

Please review  
these general  
plan provisions  
for inclusion in  
the Resource  
Production Element

5-29-19  
Tom Infusino  
CPC

~~FA~~ the  
For the Resource  
Production Element,  
PLEASE CONSIDER  
THE MITIGATION MEASURES  
POLICIES AND IMPLEMENTATIONS  
ON PAGES 21-11 TO 21-15  
OF OUR SCOPING COMMENTS.

## Section 2.1, Scoping Comments on Agriculture

Also, in tabular form, please identify acres of each land use designations placed on Williamson Act Contract lands for the project description and the alternatives, similar to similar to the table EDAW produced for the 2004 El Dorado County General Plan EIR, seen below.

<b>Table 5.2-6 Land Use Designations of Williamson Act Contract Lands by Equal-Weight Alternative</b>			
General Plan Designation	No Project/1996 General Plan (acres)	Roadway Constrained 6-Lane "Plus" (acres)	Environmentally Constrained (acres)
Agricultural Land <sup>1</sup>	N/A	N/A	32,768
Adopted Plan	N/A	0	2
Low-Density Residential	4,168	107	135
Medium-Density Residential	309	3	0
Natural Resources	5,480	34,551	7,458
Open Space	87	87	867
Rural Residential/Rural Lands <sup>2</sup>	31,704	6,999	1,297
Tourist Recreational <sup>3</sup>	105	105	105
<b>Total</b>	<b>41,853</b>	<b>41,853</b>	<b>41,853</b>

<sup>1</sup> The Agricultural Lands designation is used only in the Environmentally Constrained Alternative.

<sup>2</sup> The Rural Lands designation is used in the Roadway Constrained 6-Lane "Plus" and Environmentally Constrained alternatives; the Rural Residential designation is used in the No Project and 1996 General Plan alternatives.

<sup>3</sup> The Bacchi Ranch, which is under Williamson Act contract, includes a 98-acre portion that is separated from the bulk of the property by SR 49 and, in addition to being used as grazing land during winter, is used by river rafting companies under special use permits. For this reason, this portion of the property and the adjoining portion of SR 49 are designated Tourist Recreational.

Notes: Numbers may not total due to rounding. N/A = This designation is not used with this alternative.

Source: EDAW 2003

### 4) Mitigation Measures

The proposed Agriculture Element is plagued by provisions that are phrased in optional and promotional language rather than in mandatory and enforceable language. As yet, there are no quantified objectives or standards, in the General Plan Update to protect agricultural lands. As a result, many of these provisions cannot be relied upon for CEQA mitigation. To make these general goals and vague policies effective, it is essential for the General Plan Update to set quantified Ag. Land conservation objectives, and to select feasible implementation programs to achieve those objectives, and to mitigate Ag. land loss. Two to one mitigation for Ag. land conversion, or 200-foot setbacks for conflicting uses from Ag. lands, are good examples of quantified implementation measures. Such measures could be combined with others to form the open space action plan required in the general plan.

## Section 2.1, Scoping Comments on Agriculture

With regard to the Ag. land conservation policies in the general plan project description; we again encourage you to strengthen the policy language to give county government, Ag. land owners, nonprofit conservancies, real estate speculators, and land developers clear direction regarding their roles, rights and responsibilities.

In addition to the above modifications to the project description draft general plan policies, we also encourage the County to follow the suggestions of our member group the Foothill Conservancy. Although originally drafted for use in Amador County, they may have similar utility in Calaveras County.

### Ag preservation principles

(Drafted January 1, 2007)

- Preserve agricultural lands for their economic, social, scenic, wildlife, watershed, and other values.
- Promote policies and programs that help keep land in agricultural use, both now and in the future.
- Avoid land use planning policies and practices that encourage or facilitate conversion of agricultural lands to other uses.
- Avoid infrastructure extensions or improvements that encourage or facilitate conversion of agricultural lands to other uses.
- Adopt mitigation policies for conversion of agricultural land to other uses to ensure no net loss of agricultural land.
- Ensure that increased commercial uses allowed on agricultural lands serve the preservation of agriculture rather than allowing or encouraging the conversion of agricultural lands or areas to other uses.
- Ensure that increased commercial uses allowed on agricultural lands do not require urban levels of service and infrastructure.

As seen below, many of the proposed General Plan Update policy strategies are well known and commonly used in other communities. However, their effectiveness depends on the implementation tools selected to give effect to the policies. The General Plan Update needs to select the type of implementation tools the County will employ to make the policies effective, and to mitigate Ag. land loss.

#### Policy Strategies:

- Direct Growth to Urban Centers
- Restrict Residential Development in rural areas
- Economic Incentives

## Section 2.1, Scoping Comments on Agriculture

- Boosting Local Farm Economies
- Agriculture Element in General Plan
- Reducing Conflicts at Farm-Urban Edge
- Higher Density and Infill development
- New Towns not on Ag. Land

### **Implementation Tools:**

- Agricultural Zoning
- Williamson Act Contracts
- Right to Farm Ordinances
- Mitigation for Farmland Loss
- LESA – Land Evaluation & Site Assessment
- Ag. Buffers
- Conservation Easements
- Monitoring Farmland Conversion
- Resource Incentives to Landowners
- Urban Limit Lines
- LAFCO Annexation Reviews
- City & County Tax Revenue Sharing
- City & County Development Project Standards  
& Review Cooperation

(From: UC Extension, *Optional Policies and Tools for Farmland and Open Space Protection in California*, 2004.)

Case studies indicate that communities that include more than one strategy for Ag. land conservation are more likely to be successful.

## Section 2.1, Scoping Comments on Agriculture

Case Study		Stabilize agricultural land use & values	Direct growth away from best farmland	Promote more efficient development	Finance permanent farmland protection	Promote agricultural economic viability
Marin Agricultural Land Trust & County Zoning		X	X	X	X	
Monterey County Agricultural & Historical Land Conservancy		X	X	X	X	
Ventura "Save Our Agricultural Resources" Initiative		X	X	X		
Napa County Agricultural Land Preservation Initiative		X	X	X		
Tulare County Rural Valley Lands Plan		X	X	X		
Yuba City Sphere of Influence Adjustment		X	X	X		
South Livermore Agricultural Mitigation Plan			X		X	X
Yolo-Davis Development Control & Tax Sharing		X	X			
Visalia Concentric Growth Boundaries		X		X		
Gilroy-Santa Clara Joint Growth Boundary Agreement		X				X
Sonoma Agricultural & Open Space District			X		X	
San Diego County Plan for the Future of Agriculture			X			X
Fresno Landscape of Choice				X		
Sutter County Ranchette Zoning				X		
Davis Farmland Mitigation Ordinance					X	
Fairfield Mello-Roos Community Facilities Districts					X	
Martis Valley Real Estate Conveyance Fees					X	
Farmland Mitigation in San Joaquin County					X	

*(Case Studies in Ag. Land Protection, From American Farmland Trust)*

There are a number of keys to a successful program Ag. land conservation program:

- The program must be adopted by the County and/or City.  
(No adoption = No program)
- The program needs to inspire participation.  
(No participants = No program)
- The program needs an Ag. anchor.  
(Protecting land for trails, and habitat, and value added stores may not be enough to keep the land in Ag. production.)
- Multiple financing methods are best.  
(I.e. Private conservation easements, and mitigation fees, and public grants.)

## Section 2.1, Scoping Comments on Agriculture

- For mitigation: actual easements are better than in lieu fees.  
(You can't raise cattle in a bank account.)
- Your program needs management.  
(No staff = No program. There is no such thing as a "self-implementing" program.)

We encourage the County staff and consultants to gather both the proponents and opponents of the draft Ag. Element, along with representatives of the Planning Commission and the Board of Supervisors, to try to work out Ag. goals, policies, and implementation programs that all can support. This may involve both deleting policies or programs that the County has reconsidered, and adding other policies or programs that may work better in Calaveras County. Good ideas can be gleaned from the surrounding counties that have included or proposed Ag. land conservation policies in their general plans. This process may also involve locating some Ag. land conservation policies and programs to more suitable elements of the General Plan Update (e.g. Land Use, Housing, Conservation, Open Space, Safety, Noise, Economic Development) and cross referencing them in the Ag. Element. We believe this would be a fruitful process to achieve effective Ag. land conservation in Calaveras County.

For the Resource  
Production Element,  
Please consider the  
mitigation measures  
and policy suggestions  
on pages RPEC-5 to  
RPEC-10 of our comments  
on the 2014 Draft  
Plan.

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

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

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

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

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

### 8) Not Open Space?

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

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

### 9) Alternative Beneficial Uses

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

### 10) Clustering

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

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

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

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

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

### 11) Agritourism

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

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

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

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

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

### 12) Miscellaneous

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

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

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

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

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

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

### 13) Implementation Programs related to Forest Lands

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

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

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

The section also includes:

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

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

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

Other THP-related implementations we recommend:

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

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

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

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

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

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

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

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

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

For the Resource  
Production Element  
Please consider the  
Policy suggestions on  
pages 2-116 to 2-120  
of the FEIR.

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adverse "edge effect"? Unless decision makers and the public know where these problem changes are, we can't consider ways to reduce their impacts. Please locate these problem areas on a map in the Final EIR.

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P. 4.2-18 "Instead, this EIR focuses on potential impacts associated with conversion of agricultural, forest, and mineral resources that would not be protected by the Resource Production or Working Lands designations in the Draft General Plan."

This analysis leaves out the potential under the general plan for the conversion of lands initially included in the Resource Production or Working Lands designation, but that are allowed to be converted, without specified impact mitigation, under the terms of the general plan and the zoning ordinance. Mere inclusion in the Resource Production or Working Lands designation, in the absence of some other protection, does not guaranty the long-term protection of agricultural and forest lands.

As previously pointed out, over the years, many agricultural lands have been converted to developed uses. In many circumstances, development approvals are not on lands initially designated for developed use under the 1996 General Plan, but are the result of general plan amendments from natural resource lands to developed lands. This is a foreseeable impact of the General Plan Update that does little to restrict these impacts and does not specify mitigation for these impacts.

Thus, in the Existing Setting Section of the Final EIR, identify the proportion of past agricultural land conversion that are a result of general plan amendments, and the proportion of total development that resulted from the conversion of agricultural land. In the Impacts and Mitigation Section, the Final EIR should consider the impacts if a similar proportion of total development in the future resulted from similar general plan amendments. Then, the Final EIR should consider ways to mitigate that impact. To fail to do so would be to ignore the most likely means of conversion of agricultural and forestry land to developed uses as a result of the General Plan Update. CEQA is violated when an EIR contains no discussion of a potentially significant environmental consideration. (*California Clean Energy Committee v. City of Woodland* (2014), 225 Cal.App.4th 173, 213.)

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P. 4.2-18 "The Draft General Plan includes policies and associated programs that are intended to retain agricultural lands within the County. The Land Use Element of the Draft General Plan includes the following goals, policies, and implementation measures (IMs) related to protection of agricultural, forest, and mineral resources:"

The Final EIR needs to explain to decision makers and the public that the County is not legally bound by the broad goals in the general plan, nor by policy or implementation measures that are optional rather than mandatory. As a result, the goals and optional provisions of the general plan

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Section 4.2 Agriculture

listed below in the EIR cannot be relied upon as mitigation measures. If this is not made clear to the public and decision makers, they may get the incorrect impression that these general plan provisions provide more legal protection for agricultural and forestry resources than is the case.

For example, the existing provisions in the draft general plan were all in place at the time the Planning Commission decided to designate an additional 5,000 acres of agricultural land for developed land uses in 2016. Thus, those policies did not effectively protect those agricultural lands from being made available for developed uses.

In addition, non-mandatory provisions of the General Plan do not qualify as mitigation measures. (CEQA Guidelines, sec. 15126.4, subd. (a)(2).) This makes this EIR confusing. CEQA requires an EIR to distinguish between mitigation measures that are part of the proposed project, and those that are still under consideration by the Lead Agency. (CEQA Guidelines, sec. 15126, subd. (a)(1)(A).) Instead, this EIR lists provisions of the proposed general plan "intended to retain agricultural lands." This list is a mix of mandatory mitigation measures, and optional non-mitigation measures. In the Final EIR, the County needs to eliminate this confusion. The best way is to convert optional policies to mandatory ones to make them mitigation measures.

The Final EIR should also consider the impacts on agricultural lands as a result of by-right and ministerial approvals that do not get reduced by impact mitigation, and that are not required to comply with the General Plan. Without this evaluation, there is no way for the public or the decision makers to determine if the proposed general plan needs to include policy directing that some of these by-right or ministerial approvals be changed to discretionary, or have agricultural land impact mitigations built into them. CEQA is violated when an EIR contains no discussion of a potentially significant environmental consideration. (*California Clean Energy Committee v. City of Woodland* (2014), 225 Cal.App.4th 173, 213.)

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P. 4.2-18 "IM LU-2A Title 17 of the Calaveras County Code – Update the Zoning Ordinance, Title 17 for consistency with the General Plan." What portions of the County Code are not consistent with the new General Plan, and will have to be amended to become consistent? What agricultural, forest or mineral related impacts may result while development continues under the obsolete code? Are there ways to mitigate these impacts by restricting certain developments pending the update of the code, or by identifying interim standards in the general plan that will apply to such development pending the code update?

11-57

Amendment of Title 17 to make it consistent with the General Plan is not specific enough an implementation to qualify as a mitigation measure. In the Final EIR, explain what specific aspects of Title 17 will be amended to reduce conversion impacts on agricultural, forest, and mineral lands. Title 17 could just as well be amended to increase conversion of these lands, consistent with the property rights objectives of the General Plan.

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P. 4.2-18 "Policy RP 1.1 Limit the intrusion and encroachment of incompatible uses that may affect Resource Production Lands. (IM RP-1A, RP-1B, RP-1C, RP-1D and RP-1E)

"Policy RP 1.2 Require newly created or lot line adjusted parcels adjoining Resource Production Lands be of adequate size and compatibly zoned to minimize potential conflict between the uses or potential uses on Resource Production Lands. (IM RP-1A, RP-1B, RP-1D and RP-1E)"

11-58

What are the compatible uses adjacent to Resource Production Lands, and what are the incompatible uses? Unless these are defined, the decision makers and the public cannot determine the effectiveness of these policies in reducing impacts, and the need to improve their effectiveness. A general plan is expected to be clear and not vague.

What is the appropriate size of lots for incompatible uses adjacent to Resource Production Lands? Unless investors know, they cannot properly participate in the market. Unless decision makers and the public know, they cannot be sure that the policy will be effective, or whether it needs clarification. A general plan is expected to have such standards, and there is nothing that prevents their use. (Gov. Code, sec.65302.)

P. 4.2-19 "Policy RP 1.3 Buffer resource production lands through setbacks or other measures to prevent non-compatible uses from impacting resource production uses. (IM RP-1A, RP-1B, RP-1D and RP-1E)"

11-59

What are appropriate setbacks to prevent impact to resource production areas? What other measures would be used to prevent impact from incompatible uses? Please include these in the Final EIR.

P. 4.2-19 "Policy RP 1.7 Provide for the protection of resource production operations and activities and their economic viability. (IP RP-1A, RP-1B, RP-1D and RP-1E)"

This is too vague. Please include specific actions to be taken for the protection of resource production operations in the Final EIR.

P. 4.2-19 "Goal RP- 2 Long term viability and economic productivity of agricultural lands and resources within the County recognizing their economic, aesthetic, cultural, and other values."

4.2-8

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With approximately 7,500 acres of farmland and 3,000 acres of rangeland dropping out of production per year between 2004 and 2012 (as noted in the Background Volume of the December 2014 Draft General Plan), it would be appropriate to recognize the need to stop the bleeding of agricultural lands when declaring the long-term viability and economic productivity of agricultural lands as a goal.

P. 4.2-19 "Policy RP 2.7 Solar energy installations shall be compatible with agricultural activities and such facilities shall not be located on prime agricultural land and shall not reduce the production of the primary agricultural product(s). (IM RP-2A)"

Is one solar panel running a pump a solar energy installation? Please provide a clear definition of "solar energy installations" in the Final EIR.

P. 4.2-26 "Policy RP 3.1 Continue supporting landowner participation in the CalFire Forest Legacy Program, USDA Forest Legacy Program, the California Forest Improvement Program, and other long term forest conservation programs. (IM RP-3A)"

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Please include how landowner participation in these forest conservation programs is supported in the Final EIR.

P. 4.2-26 "Policy RP 3.3 Recognize and encourage the well-managed use of timber resources for multiple beneficial purposes. (IM RP-1A)"

This policy is too vague. Please include specifics on how the well-managed use of timber resources will be recognized and encouraged in the Final EIR.

11-62

P.4.2-22 "Mitigation Measure(s)

"Feasible mitigation measures do not exist beyond the goals and policies included in the Draft General Plan. Therefore, the impact would remain significant and unavoidable."

The Calaveras Planning Coalition provided comments on the 2014 Draft General Plan. Those comments recommended including the Calaveras Ag. Coalition's agricultural and forest land conversion guidelines, mitigation guidelines, and interim setback standards in the General Plan.

4.2-9

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Section 4.2 Agriculture

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(CPC, Comments on the Calaveras County 2014 Draft General Plan, March 20, 2015, p. RPEC-5.)

The CPC also submitted scoping comments. Those scoping comments identified agricultural land conservation tools and listed other jurisdictions that are using them. These tools are feasible means to mitigate the potential impacts of agricultural land conversion. (CPC, Scoping Comments in Response to the NOP for the General Plan Update DEIR, 2/16/17, pp. 2.1-11 to 2.1-15.)

Attached to those comments we provided agricultural policies and elements from El Dorado, Monterey, Mariposa, Marin, Napa, Placer, Sacramento, Stanislaus, and Yolo Counties; and a summary of their use of mitigation ratios, minimum parcel sizes, specific setbacks, agricultural land conversion limitations, and conservation easement funding opportunities.

If you persist in rejecting these common place mitigation measures, please provide substantial evidence in the Final EIR demonstrating that they are infeasible. (*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]; *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238-241 [Agricultural land conservation easements are legally feasible mitigation measures for the conversion of agricultural land to other developed uses].) It is unbelievable that the DEIR dismisses all of these proven mitigation options with a one-sentence bald assertion that they are all infeasible. (*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].)

As we said in our scoping comments, we strongly encourage the County to gather proponents and opponents of the Agricultural Element to work out goals, policies and implementation measures that all can support.

4.2-10