population increases.

#### Policies

##### 7.L.1

Continue to attempt to recover the actual costs of providing County public services by making the fees equal to the costs of providing the service.

##### 7.L.2

Identify revenue sources to generate funding to provide acceptable levels of County public services as the County population increases.

#### Implementation Programs

##### 7.L.a

Recover Costs of Providing Services

Continue to establish fee schedules for applications, permits, and other entitlements or services in accordance with the actual or estimated costs of performing the requested function.

7.L.b

County Services Impact Mitigation Fee

Review the County Services Impact Mitigation Fee on a regular basis to determine that all the service-providing functions of County government agencies have been considered and the various components remain adequate.

Responsibility for Programs:

Administration of the Implementation Programs identified in this section is the shared responsibility of the Board of Supervisors, County Administration Office and other County Departments with the Planning Department serving as the primary administrator.

Funding Sources:

Administration of the Implementation Programs identified in this section will be funded through the County's various funds.

Time Frame for Implementation:

Implementation of the program listed in this Section are ongoing.

**On page PF-14, Policy PF 2.6 states:**

Support the provision of on-site water and wastewater service in isolated locations where extension of public water and/or wastewater service would be infeasible or undesirable.

**COMMENT: Please remove the word "Support" from the preceding policy. The County will allow/accept/approve on-site water and wastewater service in isolated locations.**

**On page PF-14, Policy PF 2.7**

Encourage regional collaboration between water and wastewater providers in the West County, including efforts to reduce reliance on well water.

**COMMENT: Please change to "Support and encourage collaboration..." Encourage alone is not strong enough.**

On page PF-16 under Programs: General, PF-1b states:

Investigate Establishing a County Service/Public Facilities Impact Fee

COMMENT: Re: Impact Fees. During the 1996 General Plan update citizens came to an agreement with the County pertaining to Road Impact Fees. We agreed not to sue the county and they agreed to form a RIM Committee to establish RIM fees. After 4 years of delay by the County, we citizens decided it would be necessary to take legal action. Finally in 2004 (2 years and \$13,000 later) the county put in RIM Fees. They are not adequate but we got as much as we could, at the time. There is over 8 million dollars in the road fund as a result of that legal action.

This history makes it impossible to accept the County's statement of intent to INVESTIGATE a program that gives no indication of who will be responsible, how it will be funded, in what time frame the program will be accomplished (examples- 1 year after completion of General Plan Update, or during the first 5 years after the general plan is complete) and expressing what the consequences/outcomes will be.

The Program should read ESTABLISH a County Service/Public Facilities Impact Fee.

COMMENT: While development impact fees provide a significant means of funding for facilities to serve future growth, such fees are not intended to provide funding to solve existing deficiencies. Therefore, providing an adequate level of service for existing development will require funding from other sources. While grants from State and Federal Agencies may be available in very limited cases, the County itself would need to provide the majority of funds, either by allocating funds from existing sources or by obtaining new funding through additional taxing authority.

COMMENT: There are 7 General Programs, 10 Water and Wastewater Programs, 4 Energy and Solid Waste Programs, 4 Law Enforcement and Emergency Services Programs, 2 Emergency Services Programs and 2 Crime Prevention Programs listed in this General Plan document. Not one program informs who will be responsible, how it will be funded or discusses a time frame.

We request that this information be added to each program.

Comment: The Background Report included information regarding schools, but there are no policies in this element addressing schools. We hope that the school districts will provide some suggestions for policies. We have attached some sample policies from other



**Counties for your consideration. (Attachments PF-11 and PF-12.) In addition we have provided a first draft of some policies for Calaveras County for your consideration. (Attachment PF-13.)**

### **Community Plan Comments**

As stated previously, the CPC supports the adoption of a community plan for each community with an existing, revised, or newly created community plan or special plan, at the same time as the General Plan Update, and under the same environmental review document. (See Attachment CP-18 Enterprise Guest Opinion Piece.) The CPC believes that public participation is a key component of a successful planning process. As a result of these two positions, residents from some communities have contacted us to share their community plan comments. Toward that end, we are including their comments herein. Attachment CP-14 are comments on the Valley Springs Community Plan from our member group MyValleySprings.com. Attachment CP-15 is a letter from a resident of West Point. Attachment CP-16 is an email from Citizens for San Andreas. Attachment CP-17 is from Tim Laddish and some of his neighbors from Sheep Ranch. We expect that in the days and weeks to come the Planning Department and the Board of Supervisors will receive additional comments from folks struggling to save their community plan. We strongly encourage you to take these comments to heart.