

Please Review
these general
Plan provisions
for inclusion in
the Noise and
Safety Elements

5-29-19
Tom Infusino
CPC

For the Noise
Element, please
consider the mitigation
measures and policy
alternatives on
pages 24-3 of
our scoping comments.

III. Mitigation and Alternatives

In analyzing the Noise Element for possible mitigation, please consider the following:

1. The noise contour map on page N5 is still only a sample. Has it been replaced with the county map? It would be important to have the actual map.
2. Implementation measures 1A-1D are lacking in the specificity needed to analyze their impacts and effectiveness. When will the Noise Ordinance be updated and by whom? Who will determine noise reduction strategies and how will those be made available to developers? And how can we evaluate the effectiveness of noise reduction strategies if we are not told what they are? Who will evaluate truck route plans and by when? Who will generate the noise-management standards and best practices and by when? Will a developer have to go to the county planning office to know what these are?

“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. (See, e.g., *Gentry v. Murrieta* (1995) 36 Cal.App.4th 1359, 1396 (*Gentry*) [conditioning a permit on ‘recommendations of a report that had yet to be performed’ constituted improper deferral of mitigation]; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275 [deferral is impermissible when the agency ‘simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report’]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 [‘mitigation measure [that] does no more than require a report be prepared and followed, . . . without setting any standards’ found improper deferral]; *Sundstrom, supra*, 202 Cal.App.3d at p. 306 [future study of hydrology and sewer disposal problems held impermissible]; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4 [city is prohibited from relying on ‘postapproval mitigation measures adopted during the subsequent design review process’].)” (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70) To qualify as mitigation, general plan provisions must identify the means to achieve specific performance criteria prior to the occurrence of the plan’s impacts. (*Sacramento Old City Association v. City Council of Sacramento* (3d Dist. 1991) 229 Cal.App.3d 1011, 1028-1029.)

As alternatives, consider evaluating impacts:

1. Based on outdoor numbers in Table 1 that are 5 units lower (55 instead of 60).
2. Based on specific implementation measures that state who is responsible and by when these actions will be completed.

For the Noise Element
Please consider the
Policy Suggestions and
Mitigation Measure
on pages MEC-3 to
MEC-5 of our
Comments on the
2014 Draft Plan.

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

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

2) Substandard Provisions of the Noise Element

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

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

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

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

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

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

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

3) Noise Element Programs (Implementation)

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

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

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

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

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

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

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

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

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

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

Attachments:

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

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

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

Timing: Ongoing review standard

Responsibility: Mariposa County Planning Department and Building Department.

Fiscal Impact: Applicant cost for noise studies.

Consequences: Noise reduction

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

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

Implementation Number

Responsibility (Which department or staff member or agency)

Potential funding (Existing budget or other source)

Priority (Low, Medium, High)

Time Frame (ongoing or specific time period)

For the safety
Element, please

consider our mitigation
measures and policy
suggestions on pages
SEC-5 to SEC-~~11~~ of
our comments on the
2014 Draft Plan.

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

Goal SAF-2

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

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

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

El Dorado General Plan 2004, Page 261

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

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

OBJECTIVE 6.4.2: DAM FAILURE INUNDATION

Protect life and property of County residents below dams.

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

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

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

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

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

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

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

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

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

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

Page 259 El Dorado County General Plan 2004

GOAL 6.3: GEOLOGIC AND SEISMIC HAZARDS

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

OBJECTIVE 6.3.1: BUILDING AND SITE STANDARDS

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

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

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

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

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

SAF 1.2 Goals and Policies: General Concerns

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

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

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

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

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

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

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

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

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

SAF 1.3 Implementation Programs

Programs General

SAF 1-A Local Hazard Mitigation Plan

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

SAF 1-B Level of Service

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

SAF 1-C Evacuation Routes, Sites and Centers

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

SAF 1-D Post-Disaster Recovery

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

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

SAF 1-E Emergency Provider Impact Fee

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

SAF 1-F Water Supply Inventory

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

SAF 1-G Current Information

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

SAF 1-H Public Safety Information

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

Programs: Flood Hazards

SAF 2-A Flood Damage Prevention Ordinance

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

SAF 2-B Zoning

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

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

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

SAF 2-D Storm Water Run-off Management Standards

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

SAF 2-E Bridge Damage

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

Programs: Fire Hazard

SAF 3-A Calaveras Code Consistency with Adopted Fire Code

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

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

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

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

El Dorado General Plan 2004 –Page 257

OBJECTIVE 6.2.2: LIMITATIONS TO DEVELOPMENT

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

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

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

OBJECTIVE 6.2.3: ADEQUATE FIRE PROTECTION

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

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

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

SAF-3-C Local Fire Safety Standards

Comment: Please add for consideration:

Calaveras High School Earth Club General Plan Team input:

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

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

SAF 3-D Comprehensive Fire Safety Standards

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

SAF 3-E Exception Procedures for Fire Hazard Management

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

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

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

SAF 3-G Fire Safety Committee

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

SAF 3-H Coordinated Fire Prevention and Response Planning Efforts

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

SAF 3-I Fire Protection District Funding

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

Programs: Geotechnical Hazards

SAF 4-A New Solis Information

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

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

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

SAF 4-C Geological hazards Risks

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

SAF 4-D Hillside Management Guidelines

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

You may use this form or any other format you desire to respond. Please include your contact information.

PROJECT: Calaveras County General Plan Update

Date: 8-6-13
Agency Responding: Calaveras High Earth Club General planning team
Contact Person: Jaime
Contact Phone/E-Mail: jaimelhammon@gmail.com / no phone
Comments: Fire Safety

We would like more restrictions on when you can burn fires and where, because last year there were multiple fires very near the highschool track. This made it near impossible for kids with Asthma to run in PE or in After school sports.

Signed by: Jaime Hammer Date: 8-6-13

If you have not already signed up to receive updates for the General Plan, you may do so by clicking on the following link
<http://www.co.calaveras.ca.us/cc/Departments/PlanningDepartment/GeneralPlanUpdate.aspx>
then sign up to monitor the General Plan Update page by clicking on "change detection" under "Be notified of page updates" in the lower right hand column of the General Plan Update page.

Please submit your comments **by August 18, 2013** to the following:

Amy Augustine, AICP
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270 S. Barretta St., Suite C/P.O. Box 3117
Sonora, CA 95370
(209) 532-7376 (ph)/(209) 532-2652 (fax)
landplan@mlode.com

OR: Calaveras County Community Development Department (See above contact information)

For the safety
Element please
consider the
general plan
provisions suggested
by CSERC's
Attorneys at
Shute, Mihaly
& Weinberger.

Given the rural nature of the County, residential, commercial, recreational, and industrial development within the County often occurs in areas near or in forests, grasslands, shrub lands, and other natural areas considered wildlands. Such areas where urban and wildland areas mix are known as a Wildland Urban Interface (WUI). As of 2015, over 89 percent of the County was classified as being in a high or very high fire risk zone, and as of 2010, over 15,000 improved parcels with \$2.2 billion in improvements were located in very high fire hazard zones.

DEIR at 4.7-31. After listing various general plan policies and goals meant to promote fire safety (DEIR at 4.7-31 to 34), it concludes that these policies may in some cases reduce the potential for damage or loss of new development due to fires. DEIR at 4.7-35. But it further concludes that development will still occur in high and very high fire hazard severity zones and the impact would be substantial. DEIR at 4.7-35.

Thus, the County is legally required to mitigate or avoid the significant impacts of the Update wherever it is feasible to do so. *See* Pub. Resources Code § 21002.1(b). In other words, it cannot approve the Project with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Resources Code § 21002; CEQA Guidelines § 15126(a).

~~The County should review and adopt policies contained in the *Fire Hazard Planning General Plan Technical Advice Series* provided by the Governor's Office of Planning and Research.~~ Potential mitigation measures and additional General Plan policies/implementation programs should include:

- Prior to the construction of any structure, whether residential, recreational, or commercial, a site-specific fuel mitigation plan shall be prepared. The location and development of any road, or any other man-made structure that may act as a fuel barrier, shall be done in consideration of its maximum benefit as a fuel barrier/fire break. The plan shall cover the entire parcel and include measures for

⁷ Included as an attachment to this letter.

modifying fuel loading prior to development and a plan to maintain that protection over time.

- Plant community shall be monitored for changing fire risk.
- County resources will work with landowners to assist in choosing the best method of fuel reduction.
- Fire districts shall establish desired initial attack success rate.
- Public and private landowners shall minimize the risk of wildfire moving from one property to adjacent property through fire rated roofing and construction materials and vegetation management.
- Public landowners shall provide a minimum of a one quarter mile defensible fuel profile (buffer zone) at property lines and near points of special interest.
- Public landowners shall implement safety measures that result in a low risk category designation for wildfires threatening the urban interface.
- County agencies shall work cooperatively with other agencies and private interests to educate private landowners on fire-safe measures to implement in order to achieve a low risk category designation.
- The county shall work to facilitate agreements to provide fuel reduction efforts between public and private ownership's where recommended clearances extend onto public lands. This will require collaboration with USFS.⁸

We request that the County respond to each of these suggestions and explain its decision to adopt or to decline to adopt each.

⁸ *Fire Hazard Planning, General Plan Technical Advice Series at 24-26.*

CSERC suggested the following wording: ~~“The County shall reject applications for new development in areas of high and very high wildfire risk unless the State fire agency (CALFIRE) specifically determines that all feasible wildfire mitigation measures are included in the development application and that safe ingress/egress criteria is fully met.”~~ FEIR at 2-355.

However, the County responded that because much of the County is located within a Federal Responsibility Area the ~~“implementation of the suggested mitigation language would not be feasible for development located outside of CALFIRE jurisdiction.”~~ FEIR at 2-389. This response does not make sense for two reasons: first, the federal responsibility area throughout much of the County is composed of National Forest lands and not subject to development. Second, if the County is concerned about the wording of the measure appearing to apply to areas outside of its jurisdiction, then CSERC suggests the following wording: ~~“The County shall reject applications for new development in areas of high and very high wildfire risk in local or state responsibility areas unless the State fire agency (CALFIRE) specifically determines that all feasible wildfire mitigation measures are included in the development application and that safe ingress/egress criteria is fully met.”~~

III. The County’s Analysis and Mitigation of GHG Emissions Remains Inadequate.

A. The County Must Quantify Baseline GHG Emissions.

The County argues that because compliance with statewide emissions targets is determined based on per capita emissions rates in 2030 and 2050, it was unnecessary to quantify baseline GHG emissions rates. FEIR at 2-379. But investigating and reporting existing conditions are “crucial function[s] of the EIR.” *Save Our Peninsula Comm. v. Monterey County* (2001) 87 Cal.App.4th 99, 122 (“SOPC”). “[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible.” *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953. Decisionmakers must be able to weigh the project’s effects against “real conditions on the ground.” *City of Carmel-by-the-Sea*, 183 Cal.App.3d at 246. And “[b]ecause the chief purpose of the EIR is to provide detailed information regarding the significant environmental effects of the proposed project on the physical conditions which exist within the area, it follows that the existing conditions must be determined.” *SOPC*, 87 Cal.App.4th at 120 (internal quotation marks omitted).

Further, “[a] long line of Court of Appeal decisions holds . . . that the impacts of a proposed project are ordinarily to be compared to the actual environmental