

Please review  
these general  
plan provisions  
for inclusion in  
the Land Use  
Element

5-29-19

Tom Infusino

CPC

In the  
Land use element  
Please consider  
the additional  
mitigation measures  
And provisions  
Suggested in our  
Comments on the  
DEIR.

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Section 4.9 Land Use and Planning

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1116-1118 [A lead agency must have substantial evidence that mitigation is feasible and will be effective.] Without implementation of goals and policies, you have NO mitigations for impacts, so cannot state "less-than-significant."

Implementation Measures Needed for 4.9-2

As the DEIR itself states, "implementation" could result in less-than-significant impacts. But without Implementation Measures, you have no evidence of implementation of policies and goals, and no evidence of continued consistency, or of continued compatibility, with all existing applicable land use plans, policies, and regulations adopted to avoid or mitigate environmental impacts.

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In the final EIR, list all Implementation Programs and Measures that "would further strengthen and expand the environmental protection policies and would not conflict or create an inconsistency, with any existing applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." It is impossible to evaluate the adequacy of the DEIR's analysis of Land Use and Planning 4.9-2 without Implementation Measures being provided and analyzed.

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Suggested Additional Policies and Mitigation Measures to Reduce Impacts of Development

Please add the following Implementation Program as a Mitigation Measure, to be included in both 4.9-1 and 4.9-2 mitigations and the Land Use Element, in order to lessen potentially significant impacts to existing communities whose adopted, revised, or draft community plans and policies would be rescinded or abandoned entirely in the Draft General Plan:

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**Land Use Implementation Program**  
**Measures: Community Character and Design**

**Add: LU-4I Existing, Updated, and Draft Community Plans**

Existing adopted, existing draft-updated, and existing draft-new community plan documents are included in the general plan in "General Plan Reference Documents" as "placeholders", to help inform planners and developers about existing community and historical character, unique local natural and scenic resources, community history, and specific community policies to guide development and protect the community, until those community plans can be revised, updated, and adopted. These community plans are referred to in the Community Plan Element as "Placeholders until those community plans can be revised and adopted."

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- 1) Include the existing adopted Arnold, Avery-Hathaway Pines, Murphys-Douglas Flat, and Valley Springs Community Plans as "Reference Documents."
- 2) Include *all revised and updated draft Valley Springs Community Plan (VSCP) update documents as "Reference Documents."* Include the 2010 CCOG VSCP Plan, the 2010 Citizen Committee VSCP Plan, and the 2017 Planning Department blended/condensed version of the Valley Springs Plan for the Community Plan Element.
- 3) Include all draft Copperopolis Community plan documents as "Reference documents"

Implements: Goal LU-4 and Policies LU 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7

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**Other suggested Policies and Programs to Add as Mitigations:**

11-133

11-134

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- Maintain parcel sizes outside of community growth boundaries large enough to sustain viable agriculture and discourage conversion to non-agricultural home sites
- Prohibit division of agricultural land for non-agricultural uses
- Require that the subdivision of agricultural lands shall only be allowed upon demonstration that long-term productivity on each parcel created would be enhanced as a result of the subdivision.
- Urban growth boundaries around county unincorporated communities with findings required for expansion.
- Clustering programs to preserve the best farmland, rangeland, and forestland, with conservation easements required on remainders, and 2:1 mitigation for all unavoidable conversions.
- Create and adopt an agricultural land and forestland conversion mitigation program and ordinance. Require compensation for loss of agricultural lands, including farm and rangeland, and forest lands. Establish appropriate mitigation ratios for the program or utilize a graduated mitigation mechanism. The mitigation ratio shall be a minimum of at least 2:1 (2 acres of farmland/rangeland/forestland protected through mitigation with land of equivalent value for each acre converted.) The program shall not present regulatory barriers to agritourism, agricultural services, and agricultural processing or uses compatible with timber harvest where such uses are permitted and where they are sited to avoid the best farmland/forestland. The program, where feasible, shall also establish mitigation within the agricultural/forestlands area where the conversion occurs as a preferred strategy. The program shall include a fee option and shall provide an exemption for farmworker housing, again ideally sited off of the best farmland and rangeland.
- Establish a resource mitigation overlay district within the zoning ordinance to encourage, site and permit mitigation banks
- Development shall avoid, minimize and mitigate impacts to rare and special status species and critical habitat to the maximum extent feasible. Measures may include, but are not limited to:
  - Clustering lots to avoid habitat areas and wildlife corridors
  - Dedications of permanent conservation easements;
  - Purchase of development rights from willing sellers; and
  - Other appropriate means.

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Section 4.9 Land Use and Planning

**Compatible.**

1) Land Use Element Implementation Measure title "**Compatible Land Uses**" makes no sense. The purpose of the IM is to protect an existing land use from a new, *dissimilar and incompatible use, not a compatible use*. Change "**Compatible**" to "**Dissimilar Land Uses**."

**LU-4H Compatible Dissimilar Land Uses**

Adopt standards for buffers, landscape setbacks, walls, berms, building setbacks or similar techniques to reduce the impact on existing land uses from dissimilar land uses.  
Implements: Policies LU 4.3 and LU 4.7

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2) **Compatible**. The word "compatible" is a generic, general term, and is used at least eight times in Land Use Goals and Policies without being defined or explained (pgs LU16-18). Different people have different opinions on what's compatible or not, and why. For example, some people think the new Dollar General, AutoZone, and O'Reilly's store buildings in downtown Valley Springs are *incompatible* with the community's character, but others think they're just fine in a commercial area, even though there is an older residential home on a large rural lot adjacent and across the street. Is an asphalt plant "*compatible*" next to a public recreation area, a river and drinking water source, and with trucks driving through a quiet residential area? In Valley Springs, at the Hogan Quarry, there were greatly differing opinions on this compatibility, causing a year of controversy and legal battles between the County, the public, and the owner. "Compatible" needs to be spelled out or defined in the General Plan—some standards given for interpretation. There are no implementation measures here or anywhere in General Plan that explain how to interpret whether something is compatible. **Without being clear about the meaning and application of the word compatible in the general plan, the county will have more controversies about whether proposed land uses, designs, and development are compatible or not.**

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**Lack of Implementation Measures**

There are no Implementation Measures listed or analyzed in the Land Use and Planning chapter of the DEIR.

11-141

**An EIR must distinguish between mitigation measures that are part of the project, and those additional mitigation measures that are still under consideration by the lead agency. (CEQA Guidelines, sec. 15126.4, subd. (a)(1)(A).**

In most sections of the DEIR, the DEIR identifies a list of Draft General Plan policies and programs that it claims will reduce the impacts of the project. In the Land Use and Planning Section 4.9, no implementation programs are listed—the DEIR *assumes* policies will be implemented by unnamed programs. But we believe that we should probably look in the Land Use Element for whatever programs they have in mind, so we looked at policies and programs there.

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- Create Design Review Guidelines for all Community Plan areas;
- List Implementation Measures in general plan elements that are relevant and would implement community plan policies;
- Create "Placeholders" for all Community Plans left out of the Community Planning Element by including all those existing adopted, draft revised, and draft new community plan documents in the general plan Reference section, and refer to those plans by name in the Community Planning Element as "Placeholders until community plans can be updated, revised, and adopted."

**B. Land Use Element Policies & Programs That Are Not Mitigations:**

**a. Implementation Measures with Missing Timelines (mitigation deferred indefinitely)**

Missing time frames: LU-1A, LU-2A, LU-2B, LU-2C, LU-2D, LU-2E, LU-3A, LU-4A, LU-4B, LU-4C, LU-4D, LU-4E, LU-4F, LU-4G, LU-4H, LU-5A, LU-5B, LU-5C, LU-5D, LU-5F, and LU-5G.

The Implementation Measures above have no timeframes for completion. This means they can be postponed indefinitely. Proposed actions, such as will "Provide, Amend, Review, Update, Create, Establish, Adopt, Revise", sound good but are meaningless without any time frame or commitment. Without a time frame, there can be no accountability or enforcement. Common county government issues such as lack of staffing, funding, topic interest, or political bias on controversial issues can easily lead to intended mitigations being deferred indefinitely.

Suggested effective Implementation Measures: Provide objectives, timelines, and potential funding sources for all of the above implementation measures.

**b. Implementation Measures with Optional or Vague Wording (no commitment to mitigation)**

LU 1.2, LU 1.3, LU 1.5, LU 2.1, LU 3.4, LU 4.4, LU 4.9, LU 5.1, LU 5.2, LU 5.3, LU 5.4, LU 5.5, LU 5.7, LU 5.8, LU 5.9, LU 6.1, LU-3C, LU-5B, LU-5D, LU-5E, and LU-5F.

The above Policies and Implementation Measures have vague or optional wording of actions to be taken. Proposed actions such as "Support, Encourage, Respect, Facilitate, Work with, Recognize, Coordinate, Evaluate, and Seek" sound good, but have no real meaning or commitment to actually do anything specific. They are not actual, effective mitigations.

Suggested effective Policies and Implementation Measures: Provide clear, mandatory, language with enforceable policies and implementation programs.

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In the Final EIR please list all implementations for Land Use and Planning Goals and Policies. Separate this list into two parts. Part one, is the list of *actual* mitigation measures in the plan that *commit* the County to reduce impacts. Part two, is the list of other *optional* policies and programs in the plan that *may or may not get implemented* to reduce impacts. It is important that the DEIR help people to understand the difference between actual mitigation measures which commit the County to protect the environment, and optional measures which may or may not protect the environment. This is an essential part of a good faith effort at full disclosure.

**Policies and implementation programs that do not commit to reduce impacts are not mitigation measures.**

11-143

CEQA requires that mitigation measures be enforceable commitments to reduce or avoid significant environmental impacts. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 445; CEQA Guidelines, sec. 15126.4, subd. (a)(2).) "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 - 1261.)

The County's draft General Plan proposes as mitigation measures, a number of policies and implementation programs that **are not enforceable or do not commit** the County to reduce or avoid significant environmental impacts.

Draft Calaveras County General Plan text that **requires no commitment by the County is meaningless**. Terms like "Shall consider...may include...should be considered...should [anything]...will work with...will facilitate...will coordinate with...will encourage...to the extent practicable...support efforts... investigate...encourage...at the County's discretion...may include...should be..." are not enforceable mitigations. **Mitigation measures must include terms like "shall require", and other REAL commitments, to be enforceable.**

**Deferred mitigation without a commitment to achieve an objective standard by a certain deadline is not mitigation.**

11-144

The selection of mitigation measures may be deferred to a specific deadline provided that there is a list of feasible mitigation options, and a specific mitigation standard to achieve. (*Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-1029; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118-1119.) "Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-93.)

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Some draft General Plan implementation measures claimed as mitigation measures defer impact mitigation to sometime in the future. However, some of these implementation measures do not include a list of feasible mitigation measures from which to choose, an objective standard to achieve, and/or a time frame within which the task is to be implemented and accomplished in order to reduce impacts. Thus, these do not qualify as mitigation measures under CEQA.

In the Final EIR, clearly distinguish between the actual mitigation measures which commit the County to protect the environment, and the optional or indefinitely deferred measures which may or may not protect the environment. This is an essential part of a good faith effort at full disclosure.

Feasible, meaningful mitigation measures for clear policies on development must be identified and provided.

4.9-24





In the Land Use  
~~and~~ ~~Conservation~~  
Elements, please  
consider the policy  
suggestions on  
FEIR pages  
2-106-2-110 regarding  
Aesthetics!

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Section 4.1 Aesthetics

already live in a slum, so there is no expectation or requirement for any future project to mitigate negative impacts or raise standards or look any better than your existing slum. This approach is not acceptable.

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As quoted in the previous section, we have been told that our photos of some instances of visual blight "exhibit visual character similar to other uses... within the County. As such, inclusion of mitigation within the context of CEQA is not considered necessary or appropriate in light of existing visual conditions within the County." We do not accept that just because there are some existing negative aesthetic conditions in the county, that this is acceptable, and that there is nothing to be done.

**Calaveras County needs stricter local Standards of Significance than are used in the DEIR, in order to protect critical local aesthetic resources, and to give greater protection to areas of the county that have already had severe impacts to aesthetic resources.**

**Method of Analysis**

11-34

As stated previously in these Aesthetic comments, the two key documents cited in this section (Federal Highway Administration. *Visual Impact Assessment for Highway Projects*. 1988 and United States Department of Agriculture, Forest Service. *Landscape Aesthetics, A Handbook for Scenery Management*. December 1995) do not reference which section or page numbers they use. On page 4.1-16, the DEIR states, "Together, both sources provide the key analytical framework and guide the visual impact assessment process for the Draft General Plan." The two documents contain 240 pages. We have no idea where to look for the "key analytical framework" used to guide this Aesthetics visual impact assessment. **Provide specific section and pages of cited key Aesthetic analysis documents in the final DEIR.**

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**Impacts and Mitigation Measures**

We disagree with the DEIR's discussion of Draft General Plan impacts related to visual and aesthetic resources (pgs. 4.1-16 through 4.1-24).

11-35

**We strongly disagree with Aesthetics conclusion 4.1-1 "less than significant" impacts from the Draft General Plan Project to scenic vistas and scenic resources along a scenic highway.** The policies and programs cited from the Draft General Plan intended to protect the County's aesthetic resources from future development are inadequate, ineffective, and unenforceable. They will not ensure that negative impacts on Aesthetics from future development will not occur. Without strong policies and programs, new development and buildout of the Draft General Plan will have negative impacts on aesthetics, scenic vistas, and scenic resources in Calaveras County, including along scenic and potential scenic State highways.

11-36

1) Policy LU 4.1 sounds good, but its three implementation programs, IM LU-4A, LU-

4.1-12

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4C, and LU-4F, propose to "Adopt" a landscape ordinance, "Adopt" community design guidelines, and "Update" county code for signage. **None of these future implementations commit the County to adopt from list feasible mitigation measures, to meet any standard, by any time frames or deadlines. Thus these policies are unenforceable and do not qualify as mitigation measures.** (*Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, 443 [Lead agency cannot defer mitigation without committing to meet performance standards]; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118-1119 [A lead agency cannot defer selecting mitigation measures without first identifying feasible mitigation measures]; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 195-196 [A promise to complete a future study after project approval, without identifying any specific mitigation measures, or providing mitigation standards, is inadequate mitigation].) Furthermore, there is no explanation of why these ordinances, guidelines, and code sections could not have been drafted during this 11-year general plan update. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670-671 [Mitigation deferral is improper unless there is a reason for the deferral and mitigation performance standards are set forth]; *Communities for a better Environment v City of Richmond* (2010) 184 Cal.App.4th 70, 95 [The time to formulate mitigation measures is during the EIR process, before final project approval].)

11-37

2) Policy LU-5.3 is weak and meaningless. "Recognize" scenic resources as strong economic generators, and "encourage" retention is vague. The only implementation measure for this is IM LU-5D, Special Events, to "Review" the Zoning Ordinance for the purpose of "streamline permitting for Special Events." Again, there is no time frame. Not only is this **unenforceable**, we see **no clear connection between streamlining special events and retaining scenic resources.**

11-38

3) Policy COS 5.1, COS 5.2, and COS 5.3 contain vague words and phrases like "Encourage" conservation, and "consider" scenic qualities. These words are weak, are not clear direction, and **require no action.** All three policies use the same two implementation measures, IM COS-6A and COS-6B, which propose to "Review and amend" county code to incorporate flexible development standards, and to "Formulate guidelines" for hillside and hilltop construction. These are both worthy goals, but again, **IM COS-6A and COS-6B do not commit to reducing an aesthetic impact, and contain no time frames or deadlines, so are unenforceable and do not qualify as mitigation measures.**

11-39

4) IM COS-7F Corridor Plans is not connected to a Policy—what policy is this measure implementing? The language of the measure is also vague, "Participate" in "corridor planning efforts" to "identify opportunities for...recreational facilities...and achieving other General Plan goals and policies (e.g....conserving scenic vistas...)." Participate when? What corridor planning efforts? What policies? **Again, no time frame, no clarity. This is so vague as to be nearly meaningless, much less an enforceable mitigation measure.**

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Section 4.1 Aesthetics

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Without stronger policies and enforceable programs, new development and buildout of the Draft General Plan will have negative impacts on aesthetics, scenic vistas, and scenic resources in Calaveras County, including along scenic and potentially scenic State highways. Add more mitigations and strengthen implementations for Aesthetics in the final EIR.

We strongly disagree with Aesthetics conclusions 4.1-2 "significant and unavoidable" impacts from the Draft General Plan Project to existing visual character. We agree that buildout of the Draft General Plan would introduce new buildings and population to currently undeveloped areas, but we disagree that impacts from buildout *must be* significant and unavoidable. Goals, policies, and programs in the Draft *could* significantly minimize these changes to our rural aesthetic character—if they were made stronger. The policies and programs listed in this section are vague and non-committal, not strong and enforceable. With the strengthening of the Draft policies and programs, and with the addition of more mitigation measures, there could be significant avoidance and reduction in impacts to visual character.

11-40

There have been many feasible and effective mitigation measures proposed to the County and general plan consultants by interested citizens over the 11+ years of the County general plan update. On page 10 of their 2008 Issues and Opportunities Report, Mintier and Associates stated that, "The GPU can create policies and implementation programs that can protect community identity, and historic and cultural resources." We believe the 2011 Mintier Draft General Plan contained many effective policies and mitigation measures, but the County abandoned it, and started over with a new consultant and general plan in 2012. Since then, the public has continued to request the Mintier document, continued to support a strong general plan update, and continued to make suggestions for effective mitigation measures, including in recent February 2017 NOP scoping comments for this EIR. But public suggestions for additional and stronger mitigations have NOT been acknowledged, discussed, or used in this DEIR. There has been no explanation for this, or why they weren't even considered. (*Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1175-1176 [It is an abuse of discretion to reject alternatives or mitigation measures that would reduce adverse impacts without supporting substantial evidence]; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173 [When provided examples of mitigation measures implemented elsewhere, and agency must either implement them or explain why not].)

Please pay attention to all suggestions to strengthen the Draft General Plan document the County has received over the last 11 years. Strengthening draft implementation programs, and adopting additional mitigation measures that have been suggested could go a very long way to reducing "significant and unavoidable impacts."

11-41

We strongly disagree with Aesthetics conclusion 4.1-3 "less than significant" impacts from the Draft General Plan Project from creation of new sources of substantial light and glare or adverse affects on nighttime views in the area (pg. 4.1-

4.1-14

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Section 4.1 Aesthetics

23). Policies and programs in the Draft General Plan intended to protect the County's aesthetic resources from development impacts due to new sources of light and glare are inadequate and unenforceable. Existing county regulations in Title 17 are not effective (as described previously in these comments under lighting problems in Calaveras County Code of Ordinances) and are non-existent for new residential development. Local citizens have been asking for light shielding on new residential developments for many years, but there is nothing in County Code that requires this, so the county won't put Conditions on a residential project. They rarely even address light glare or pollution in CEQA documents, so we have to fight for light shielding on a project-by-project, hearing-by-hearing basis, hoping the owner/applicant will *voluntarily* agree. *Sometimes* they do, as in the Las Tres Marias Estates project hearing, where citizens advocated for lighting standards. Even some planning commissioners thought something should be done, but only the owner, Luis San Bartolome, was able to do anything by volunteering to put lighting standards in his future Homeowner Association (HOA documents)<sup>2</sup>. We have been advocating at the Planning Commission for a dark skies lighting ordinance since 2008.

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Without strong general plan policies and programs, new sources of light and glare will continue to adversely affect day and nighttime views, and new development will continue to have negative impacts on aesthetics and visual character of Calaveras County.

There are only two policies and programs in the Draft General Plan that mention light or lighting, and they are inadequate and unenforceable:

1) Policy LU 4.3 mentions design "addressing potential impacts from...lighting", but the only program to implement anything to do with lighting is IMLU-4F Signage, which says "Update the Calaveras County Code...*should* address...minimizing sign-lighting..." This program is limited to new sign lighting, it says *should not shall*, and there is *no time frame* given to update the code. Policy LU 4.3 and its program are ineffective and unenforceable.

2) Policy LU 4.10 "Retain the rural nature of the county's communities and dark skies by controlling light pollution (glare, light trespass, and night sky glow). (IM LU-4B)" IM LU-4B "Adopt a dark sky ordinance that addresses excessive light spillage and glare on adjacent properties and protection of the rural night sky." The policy is a good start, but the implementation "Adopt a dark sky ordinance" has *no time frame* for adoption and no deadline. IM LU-4B is unenforceable. A dark sky lighting ordinance may never happen. We fear a county Lighting Ordinance will never happen.

**Conclusion**

The Draft General Plan suffers from a lack of quantified standards and measurable objectives. There is deferment of development impact mitigations indefinitely. The Land

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<sup>2</sup> Summary Minutes for Planning Commission Meeting May 19, 2011. [pgs. 2-4] See attached file: PC\_110519m.pdf

For the Land Use  
Element, Please  
consider the mitigation  
measures, policies, and  
implementations from  
pages 2.3-6 to  
2.3-9.

Goal LU-2, originally drafted by the Planning Department under Land Use Patterns as, “A land use pattern that maintains the open character of Calaveras County, sustain its natural resources, recognizes the physical constraints of the land and the availability of infrastructure and public services, and ensures the long-term viability of resource-based industries” was changed by the Planning Commission. Goal LU-2 now reads: “A land use pattern that allows those who own, operate, or manage the productive resources in the county, to maintain open space, wildlife habitat, agricultural lands, mineral resources and forests.” This change weakens the original Goal’s intention to protect and maintain county open space and natural resources, to protect current landowners from incompatible development, and to have land use patterns that direct growth to community centers with services.

- **PLEASE PUT THE ORIGINAL GOAL LU-2 BACK IN; ADD GOAL FROM THE EXISTING CALAVERAS COUNTY GENERAL PLAN**

“A land use pattern that maintains the open character of Calaveras County, sustain its natural resources, recognizes the physical constraints of the land and the availability of infrastructure and public services, and ensures the long-term viability of resource-based industries”

“Goal II-3: Preserve and manage those lands identified as Natural Resource Lands for the future good of the general public.”

A Policy was then added by the commission that further weakened Goal LU-2 (LU 2.1, see below). Other Policies and Programs intended to implement the original goal were moved or eliminated (LU 1.2 and 1.12 below).

Policy LU 2.1 was added, “Respect and protect the property rights of people in their efforts to maintain or develop productive resources.” **This policy does little or nothing to maintain and protect open space and natural resources in Calaveras County. This policy also does nothing to protect the property rights of current landowners from incompatible development in surrounding areas.**

Policy LU 1.2 “Direct growth to existing communities...”, originally under Goal LU-2, was moved to Goal LU-1 and changed to “Support growth in and around existing communities while protecting and enhancing community and neighborhood character”. “Support” weakens the intention to direct growth; “in and around” existing communities makes the intention too vague to interpret or implement.

Policy LU 2.2, “Maintain availability of the Williamson Act contracts...” is the only other policy for Goal LU-2 (a land use pattern to maintain open character and sustain natural resources), and the only implementation is “update the zoning ordinance.” Williamson Act contracts are voluntary, and are not permanent protections for natural resource lands.

- **PLEASE PUT THE ORIGINAL POLICY LU 1.2 BACK IN, AND MOVE IT BACK TO GOAL LU-2**

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

There is also no implementation program listed under LU 1.2, although Measure LU-2E (originally LU-1F) ‘Innovative Techniques’ says “Implements Policy LU 1.2.” But the program “Innovative Techniques”, originally “Adopt standards for the application of clustered development, transfer of development rights (TDRs), or other innovative techniques that may

minimize development impacts on resource production or other sensitive lands” was also weakened by the Planning Commission. TDRs were eliminated, and the commission would not accept suggestions to include conservation easements, calling them “a destruction of development rights.” Measure LU-2E provides no implementation to support growth in existing communities, provides no permanent protection for resource lands, and does not clarify interpretation of “in and around” existing communities.

- **PLEASE ADD PROGRAMS & MITIGATION MEASURES FOR POLICY LU 1.2 THAT EFFECTIVELY DIRECT GROWTH TO (NOT AROUND) EXISTING COMMUNITIES, AND THAT MAINTAIN OPEN SPACE AND NATURAL RESOURCE LANDS**

Policy LU 1.12 ELIMINATED. “Community Areas shall not be expanded unless a finding is made by the Board of Supervisors that additional land area is necessary to accommodate growth in the County” was eliminated by the Planning Commission, as “a barrier to growth”, deleting any restrictions on expanding Community Areas. Of course, that was the point of LU 1.12—to discourage growth outside of community centers. With no policy or program to guide community areas and growth, there is no barrier to endless expansion of Community Areas. This is growth-inducing.

- **PLEASE PUT THE ORIGINAL POLICY LU 1.12 BACK IN, AND INCLUDE BUILDOUT CRITERIA TO DETERMINE WHEN DEVELOPMENT WOULD BE ALLOWED OUTSIDE COMMUNITY AREAS**

*“Community Areas shall not be expanded unless a finding is made by the Board of Supervisors that additional land area is necessary to accommodate growth in the County.”*

Buildout Criteria and a “finding” for expansion could be: *“The community area is 75% built out, the proposed expansion is contiguous and forms a logical boundary; the proposal is accompanied by a specific project application that is consistent with Community policies, public water and wastewater are available and adequate.”*

Policy LU 3.4 could actually encourage growth outside of community centers by encouraging infrastructure outside of existing communities: *“Infrastructure such as water and sewer and high capacity roads shall be encouraged within existing developed areas, areas contiguous to existing communities, areas where future development is anticipated by the General Plan as reflected in the General Plan land use map, existing, non-contiguous communities, and/or where essential to public health and safety.”* The original wording (originally Policy LU 2.4) was “shall not be extended unless...” but this was changed by the Planning Commission.

- **PLEASE PUT THE ORIGINAL POLICY WORDING BACK IN**  
*“Infrastructure such as water and sewer and high capacity roads shall not be extended outside existing developed areas unless those areas are contiguous to existing communities, are in areas where future development is anticipated by the General Plan as reflected in the General Plan land use designation, to serve existing, non-contiguous communities, or are essential to public health and safety”*

Programs LU-3C and LU-3I ELIMINATED. Two Programs recommended by the Planning Department to implement Community Character & Design policy were eliminated by the Planning Commission. These program measures were intended to implement Policy LU 4.1



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

**Measures eliminated:**

**LU-3C Hillside Development**

*Draft Adopt a hillside management ordinance establishing acceptable hillside slope-related densities and alternatives for hillside construction standards that reduce grading and extreme physical alterations to topography.*

**LU-3I Historic Design Standards**

*Adopt historic design standards, or utilize existing standards or guidelines, to implement the Historic Community/Historic Mixed Use land use designation and zoning. Standards shall be unique to individual communities to recognize the architectural character of that community.*

With the elimination of these programs, new development will have no construction or design standards in place to ensure compatibility with natural, scenic, and historic resources, to protect hillsides from extreme grading, densities, and alterations to natural topography, or to ensure new construction is compatible in Historic Community Centers.

- **PLEASE PUT HILLSIDE DEVELOPMENT (LU-3C) AND HISTORIC DESIGN STANDARDS (LU-3I) MEASURES BACK IN (SEE ABOVE)**

We cannot find enough effective Goals, Policies, Programs or Mitigation Measures in the Land Use Element to adequately guide the general pattern of development in Calaveras County, to protect and maintain open space, agricultural lands, natural resources, community character, and to direct growth towards community centers and away from natural constraints. Without adequate protection and direction, future growth and development will likely occur outside existing community centers, converting rangeland, and negatively impacting open space, wildlife habitat, forests, scenic, historic, natural resources, and public services; and increasing the costs of infrastructure borne by current and future residents.

- **PLEASE ADD FEASIBLE POLICIES AND MITIGATION MEASURES IN THE LAND USE ELEMENT TO REDUCE IMPACTS OF DEVELOPMENT. SOME SUGGESTIONS ARE IN PART C BELOW**

**b. Implementation Programs—No Timeframes, Deadlines, or Funding**

Other than two ‘General Measures’, there are **no timeframes or deadlines in any Land Use Implementation Program Mitigation Measures, and no funding sources for implementation.** During the planning commission’s draft GPU review and editing, there were opinions expressed that “deadlines were to be avoided” so as not to trigger legal challenges. This is an unnecessary concern, as mitigation measure deadlines can be changed as needed under General Measure ‘Annual Work Plan’ review and periodic ‘General Plan Review.’

*Without timeframes for Mitigation Measures or funding sources, there is no clear path forward, no motivation for implementation of mitigations, and no clear way to create a priority list. Implementation Programs need timeframes, funding, and mitigation deadlines to prioritize programs and actually mitigate impacts of the General Plan.*

- **PLEASE EVALUATE ALL LAND USE IMPLEMENTATION PROGRAMS AND MITIGATIONS IN THE EIR AND ENSURE THERE ARE CLEAR GUIDELINES, RESPONSIBLE PARTIES, SPECIFIED TIMEFRAMES, AND POTENTIAL FUNDING SOURCES**

**c. Additional Policies and Mitigation Measures to Reduce Impacts of Development**

**Suggested Policies and Programs to Add to the General Plan Update:**

- Maintain parcel sizes outside of community growth boundaries large enough to sustain viable agriculture and discourage conversion to non-agricultural home sites
- Prohibit division of agricultural land for non-agricultural uses
- Require that the subdivision of agricultural lands shall only be allowed upon demonstration that long-term productivity on each parcel created would be enhanced as a result of the subdivision.
- Urban growth boundaries around county unincorporated communities with findings required for expansion.
- Clustering programs to preserve the best farmland, rangeland, and forestland, with conservation easements required on remainders, and 2:1 mitigation for all unavoidable conversions.
- Create and adopt an agricultural land and forestland conversion mitigation program and ordinance. Require compensation for loss of agricultural lands, including farm and rangeland, and forest lands. Establish appropriate mitigation ratios for the program or utilize a graduated mitigation mechanism. The mitigation ratio shall be a minimum of at least 2:1 (2 acres of farmland/rangeland/forestland protected through mitigation with land of equivalent value for each acre converted.) The program shall not present regulatory barriers to agritourism, agricultural services, and agricultural processing or uses compatible with timber harvest where such uses are permitted and where they are sited to avoid the best farmland/forestland. The program, where feasible, shall also establish mitigation within the agricultural/forestlands area where the conversion occurs as a preferred strategy. The program shall include a fee option and shall provide an exemption for farmworker housing, again ideally sited off of the best farmland and rangeland.
- Establish a resource mitigation overlay district within the zoning ordinance to encourage site and permit mitigation banks
- Development shall avoid, minimize and mitigate impacts to rare and special status species and critical habitat to the maximum extent feasible. Measures may include, but are not limited to:

- Clustering lots to avoid habitat areas and wildlife corridors
- Dedications of permanent conservation easements;
- Purchase of development rights from willing sellers; and
- Other appropriate means.

For the Land  
Use Element  
Please consider  
the Policy Suggestions  
on pages LUC-12 to  
LUC-12 to LUC-26  
of our comments on  
the 2014 Draft  
General Plan.

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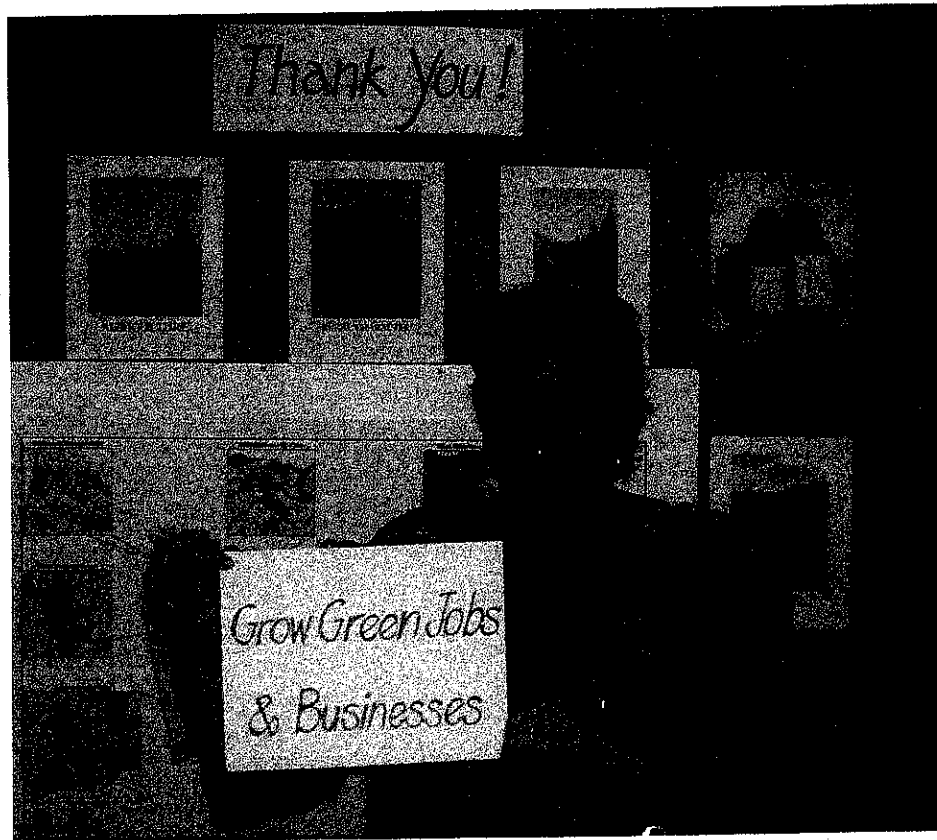
9) Attachments for the Land Use Element and Community Plans/ Valley Springs  
Community Plan Comments (See CD for "LU" and "CP" attachment files)

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_hillites.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

For the Land  
Use Element  
please consider  
5 policies from  
the draft Economic  
Development Element.  
4.2, 4.3, 4.4, 5.2 & 5.3



**C) Some Economic Development Element Policies should be included in the GPU text.**

We have included a copy of the Draft Economic Development Element as an attachment to these comments. (See Attachment 9.) We recommend the following policies for inclusion in the GPU text.

The first set of policies and programs address the physical infrastructure needed for economic development.

ED-2.5 New Employment Centers

ED-3.6 Tourism and Travel

The second set of policies support the community-centered development pattern described in the Draft Land Use Designations and depicted on the Draft Land Use Map.

ED-4.2 Retail and Entertainment Centers

ED-4.3 Neighborhood Shopping Centers

ED-4.4 Commercial Developments

ED-5.2 Revitalization of Employment Centers

ED-5.3 Renovation and Reuse of Existing Sites

**ED-3.5 Outdoor Recreational Venues**

~~The County shall~~ encourage the development of outdoor recreational opportunities for visitors and residents alike, such as mountain climbing, hiking, river rafting, horseback riding, camping, lake sports, fishing, zip lines and caving.

**ED-3.6 Tourism and Travel**

In coordination with the Calaveras COG, ~~the County shall~~ preserve and enhance the tourist's ability to travel easily to different destinations throughout the county, develop strategies to move visitors safely on rural roads, and promote user supported transportation systems, bike rental services, pedestrian connections, hiking, biking and riding trails.

## Retail and Professional Services

Calaveras County's retail market is an integral part of its unique identity and is one of the major economic drivers in the community. Calaveras County's retail sector in its communities will continue to be challenged by competition from other foothill communities. Professional services, including occupations in technology consulting sectors, provide quality employment and career opportunities and significantly improve the quality of life in the county by reducing the need to travel out of county for key services. Professional services can be developed as an important economic base sector for the county as well as serving the needs of local residents and businesses.

**Goal ED-4**

To encourage and maintain high quality retail and professional services and entertainment venues that supports the needs of residents and attracts visitors.

### Policies

**ED-4.1 New Locally-Owned Services**

~~The County shall~~ encourage new, high-quality, regionally-oriented retail and professional services that complement the quality and historic character of the county.

**ED-4.2 Retail and Entertainment Centers**

~~The County shall~~ encourage concentration of retail and entertainment in central locations to maintain distinctive districts, provide good transportation access, and attract customers.

**ED-4.3 Neighborhood Shopping Centers**

~~The County shall~~ encourage the development of small-scale shopping centers that are close to neighborhoods to provide for the every-day-needs of residents.

**ED-4.4 Commercial Developments**

The County shall ensure neighborhoods are adequately protected from the effects of major commercial development (e.g., noise, traffic, lights) through good design, buffering, and traffic management.

## Economic Development Planning and Revitalization

Success in economic development requires a proactive, coordinated, and collaborative program that anticipates business needs in terms of location, infrastructure and services, and promotes the needs of the workforce and the community. An economic development strategy should provide a point of entry for businesses and entrepreneurs to learn about services, resources, and regulatory requirements, while providing accountability for the County's economic development functions. This increased capacity will allow the County to better leverage and pursue economic development opportunities; collaborate with other public and private sector investors, and partner on strategic initiatives.

In addition, as the county matures, revitalization and redevelopment of existing development becomes a critical part of the economic vitality of the community to prevent decline in mature areas before those areas lose their attractiveness.

**Goal ED-5**

To sustain the long-term economic well being of the county and its citizens through quality development and revitalization efforts, accountable and efficient government services, and desirable workforce housing and community amenities.

### Policies

**ED-5.1 Economic Development Planning**

The County shall maintain a proactive economic development strategic planning process, which can be staffed by the Planning Department or the County Administrative Officer's office, that anticipates future needs of residents and businesses.

**ED-5.2 Revitalization of Employment Centers**

The County shall encourage redevelopment and revitalization of existing employment centers to provide new jobs, new retail, and new entertainment opportunities.

**ED-5.3 Renovation and Reuse of Existing Sites**

The County shall encourage and support the renovation and reuse of underutilized or vacant parcels, industrial sites, buildings, or shopping centers.

~~ED-5.4 Community Aesthetic Improvements~~

~~The County shall work with communities and businesses to complete small-scale aesthetic improvement projects such as building facades renovations, streetscapes redesign, and public art and landscaping installations. See Land Use Element.~~

~~ED-5.5 Workforce and Affordable Housing~~

~~The County shall promote revitalization and redevelopment of existing residential areas to increase the availability of workforce and affordable housing. Covered in the Housing Element.~~

~~ED-5.6 Efficient Development Review Process~~

~~The County shall ensure that its development review process meets stated timelines and statutory requirements. See Land Use Element.~~