

TO: Calaveras County Board of Supervisors

FROM: Tom Infusino, Esq. Facilitator, Calaveras Planning Coalition

RE: Community Planning Element Legal Flaws, Weaknesses, and Solutions

DATE: April 23, 2019

I. Background

This memo summarizes solutions to fix the 2016 Draft General Plan Community Planning Element.

Below we break down the problems with the element into two categories, legal flaws and other weaknesses. We do so because some may find it a useful way of prioritizing tasks. We at the CPC strongly feel that each of these problems deserves a solution, regardless of how they are categorized.

We recognize that reasonable minds may differ when placing a problem in these two categories. One person may interpret a problem as a mere policy weakness, while another may argue that it is a legal violation. Rather than getting bogged down in that debate, we encourage you to instead focus on finding a solution you can live with to each problem. To help keep you thusly focused, below we provide one or more solutions to address each problem raised.

When viewing our proposed solutions, you may be surprised to find them, well, palatable. Many of these solutions are NOT phrased as strongly as we would prefer. In the spirit of seeking a consensus, we have tried to find a middle ground between the positions advocated during this General Plan Update process. We hope that the Board does the same.

Attached is a shorter summary listing each of the problems associated with the Community Planning Element followed by their solution(s). We encourage Planning Commissioners and Supervisors to use this list as a guide in discussing these issues with staff, consultants, and the public.

II. The 2016 Draft General Plan Community Planning Element's legal flaws and their correction.

A) Lack of Issue Comprehensiveness.

A general plan is supposed to be comprehensive, in that it addresses development and conservation issues to the full degree that they are present in the jurisdiction. (Government Code, sec. 65301, subd. (c).) A General Plan may include area plans to meet the specific needs of an area.

For example, Calaveras County includes many diverse unincorporated communities. These communities have different populations from around 100 in Wallace to around 4,000 in Arnold and Rancho Calaveras. They have different elevations, climates, and natural landscapes; from the hot oak savanna around Valley Springs to the snowy conifer-covered slopes around Arnold. Some areas have public water supplies and public wastewater treatment, while others rely on

wells and septic systems. Some local economies draw their strength primarily from working the land, while others prosper primarily by serving visitors. Thus, it is not surprising that these diverse communities would have special needs, which have been accommodated in community plans for decades.



However, the 2016 Draft General Plan does not comprehensively address this need for community plans. In fact it wipes out **every** policy from the **existing** community plans along the Highway 4 Corridor: Ebbetts Pass, Arnold, Murphys/Douglas Flat, and Avery/Hathaway Pines. (Community Planning Element, p. CP-1. “With adoption of this plan, those community plans will be rescinded.”) These policies have been serving these communities well for decades. These policies address unique local needs, and [like so many others] are not replicated in the 2016 Draft General Plan. (See Attachment CP1, Avery-Hathaway Pines community plan analysis.)



Also, the 2016 Draft General Plan leaves two of the more populous and growing communities in Calaveras County (Copperopolis and Valley Springs) without community plans, despite the years of effort and expense to complete these plans under County supervision.

The Copperopolis Community Plan began with a community survey in 1992, followed by a vision statement in 2001, and a 54-page draft community plan in 2005. (Attachment CP2, Copperopolis CP Excerpts.) This effort culminated in the Community Advisory Committee developing a shortened, 2-page list of policy statements in 2013. (Attachment CP3, Copperopolis Draft_Goal_Policies_2_4_13.)

The Valley Springs Community Plan effort began in 2007. It continued through 2010 with the production of a draft plan. (Attachment CP4, Draft Valley Springs Community Plan, pp. 2-2 to 2-3.) A competing plan was also developed in 2010. The two plans were blended and presented to the County Planning Department and the Supervisor representing the area in 2016, in time for inclusion in the environmental impact report. (Attachment CP6, Valley Springs Community Plan Blend 9-7-2016.) In January 2017, the Planning Director submitted to the Planning Commission a pared down version of the blended plan (four and a half pages of text) suitable for inclusion in the Community Planning Element. The matter was pulled from the Planning Commission Agenda, and remained off of it to this day; over 27 months later. During that period, many of the Planning Commission twice-monthly meetings have been cancelled for lack of agenda items.



The 2016 Draft General Plan Land Use map directs large amounts of future development in and around these two communities. Many issues, including the presence of two water utilities, the intersection of two highways, and flooding concerns, complicate future development in Valley Springs. (CP4, Draft Valley Springs Community Plan, Chapter 5.) Future development in Copperopolis is complicated by Lake Tulloch overcrowding, the traffic constraints of the bridge, the lack of a basin plan to cover needed road construction, and the huge excess of land targeted for development relative to future demand. The Planning Department has recognized the need to update the Valley Springs community plan since 1983. (CP5, Harrington Letter 09-23-83.) The need for a community plan in Copperopolis was noted in 1992.

The County has claimed that these plans could not be completed during the County's marathon 13-year general plan update process, but will be completed at an indefinite time in the future. The Copperopolis Plan is complete, and has been since 2013. The Valley Springs Blended Plan is complete, and has been so since 2016. (CP6, Valley Springs Blended Plan 9-7-2016, CP7, Valley Springs History Vision Blend 9-7-2016.) A fully staff-vetted Valley Springs Community Plan has been available since 2017. If needed and completed plans cannot be adopted now, what good is the County's unenforceable promise of future adoption? To deny these communities the policies they need to address their unique needs in the face of new development is to fail to comprehensively address the need for community plans.

Many people have signed petitions urging the County to include the community plans from these neglected areas. (See Attachments, CP9, CP10.) Many people who signed these petitions indicated that they probably would not be able to attend the general plan hearings, so they provided their faces and opinions by photo. (CP14, - Photos Plan for Arnold, Murphys, Copper, etc.)

One solution is to include background information and important policies from the existing Highway 4 corridor plans in the Community Planning Element.

A second solution, which should be used in conjunction with the first, is to include the 2013 draft Copperopolis Community Plan (3 pages) and the 2017 Valley Springs Plan (4.5 pages) in the Community Planning Element.

A third solution is to include the existing Highway 4 corridor plans, the updated plans, the new District 2 plans, and 2005 and 2013 draft Copperopolis plans, and the competing 2010 Valley Springs Community Plans in a separate volume of the general plan as reference documents, so that when individual projects are under consideration, key local issues are identified and addressed on a project-by-project basis.

B) Inconsistency between the policies and the Land Use Map.

1) The Historic Center Designation may interfere with efforts to protect historic structures.

For example, the people of Mokelumne Hill do not want to see its “attractive features, historical attributes ... greatly altered.” (CP-4.) The community wants a thriving business industry that “has embraced historic structures.” (CP-5.) However, the Land Use Designation for community center is Historic Center. A land use designation that allowed for only 6 dwelling per acre and a floor to area ratio (FAR) of 1 under the old plan may allow 12 dwelling units per acre and an FAR of 2 under the Historic Center designation of the new plan. If that land is zoned for the full maximum density allowed under the new plan, and if there is an event that triggers a tax reassessment of the property (e.g. sale, etc.), then the new taxes could be considerably increased, because the additional development potential of the land increases its value. This in turn could increase the cost of leasing the existing building. Before you know it, the grandma selling sewing notions, sheet music, or candy cannot afford the rent. However, nothing has made the existing building any more valuable to rent. Suddenly, the zone changes in the historic town centers are not the economic development boost they were advertised as. Ironically, for the property owner to realize the benefit of the zoning he is being taxed on, he must demolish the historic building and build a new one. Thus, the increase in density creates a financial incentive to demolish historic buildings, contrary to the expressed vision of the community.

The solution is to adopt an implementation measure in the General Plan directing the Planning Department to zone commercial parcels consistent with existing densities to avoid the financial incentives and tax pressures to destroy historic buildings. Rezoning to higher densities should be considered only when it is requested by the land owner to develop a specific project.

2) Because the District 2 Community Plan Policies only apply within tight town boundaries, they provide incentives for the sprawl the General Plan Update was intended to avoid.

When the District 2 community plans were prepared, much of the initial controversy was over the boundaries of the communities. The plans were meant to apply to residential and commercial development around the community centers, and to keep areas outside the town centers in large lots and more rural uses. This was consistent with the overall planning focus of the County to reduce rural sprawl.

However, the draft land use designation map applies very tight boundaries around the existing communities, and the text of the Community Planning Element limits the extent of the policies to within these precise boundaries. There is no explanation of what sort of rezones and development will be allowed just beyond those boundaries. There is no explanation of whether the boundaries must be expanded to encompass new development, or whether the new development can occur outside the plan boundaries without complying with the community plan policies. If the rigors of community plan compliance can be evaded by sprawling beyond community borders, then the plans will create incentives for the sprawl that they were intended to prevent. There is also no explanation of how much of the existing community must be built out before expansion of the core is justified.

The solution is to include policies in the General Plan Update to require new subdivisions and commercial development, other than home occupations, to occur within a community plan boundary as it exists, or to which it is expanded. In conjunction, there would be a policy that identifies the circumstances that justify expanding a community boundary.



C) Rejecting mitigation measures requires findings of infeasibility.

When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible. (*Citizens for Quality Growth v. City of Mount Shasta* (3 Dist. 1988) 198 Cal.App.3d 433, 442.) When a program EIR identifies significant impacts on drainage, water supply, traffic, wastewater management, and/or fire protection, certification without adoption of the feasible mitigation measures is an abuse of discretion under CEQA. (*City of Marina v. Board of Trustees* (2006) 39 Cal.4th 341.)

To reject as infeasible a measure to mitigate a significant impact, a lead agency must have a valid finding that the proposed mitigation measure is infeasible. (*Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230.) “Mitigation measures adopted when a project is approved may be changed or deleted if the agency states a legitimate reason for making the changes and the reason is supported by substantial evidence. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) [91 Cal.App.4th 342](#), 359.)” (From *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1403). Thus, as a legal matter, whether removing existing mitigation measures from an existing general plan, or rejecting new mitigation measures proposed for the general plan update, the County must demonstrate, based upon substantial evidence in the record, that these measures are infeasible.

The County must show that there is some economic, environmental, legal, social, or technological barrier that makes implementing these measures impossible. (CEQA Guidelines, sec. 150364.) With regard to those policies in the existing community plans, that have been reducing impacts in communities for decades, it will be very hard for the County to make a valid finding that somehow, all of a sudden, these policies have become infeasible. Also, it will be difficult for the county to support findings that impact-reducing policies that have been rejected in the new and modified community plans are in fact infeasible.

As a *policy* matter, the Board has a choice.

On the one hand, the Board can spend the County’s time and money hiring experts to try to prove that these community plan policies, that have been mitigating impacts for decades, are somehow now infeasible. Then the Board can try to justify keeping them out of the General Plan Update. The Board can spend additional money on experts to try to prove that the impact-mitigating policies in the updated and proposed community plans are also infeasible. Then the Board can try to justify keeping these impact-mitigating policies out of the General Plan Update. **This is the path that has been prepared by the consultants and planning staff that have prepared in the DEIR and the Draft General Plan.**

As Supervisors, before you follow that path, please ask yourselves, how many people came up to you during your campaign and said, “I want you to spend my tax dollars proving that there are no solutions to the problems in this County, and that we should abandon the current things we do to solve problems.” My guess is that very few people said that. My guess is based upon the petitions people signed supporting impact mitigation throughout the General Plan Update process. (See Attachments CP11, CP12, CP13.) Many people who signed these petitions indicated that they probably would not be able to attend the general plan hearings, so they provided their face and opinion by photo. (Attachment CP15 Photos of Mitigate Impacts 2011, CP16 Reduce General Plan Impacts 2018.) My guess is also based upon the many people who supported including community plans in the General Plan Update. (CP9, 2015 Petitions for Community Plans; CP10, 2017 Petitions for Community Plans.) Finally, we note that the community plans drafted by Paloma, Railroad Flat/Glencoe, and West Point, included a dozen land use principles. One of these principles is that, “Environmental and community mitigation measures should adequately address all impacts to community centers and outlying areas.” (CP17 Paloma Plan, CP18 Railroad Flat-Glencoe Plan, CP19 West Point Plan.) Ask yourselves, “Can I really afford to disappoint all these people by keeping the community plan mitigation policies out of the General Plan Update?”

Solution: The Board has a better choice. Continue to include in the general plan those policies in the **existing** community plans that either qualify as CEQA mitigation measures, or that if implemented would have a tendency to reduce the impacts of the General Plan Update. Add to the General Plan Update, the policies in **proposed** community plans that also qualify as CEQA mitigation measures, or that if implemented would have a tendency to reduce the impacts of the general plan update.

In the past, staff has claimed that including such community plan policies will delay the General Plan Update, because staff has to ensure that each community plan policy is consistent with the General Plan Update.

First, with regard to the 2013 Copperopolis Community Plan, we find this claim disingenuous. The plan has only one goal and 11 policies, the majority of which are not mandatory. From 2012 to 2016, the Planning Department made time to hire a new consultant, to rewrite the General Plan Update, and to edit it with the Planning Commission prior to preparation of the EIR. All of these were optional, not required, parts of the General Plan Update. If the Planning Department and its consultants could find an extra four years of time to spend on optional general plan tasks, they certainly could have found the time to review the three-page Copperopolis Community Plan for consistency with the rest of the General Plan Update.

Second, with regard to the Avery-Hathaway Pines Community Plan, the San Andreas Community Plan, and the Valley Springs Community Plan Blend, we have provide the necessary analysis to demonstrate that specific provisions of the community plans are supported by the General Plan Update. (Attachments CP1, CP20, CP21.) The Planning Director even completed the task for the Valley Springs Community Plan Blend himself, prior to submitting the 4.5-page version of the plan to the Planning Commission in January of 2017.

Third, there has been no comparison of the time and expense it takes to prove all of these measures are infeasible, relative to the cost of determining that they are consistent with the General Plan Update. Since the latter is a finite review, and the former is an involved research project starting from scratch, we believe the latter is the more time consuming.

Finally, in the past the Planning Staff eliminated Community Plan policies claiming that they duplicated policies in the General Plan Update. However, this is not the case. Instead, and not surprisingly, the Community Plan policies tend to be much more site specific than those in the General Plan Update, and therefore properly implement the policies in the General Plan Update. (See for Example, CP1 Hathaway Pines community plan analysis; CP20. San Andreas community plan analysis.)

Please put in the General Plan Update the provisions of the **existing** community plans that tend to reduce the impacts of new development. Please put in the General Plan Update the feasible provisions of the **proposed** community plans that tend to reduce the impacts of development. This is your legal obligation. However, it is far more than that. This is your **opportunity** to demonstrate that you share the desires of the people and communities you represent.

“The public good, the real welfare of the great body of people, is the supreme object to be pursued.”

- James Madison

D) There is no explanation of how the public interest is served by rescinding the existing Community Plans, deleting useful community specific background information from community plans, and eliminating and community plan policies that support the public interest.

General plan amendments are supposed to be “in the public interest.” (Government Code, sec. 65358.) This requirement parallels the ethical obligation of planners adopted by the American Planning Association in 1992, “The planning process must continuously pursue and faithfully serve the public interest.” (Attachment CP22 Public Interest) The public interest is defined broadly. One source defines the public interest as, “[A] common concern among citizens in the management and affairs of local, state, and national government. It does not mean mere curiosity but is a broad term that refers to the body politic and the public weal.” (Attachment CP22 Public Interest) Another source defines it as, “The welfare of the public as opposed to the welfare of a private individual or company. All of society has a stake in the interest and the government recognizes the promotion and protection of the general public.” (Attachment CP22 Public Interest)

The concept of the public interest is not new. It was obvious to James Madison, an author of some of the *Federalist Papers*. “The public good, the **real welfare of the great body of people**, is the supreme object to be pursued.” Edmund Burke understood that preparing for a brighter future was part of serving the public interest. “The public interest requires doing today those things that men of intelligence and good will would wish, five or ten years hence, had been done.” Abraham Lincoln understood that a government’s objective to serve the public good depended on the needs of a community. “To do for a community of people whatever they need to have done, but cannot do at all, or cannot, so well do, for themselves in their separated and individual capacities.” Because it prepares for the benefit of a community in the future, the community plan is an obvious vehicle for serving the public interest.

The Community Planning Element explains *what* has been done to the texts of the draft and the existing community plans, but it does not explain *why*.

Yes, the land use designations on the maps were changed to reduce the number of land use designations in the General Plan. Yes, the land use maps were changed to reflect community-centered growth rather than rural sprawl. However:

Why is it in the public interest to remove all of the information in the 1974 Valley Springs Community Plan? How is the public interest served by keeping out of the General Plan Update all of the informant in the 2010 draft plans, and the 2016 Valley Springs Community Plan

Blend? The existing 1974 plan provides sound direction regarding commercial, industrial, and residential development; as well as the need for park and infrastructure expansion. What is the public interest in eliminating this direction? The 2010 draft plan produced with the aid of the Council of Governments is a wealth of useful information regarding resource and infrastructure constraints and economic opportunities to anyone seeking to reside, to start a business, or to develop land in Valley Springs. The goals, policies, and implementation measures in the 2016 Valley Springs Community Plan Blend would guide desirable economic development in the area while promoting efficient land use, integrated transportation, needed public facilities, housing opportunity, natural resource conservation, safety and public health. This community plan is consistent with the General Plan Update. (Attachment CP21 VSCP White Paper.) How is the public interest served by rejecting the proposed plan? How is it in the public interest to refuse to adopt **any** community plan for Valley Springs, when there is a 2016 blended plan consistent with the General Plan Update, and a fully staff-vetted January 2017 plan?

Why is it in the **public interest** to refuse to include in the General Plan Update **any** part of the Copperopolis Community Plans developed since 1992? The 2005 plan had useful local information and direction on recreation, law enforcement, transportation, and economic development. The 2013 plan has useful direction regarding community character and design, the location of new development and public services, and traffic circulation.

Why is it in the **public interest** to eliminate the policies in the Highway 4 Corridor Community Plans that maintain community character, provide for safe and efficient traffic circulation; rationally locate residential, commercial, and residential development; identify the need and the funding for essential public facilities and services, conserve natural resources, protect historical resources, and provide for the health, safety, and quiet enjoyment of local residents?

Why is it in the public interest to eliminate the land use principles included in the Community Plans approved by the communities of Paloma, Railroad Flat/Glencoe, and West Point? Is it not useful for prospective residents and investors to know that these are the expectations of people living in these communities?

One solution is to go back and include in the Community Planning Element the information and policies in existing and drafted community plans that contribute to the public interest.

A second solution is to include the existing Highway 4 corridor plans, the draft plans for Copperopolis and Valley Springs, and the community drafted plans for District 2 and San Andreas in a separate volume of the general plan as reference documents, so that when individual projects are proposed, key local issues are identified and addressed on a project-by-project basis.

III. The 2016 Draft General Plan Community Planning Element's weaknesses and their correction.



A) The completed plans for Copperopolis and Valley Springs are not included.

As noted above, these completed plans are not included anywhere in the Community Planning Element. This is in sharp contrast to the 2006 direction of the Board of Supervisors to adopt the Copperopolis and Valley Springs community plans about the same time as the District 2 community plans. By not including these plans, the County disrespects the people of those communities who worked on those plans for years. It creates mistrust between the people of those communities and their County government, because that government failed to deliver on an important promise. It perpetuates barriers to economic growth associated with local unmet infrastructure needs. Both supervisors who made the wrong decisions to not include these community plans for their districts in June of 2015 are no longer serving on the Board of Supervisors in 2019. The current Board has the power to right the wrong done to these communities. If the Board does not, one wonders, how many Supervisors Calaveras County will need to go through before these communities will get the benefits of their long-awaited plans?



One solution is to include the draft 2013 Copperopolis Community Plan and the 2017 Valley Springs Plans in the Community Planning Element.

As second solution is to include the 2005 and 2013 Draft Copperopolis Community Plan and the Valley Springs Blended Plan in a separate volume of the general plan as reference documents, so that when individual projects are under consideration, key local issues are identified and addressed on a project-by-project basis.

B) The Community Planning Element left out the existing plans from the Highway 4 corridor.



As noted above, the 2016 Draft General Plan Update wipes out **every** policy from the **existing** community plans along the Highway 4 Corridor: Ebbetts Pass, Arnold, Murphys/Douglas Flat, and Avery/Hathaway Pines. (Community Planning Element, p. CP-1. “With adoption of this plan, those community plans will be rescinded.”) These policies address unique local needs, and [like so many others] are not replicated in the 2016 Draft General Plan. (See Attachment CP1, Avery-Hathaway Pines community plan analysis.) This is in stark contrast to the 2007 General Plan Update Work Program that assumed these plans would be updated, streamlined, and included in the General Plan Update. By not including these plans, the County disrespects the people of those communities who worked on those plans. It creates mistrust between the people of those communities and their County government, because that government failed to deliver on an important promise. The supervisors who voted to eliminate these plans in 2015 are not on the Board of Supervisors in 2019.

One solution is to include the Highway 4 corridor community plans in the Community Planning Element.

As second solution, is to include the Highway 4 corridor community plans in a separate volume of the general plan as reference documents, so that when individual projects are under consideration, key local issues are identified and addressed on a project-by-project basis.

C) The Background and Setting section incorrectly identifies existing community plans.

The first paragraph of the Background and Setting section lists the existing community plans. It lists “Avery”, “Ebbetts Pass” and “Murphys”. The actual community plans and special plan are for Avery-Hathaway Pines, Ebbetts Pass Highway, and for Murphys & Douglas Flat.

The solution is to edit the text to correct the names of the plans and the communities they cover.

D) The Background and Setting section provides an incomplete and inaccurate description of the community planning process.

The Background and Setting section includes inaccuracies.

The section claims that the decision to update the General Plan was made in 2008. While the exact date may be in dispute, the year 2008 is just wrong.

The decision to update the General Plan was made in January 2006, after a Board of Supervisors briefing by acting Planning Director Bob Sellman indicated that updating the general plan was his department’s top priority. The next step was to identify the scope of that effort. An investigation and report of the changes needed in the 1996 General Plan was completed in October 2006. In December of 2006, Mintier and Associates presented a work program for completing the General Plan Update by December of 2008 for a cost of \$1 million. (See Attachment CP23 General Plan Work Program.) That work plan was adopted by the Board in April of 2007. Thus, the “decision” to update the general plan was no later than that.

Also, the section states that community members developed community plans in District 2 at the behest of their Supervisor. However, the section does not explain why members of some communities throughout the county did or did not work to update their plans.

In October of 2006, the Board of Supervisors determined that the communities of West Point, Wilseyville, and Glencoe/Railroad Flat would prepare their first community plans for adoption about the same time as the new Copperopolis and the updated Valley Springs community plans. The General Plan Update Work Program acknowledge this was part of the process. (Ironically, it is the District 2 community plans that get recognition in the 2016 Draft General Plan Update, not the community plans from Copperopolis and Valley Springs.)

Approved in 2007, the General Plan Update Work Program included a written assumption that the General Plan Update would incorporate streamlined and updated community or special plans for: Arnold, Avery-Hathaway Pines, Mokelumne Hill, Murphys & Douglas Flat, San Andreas, Valley Springs, Calaveras County Airport, Ebbetts Pass Highway, Rancho Calaveras, and Copperopolis. (Attachment CP23 General Plan Work Program, p. 5) Communities with plans

updated in the late 1990s (Arnold, Avery-Hathaway Pines, and Rancho Calaveras) saw no need for revisions. Communities with older plans from the 1970s and 1980s (e.g. Valley Springs, San Andreas, and Mokelumne Hill) knew they needed community plan updates, and went immediately to work.

With some oversight from Planning Director Moreno and her staff, many community plans were completed by 2008. These included the 2005 Copperopolis Community Plan, the 2008 San Andreas Community Plan, and the community plans for District 2. Had the Mintier General Plan been adopted on schedule, the policy texts of these Community Plans could have been easily included. However, the General Plan Update was delayed. In the ensuing eleven years, the plan limped forward under the direction of a number of short-term planning directors.

By 2010, Planning Director George White helped the Board of Supervisors select a land use map alternative direction for community-centered growth. Two updated Valley Springs Community Plans were completed to be evaluated in alternatives in the general plan update environmental impact report.

A subsequent Planning Director, Rebeca Willis met with selected community members and planning staff to edit the community plans.

In 2012, the Board of Supervisors hired other consultants to complete the General Plan Update and EIR.

In 2014, interim Planning Director Brett Harrington recommended to the Board of Supervisors that the Community Plan Updates not be updated as part of the General Plan Update. The Board did not pass a resolution regarding this, but individual Board members gave vague opinions on the matter. The newly-hired Planning Director, Peter Maurer, interpreted that un-voted upon plurality direction to mean that the community plans were to be rescinded and left out of the General Plan Update in their entirety. When his draft plan was presented to the Board of Supervisors in June 2015, the Board voted to include the community plans from District 2 and from San Andreas in the General Plan Update. The 2016 Draft General Plan does not include all the policies from those plans that are consistent with the General Plan Update, but only selected (and sometimes edited) policies from those community plans.

The solution is to edit the section of the element to include the accurate and relevant history: first the thoughtful updating of the community plans, and then their needless gutting. The Board may have the power to gut the community plans, but it should not emulate totalitarian regimes by trying to rewrite history. If the Board is ashamed of the County's actions, then it should correct the bad actions, not cover them up with consultant-spun fiction.

E) The Community Planning Element does not accurately represent communities, because it fails to incorporate the actual Community Plans developed by each of our communities.

The function of a community plan is to give the residents of a local community the chance to make sure that the local government meets their needs and does not abuse its power to influence

their lives. It provides an opportunity for people to put their personal and community aspirations into a plan for the future of the entire County. A one-size-fits-all general plan yields too much power to a Board of Supervisors to impose changes that may not be acceptable or appropriate to a given community. For example, some communities desire and are preparing for commercial growth (e.g. Wilseyville) while others are not (e.g. Sheep Ranch). Community plans help sort out these differences to help guide both public and private investment.

For seven years, from 2007-2013, citizens were assured that their community plans would be part of the General Plan Update. People put hundreds of hours of work into coming to broad consensus on their community plans based upon those assurances. Supervisors, Planning Commissioners, and County staff participated in these processes alongside local residents. Hundreds of thousands of dollars of public funds were spent. **These community efforts were needed to build acceptance for the rest of the general plan.** The elimination of the community plans from the 2014 Draft General Plan betrayed the efforts of those people, weakened support for the General Plan Update, and undermined people's confidence in the legitimacy of their county government. The 2015 BOS direction to return only **some** of those community plans to their rightful place in the General Plan Update did not completely cure that betrayal, nor did the 2016 Draft General Plan that only includes **some** of the policies of some of the returned community plans.

The 2017 General Plan Guidelines include an entire chapter (Chapter 3) on the ways to involve the community in planning. In the beginning of the update process, the Mintier & Associates consultants did an excellent job of including the community in planning. Many of our local communities were inspired to have a process to create a community plan. But it appears that the current Planning Director and consultants are not interested in a community process. The members of those communities whose plans are being rescinded and/or not included in the General Plan Update will suffer the consequences.

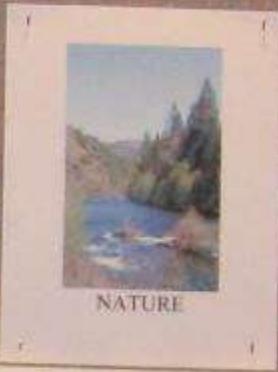
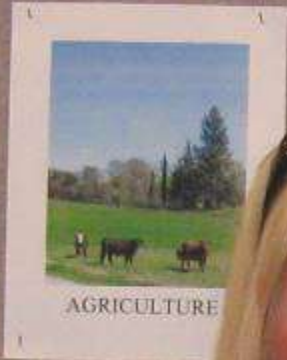
The County needs to consider who the General Plan ultimately serves. County staff? Elected officials? Developers? The market? Or the people who live and work here in our very unique and different communities? At the moment, the people and communities appear to be receiving the least consideration in the process. That is a shame.

One solution is to include background information and important policies from the existing Highway 4 corridor plans in the Community Planning Element.

A second solution, which should be used in conjunction with the first, is to include the draft 2013 Copperopolis Community Plan and the Valley Springs Blended Plans in the Community Planning Element.

A third solution is to include the existing Highway 4 corridor plans, the updated plans, the new District 2 plans, and the 2005 and 2013 draft Copperopolis plans, and the 2010 Valley Springs Community Plans in a separate volume of the general plan as reference documents, so that when individual projects are under consideration, key local issues are identified and addressed on a project-by-project basis.

Thank you!



Preserve the
uniqueness of
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Summary of Community Planning Element – Problems and Solutions

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B) Inconsistency between the policies and the Land Use Map.

1) The Historic Center Designation may interfere with efforts to protect historic structures.

The solution is to adopt an implementation measure in the General Plan directing the Planning Department to zone commercial parcels consistent with existing densities to avoid the financial incentives and tax pressures to destroy historic buildings. Rezoning to higher densities should be considered only when it is requested by the land owner to develop a specific project, and is otherwise consistent with the community plan and design guidelines.

2) Because the District 2 Community Plan Policies only apply within tight town boundaries, they provide incentives for the sprawl the General Plan Update was intended to avoid.

The solution is to include policies in the General Plan Update to require new subdivisions and commercial development, other than home occupations, to occur within a community plan boundary as it exists, or to which it is expanded. In conjunction, there would be a policy that identifies the circumstances that justify expanding a community boundary.

C) Rejecting mitigation measures requires findings of infeasibility.

Solution: The Board has a better choice. Continue to include in the general plan those policies in the **existing** community plans that either qualify as CEQA mitigation measures, or that if implemented would have a tendency to reduce the impacts of the General Plan Update. Add to the General Plan Update the policies in **proposed** community plans that also qualify as CEQA mitigation measures, or that if implemented would have a tendency to reduce the impacts of the general plan update.

D) There is no explanation of how the public interest is served by rescinding the existing Community Plans, deleting useful community specific background information from community plans, and eliminating and community plan policies that support the public interest.

One solution is to go back and include in the Community Planning Element the information and the policies in the existing and the drafted community plans that contribute to the public interest.

A second solution is to include the existing Highway 4 corridor plans, the draft plans for Copperopolis and Valley Springs, and the community drafted plans for District 2 and San Andreas in a separate volume of the general plan as reference documents, so that when individual projects are proposed, key local issues are identified and addressed on a project-by-project basis.

III. The 2016 Draft General Plan Community Planning Element’s weaknesses and their correction.

A) The completed plans for Copperopolis and Valley Springs are not included.

One solution is to include the draft 2013 Copperopolis Community Plan and the 2017 Valley Springs Plan in the Community Planning Element.

As second solution, is to include the 2005 and 2013 Draft Copperopolis Community Plan and the Valley Springs Blended Plan in a separate volume of the general plan as reference documents, so that when individual projects are under consideration, key local issues are identified and addressed on a project-by- project basis.

B) The Community Planning Element left out the existing plans from the Highway 4 corridor.

One solution is to include the Highway 4 corridor community plans in the Community Planning Element.

As second solution is to include the Highway 4 corridor community plans in a separate volume of the general plan as reference documents, so that when individual projects are under consideration, key local issues are identified and addressed on a project-by- project basis.

C) The Background and Setting section incorrectly identifies existing community plans.

The solution is to edit the text to correct the names of the plans and the communities they cover.

D) The Background and Setting section provides an incomplete and inaccurate description of the community planning process.

The solution is to edit the section to include the accurate and relevant history.

E) The Community Planning Element does not accurately represent communities, because it fails to incorporate the actual Community Plans developed by each of our communities.

One solution is to include background information and important policies from the existing Highway 4 corridor plans in the Community Planning Element.

As second solution, which should be used in conjunction with the first, is to include the draft 2013 Copperopolis Community Plan and the 2017 Valley Springs Plan in the Community Planning Element.

A third solution is to include the existing Highway 4 corridor plans, the updated plans, the new District 2 plans, and the 2005 and 2013 draft Copperopolis plans, and the 2010 Valley Springs Community Plans in a separate volume of the general plan as reference documents, so that when individual projects are under consideration, key local issues are identified and addressed on a project-by-project basis.