



CALAVERAS COUNTY PLANNING DEPARTMENT  
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**Planning Commission Staff Report**

<b>Hearing Date</b>	May 22, 2019
<b>Project Number/Name</b>	General Plan Final EIR and Adoption Hearing
<b>Supervisorial District Number</b>	County-wide
<b>Assessor's Parcel Number(s)</b>	N/A
<b>Planner</b>	Peter N. Maurer, Planning Director

**Date:** May 6, 2019

**PROJECT DESCRIPTION:** Certification of the Environmental Impact Report and adoption of the Calaveras County General Plan

**PROJECT LOCATION:** The General Plan applies to all unincorporated area of Calaveras County

**ANALYSIS:**

Background

Every county and city in the state of California is required to have a general plan. It is the principal land use planning document and is intended to be the basis for policy and land use decisions by County staff, the Planning Commission and the Board of Supervisors. The current general plan was adopted in 1996 and subsequently amended through policy changes, land use designation changes, and regular updates to the Housing Element. In 2006 the Board of Supervisors decided to undergo a comprehensive re-write of the plan.

State law mandates that the general plan contain a statement of development policies, and diagrams and text setting forth objectives, principles, standards and plan proposals. It must address, at a minimum, land use, circulation, housing, open space, conservation, noise, safety, and environmental justice. A county may add additional sections, referred to as "elements", and may combine elements as deemed appropriate by the local jurisdiction. The draft Calaveras County General Plan contains eight elements: Land Use, Circulation, Resource Production, Conservation and Open Space, Noise, Safety, Public Facilities and Services, and Community Planning. Environmental Justice is discussed in the Land Use element.

The County has worked on this update for more than a dozen years. It has gone through several consultants, numerous staff and department head changes, and changes to the makeup of the Board and Planning Commission. These changes have resulted in shifting policy objectives. Whether or not the final plan is consistent with prior policy direction is immaterial to the decision before the Commission today. This being said, significant

changes to the plan that create new or increased environmental impacts could result in additional CEQA analysis, which would involve more expense and delay.

In 2014 a Public Review Draft General Plan was made available for public and agency review and comment. Workshops were held in several communities throughout the county to provide information regarding the draft plan and to solicit public comments. Revisions were made based on those comments, and the revised plan was submitted to the Planning Commission for its review. Hearings were held over a period of 15 months in 2015 and 2016. The Commission revised the plan as a result of those hearings and forwarded a recommended draft plan to the Board of Supervisors. The Board accepted this draft as the “project description” for the preparation of the draft environmental impact report (EIR).

### Environmental Impact Report

Adoption of a general plan is a “project” under the California Environmental Quality Act (CEQA) thus requiring the analysis of potential environmental effects of the project. This analysis is contained in the EIR. First, a Notice of Preparation (NOP) was released in order to notify the public that the County intended to prepare an EIR, requesting comments from the public and public agencies regarding issues that should be addressed in the EIR. Once the time period for the NOP ended, the County, working with its consultant, Raney Planning and Management, analyzed the potential impacts and identified if those impacts were significant, which impacts could be avoided or minimized through the adoption of mitigation measures, and which would remain significant even after mitigation measures were applied. This analysis was included in the Draft EIR (DEIR), which was circulated for public comment between June 28, 2018 and August 13, 2018.

In addition to an analysis of significant impacts and identification of mitigation measures, an EIR must also look at alternatives to the project that could reduce impacts, as well as comparing the proposed project to doing nothing, i.e. the “no project” alternative. CEQA requires that the EIR review a reasonable range of project alternatives, a comparative analysis of the alternatives, and identification of environmentally superior alternative. Besides the “no project” alternative, the EIR considered two others, labeled the “DOF Projections Alternative”, and a “Rural Character Protection Alternative.”

The DOF projection alternative limited the amount of residential growth that would be allowed under the general plan to the approximately 9,000 new residents in the unincorporated area by 2035 that the State Department of Finance projected for the county in 2015. (Note that in 2019 the projections are for only 3,000 residents by 2040.) No land use map was created to identify where the reductions in density would be made, but a generalized analysis of the impacts of a lower potential population growth was done. The rural character alternative kept the amount of growth the same as proposed in the project description (the draft general plan recommended by the Planning Commission in 2016) but concentrated growth in the community areas, reducing lands designated as Rural Transition as a means to redirect growth away from the rural areas. As with the DOF projections alternative, an actual land use map was not prepared to reflect this alternative, but it was analyzed at a conceptual level comparing potential impacts against the project description. The DEIR found that the DOF projection analysis would be environmentally

superior to the other alternatives. The alternatives are discussed in Chapter 6 of the DEIR.

One of the difficulties that the County has in implementing either of the alternatives is the existing land use pattern. Many five- to ten-acre lots exist in the county that were created many years ago, and the creation of those lots cannot be undone. While it may be possible to reduce some densities in the rural areas, most of the Rural Transition areas are so designated because the lots already exist. It is unlikely that a significant decrease in the potential number of parcels would materialize as a result of such a change because they already exist.

Similarly, the DOF projection alternative relies on reductions in density in the rural areas that would be difficult to achieve, again due to the existing lot patterns in the county. Reductions would have to occur in the community areas to realize a much lower growth potential, which would likely conflict with the objectives of the plan such as providing economic growth, cost-effective provision of public services, and maintaining transportation connectivity. Accepting or rejecting an alternative will be discussed in the decision-making process, below.

Upon completion of the public comment period for the DEIR, the County and its consultants began the preparation of the Final EIR (FEIR). The FEIR consists of written responses to the comments, changes made to the DEIR as a result of comments, including recommended changes to the general plan, and a mitigation monitoring and reporting program. The bulk of the FEIR consists of the responses to comments and was made available to the public and posted on the Planning Department's website in early April.

Prior to adoption of the general plan, the County must certify that the EIR was completed in compliance with CEQA, that the EIR was reviewed and considered by the decision-making body, and that the EIR represents the independent judgement and analysis of the County. The courts have incorporated the "rule of reason" standard in reviewing the adequacy of EIRs and whether the lead agency has complied with CEQA requirements. The courts do not hold an agency to a standard of absolute perfection; they look to whether the EIR shows that an agency has made an objective, good-faith effort at full disclosure. Disagreement among experts regarding the conclusions reached in the EIR is acceptable and exhaustive treatment of issues is not required. Minor technical defects in an EIR are also not fatal. The scope of judicial review extends to the EIR's sufficiency as an informational document for the decision makers and the public.

The EIR, therefore, is not intended to dictate what the final decision on the general plan should be. It is intended to be informative, ensuring that the public and the decision making body have been apprised of the environmental effects of the general plan, how they can be minimized, and identifying alternatives to the general plan that could lessen the impacts. The DEIR identifies a number of impacts, and a determination was made whether an impact is less-than-significant, can become less-than-significant with the application of mitigation, or would be significant and unavoidable, with or without mitigation measures being applied.

In the case of a general plan, the project is considered self-mitigating, in that the mitigation measures are incorporated into the plan document itself in the form of revised or new policies or implementation measures. With that in mind, where mitigation measures were found to be feasible, the DEIR recommended that modification of the plan policies be made to include those changes. Because this is a programmatic EIR, covering a range of future potential projects that might occur under the general plan in the future, many of the mitigation measures identify actions that will need to occur in the future, based on the specific projects that may be proposed. It is not meaningfully possible at this time to identify every future project that could be proposed, nor the specific impacts that could occur. Therefore, the measures identify things the County or an applicant will need to do in the future to minimize or avoid the impacts if and when the development activity is approved. Although generally, such as with project EIRs, deferred mitigation is not acceptable, the courts have ruled that it is acceptable to defer mitigation where there is a commitment to mitigate in the future by the agency, identify the future condition that is desired from the mitigation, and identify feasible mitigation options in the EIR.

The Planning Commission's responsibility with regard to the CEQA analysis is to make a recommendation to the Board of Supervisors as to the adequacy of the analysis and the feasibility of identified measures. Where feasible, the measures should be adopted and incorporated into the plan. But where the measure would fundamentally change the policy objectives of the plan, the County may find that the impact is significant and unavoidable. Opinions on these questions may differ, especially between technical experts. What the Commission must determine is if the EIR provides sufficient information and analysis of the potential impacts of the proposed general plan for it to make an informed recommendation to the Board of Supervisors.

There may be calls for recirculation of the EIR based on new information. Recirculation is required if "significant new information" is added to the EIR after the close of public comments on the DEIR. Under the CEQA Guidelines, recirculation is required when new information identifies a significant new environmental impact, a substantial increase in the severity of an impact, a feasible alternative or mitigation measure, considerably different from others previously analyzed that would lessen the impacts but were not adopted, or that the DEIR was so fundamentally inadequate or conclusory in nature that meaningful public review and comment were precluded. Staff does not believe that any of these circumstances exist, and do not recommend that recirculation is required.

Chapter 3 of the FEIR identifies all of the changes to the DEIR resulting from comments. In some cases this is clarification of the text but primarily they are mitigation measures in the form of new or revised policies. If the County finds that there are impacts that are unmitigated, it must articulate the reasons that the project (in this case adoption of the general plan) should be approved despite those impacts. Findings of fact must be prepared for each environmental impact identified in the EIR. These will ultimately be prepared, based on the Board's direction, to support the Board's action. However, if the Commission recommends that a mitigation measure not be included, or an alternative rejected, it should identify the reasons for that rejection, providing the evidence that is in the record to support the County's decision. There must be evidence in the record supporting

that decision. Reasons could be that there are other County interests, such as economic development or providing housing, that override the need to protect the environment, or that the measure would conflict with the stated objectives of the plan. Staff does not intend to prepare an exhaustive findings document associated with the Planning Commission's recommendation, but will defer this until after the Board has given its direction. For this general plan EIR, the County must make one or more of the following findings:

- Changes in the project have been made, including adoption of mitigation measures, to avoid or substantially reduce the impact.
- Specific economic, social, legal, technical, or other considerations make mitigation or alternatives infeasible.

If the County adopts a General Plan update that will result in significant and unavoidable impacts after the adoption of all feasible mitigation measures and alternatives, the County must also adopt a statement of overriding considerations.

### General Plan Changes

As noted above, the EIR identified a number of mitigation measures in the form of new or revised general plan policies and implementation measures. In the FEIR these are listed in the order of the discussion in the EIR, which is by impact area. They have been reorganized by general plan element instead, which are provided in Attachment 1, and are incorporated into a revised recommended draft General Plan. The comment letters to the DEIR suggested additional changes that were not mitigation measures. Where such changes were acceptable, these have also been incorporated as changes to the draft general plan. They are not included in the FEIR but are provided in Attachment 2 and incorporated into the revised draft general plan. The underlining and strikeout of the text indicate the changes between the Board of Supervisors' accepted "Project Description Draft General Plan" and the recommended version resulting from the EIR and other edits. In some cases the numbering and format of the policies and implementation measures in the EIR were inconsistent with the numbers in the draft general plan, so the numbering and format of the revised policies have been corrected in the revised draft plan. In addition, references between policies and implementation measures have been added that were not included in the mitigation measures. In two instances, recommended mitigation in the form of policies were changed to implementation measures under the Air Quality section of the Conservation and Open Space Element. They were still included in the revised draft general plan but fit more appropriately as part of the implementation program.

In addition to changes to the general plan recommended through the EIR process, there have been changes in circumstances and in state law that also necessitate changes to the draft plan released in 2017. One set of changes is to the land use map. These are identified and discussed in Attachment 3 and are a result of decisions by the County on zoning amendment applications, lot line adjustments, Williamson Act contracts, and revisiting a two areas based on existing land uses. None of the recommended changes would increase density or the intensity of uses and therefore would not increase any of the potential environmental impacts identified in the EIR.

Additional recommended changes to the draft General Plan are included in the Land Use and Public Facilities and Services Elements, dealing with changes in population projections

and the incorporation of a discussion of environmental justice. Section 65302(h) was added to the Government Code by statute in 2018 (SB1000), adding a requirement that the County consider environmental justice when amending its general plan. These provisions are intended to address health risks in disadvantaged communities, such as high concentrations of industrial uses in communities of low income. A tool developed by the State provides the ability to look at a variety of health factors by census tract and determine if these areas result in injustices toward the poor. The census data for the County demonstrated that there are no disadvantaged communities, as defined in SB 1000, in the county; however, there are several factors that affect our communities. These are discussed in the proposed revisions to the discussion in the element. A key finding is a lack of access to health care, and an additional policy and implementation measure has been added to address this concern.

The revisions to the Land Use Element are changes to the population projections provided by the California Department of Finance from 2015 to today. The estimates for growth in the county have been reduced significantly. Where previously the estimate was for approximately 9000 new residents in the unincorporated area of the county by 2035, the new estimates are for only 3100 by 2040. These new numbers have been reflected in the revisions to this element. Finally, minor grammatical or clarifying edits have been made to the project description draft in various elements. All of the edits are shown in underline and strike-through format and is posted on line at <http://planning.calaverasgov.us/GP-Update>. Hard copies have been provided separately to the Commission.

#### Public Hearing Procedure

State law requires that the Planning Commission hold at least one public hearing before making a recommendation to the Board of Supervisors on adopting or amending a general plan. Staff recommends that the Commission begin with a general discussion of the overall adequacy of the EIR. Following that, the Commission should work through each of the elements addressing the recommended mitigation measures and other edits. This hearing is expected to take several days, and it is not possible to know exactly what days certain elements will be heard, due to the unknown length of time that the Commission may discuss, and how much public input will be provided on each element. At the close of the day's deliberation, the Commission should continue the hearing to the next scheduled day with the understanding that it will pick up where it left off from the previous day. The following days have been reserved for the general plan hearings:

- Wednesday, May 22
- Thursday, May 23
- Wednesday, May 29 (Evening meeting)
- Thursday, May 30
- Thursday, June 6
- Friday, June 7

If the Planning Commission needs more time to continue the hearing, additional days will be scheduled.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission adopt a resolution forwarding a

recommendation to the Board of Supervisors to certify the environmental impact report and adopt the Calaveras County General Plan.

**ATTACHMENTS:**

- Attachment 1    General plan policy and implementation measure changes resulting from Mitigation Measures (organized by general plan element)
- Attachment 2    Other general plan policy and implementation measure changes
- Attachment 3    Land Use Map changes

## **Attachment 1**

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# **Policy and Implementation Measure Changes from Mitigation Measures**



## **Land Use Element**

**Policy LU 5.10** Encourage the development of businesses that rely on environmentally sustainable products and services, such as renewable energy, green building, water conservation and waste management and recycling.

**IM LU-4A** **Community Design Guidelines**

Adopt community design guidelines or standards for communities identified by the Board of Supervisors, applicable to both ministerial and discretionary projects, which reflect the character of the individual community, including historic design standards for communities with concentrations of historic buildings, and without establishing a design review committee. Design guidelines or standards shall be implemented only after approval by the Board of Supervisors.

**IM LU-5A** **Adopt a Telecommunications Facilities Ordinance**

Adopt a telecommunications facilities ordinance consistent with the requirements of the Telecommunications Act of 1996 and including provisions for undergrounding, co-locating, and stealth or other creative design methods to minimize the visual impact of these facilities. The ordinance should facilitate the expansion of broadband internet service throughout the county. Furthermore, the ordinance shall require that all new telecommunications facilities, including emergency communications facilities, be masked or otherwise disguised, in order to ensure that the facilities blend with the surrounding natural environment where such masking will reduce visual impacts.

## **Circulation Element**

**Policy C 2.2** Road impacts created by new development shall not reduce the minimum level of service (LOS) below D for roadways and intersections in Community Areas (as indicated on the General Plan Land Use Diagram – Figure LU-1) and in the City of Angels Camp or below LOS C on County-maintained roadways outside of Community Areas and the City of Angels Camp. The County shall allow for the following exceptions on County-maintained roadways and on Caltrans- maintained roadways, except as specified below, assuming that roadway safety is addressed consistent with Policy CIR 2.1.

- SR 26 from the San Joaquin County line to Silver Rapids Road – LOS D is acceptable to the County.
- SR 4 from Vallecito Road to Kurt Drive – LOS D is acceptable to the County.
- SR 4 from Lakemont Drive to Henry Drive – LOS D is acceptable to the County.
- SR 4 from Henry Drive to Sierra Parkway – LOS D is acceptable to the County.
- SR 12 from SR 26 to SR 49 – LOS D is acceptable to the County.
- SR 49 from Pool Station Road to Gold Oak Road – LOS D is acceptable to the County.
- SR 49 from Gold Oak Road to Mountain Ranch Road – LOS D is acceptable to the County.

- SR 49 from Dog Town Road to SR 4 (W) – LOS D is acceptable to the County.
- SR 49 from SR 4 (W) to Murphy’s Grade Road – LOS D is acceptable to the County.
- SR 49 from Stanislaus Avenue to Mark Twain Road – LOS D is acceptable to the County.
- SR 49 from Mark Twain Road to Bret Harte Road – LOS D is acceptable to the County.
- SR 49 from Bret Harte Road to SR 4 (S) Vallecito Road – LOS D is acceptable to the County.
- SR 49 from SR 4 (S) Vallecito Road the southern City of Angels limits to Tuolumne County Line – LOS D is acceptable to the County.

Additional exceptions to this policy may be allowed by the Board of Supervisors on a case-by-case basis, for roadways outside of the City of Angels Camp, where reducing the level of service would result in a clear public benefit in furtherance of public health, safety, and welfare. Exceptions to the LOS standards may include, but are not limited to, the following circumstances:

- Improvements necessary to achieve the LOS standard result in significant impacts to a unique historical resource;
- Improvements necessary to achieve the LOS standard result in impacts to a sensitive environmental area; or
- Improvements necessary to achieve the LOS standard would prohibit or significantly impair the County’s implementation of bicycle and pedestrian facilities or adversely impact areas of historic significance. (IM C-2A and C-2B).

**Resource Production Element**

**IM RP-1A County Code Amendments**

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.
- Establish minimum parcel size standards for new lots to be created adjacent to Resource Production Lands.
- Incorporate guidelines for residential development on Resource Production Lands.
- Expand the types of agricultural tourism and other compatible non-traditional activities allowed on Resource Production Lands to enhance their economic viability.
- Require a 300 foot to 500 foot buffer (on lands within the development area) from the boundary of an adjacent agricultural use. If such a buffer is deemed infeasible by the County, require a combination of a lesser buffer, tall fencing, and tree plantings along the boundary to limit adverse effects related to noise, dust, trespass, and pesticide/herbicide overspray. Such a proposal must be

supported by the Agriculture Advisory Committee, County Agricultural Commissioner, or other recognized authority.

**IM RP-1E Mitigation for Agricultural Land Conversions**

Establish mitigation alternatives for the conversion of resource production land to nonresource production uses. In addition, the County shall establish mitigation program guidelines for conversion of agricultural lands, regardless of General Plan land use designations. The mitigation program guidelines shall provide for mitigation of agricultural land conversion at a 1:1 ratio, either by direct acquisition of a conservation easement or an alternative method of mitigation, including, but not limited to, purchase of banked mitigation credits. For the purpose of mitigation, "agricultural land" shall be defined as follows:

- If the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) has published official mapping data for Calaveras County, 1:1 mitigation shall be provided for Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as defined by the U.S. Department of Agriculture (USDA) land inventory and monitoring criteria, as modified for California.
- Consistent with Public Resource Code Section 21060.1(b), in areas of the County where FMMP official mapping data is not available, 1:1 mitigation shall be provided for land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

In the interim, the County will utilize the Calaveras County Agricultural Coalition Resource Production Lands Mitigation Program Guidelines, prepared November 8, 2011 (Appendix B).

**Conservation and Open Space Element**

Policy COS 3.2 ~~Avoid impacts to special-status and sensitive biological resources to the extent practicable and, where avoidance is impracticable, mitigate impacts consistent with state and federal policies. To the extent practicable a~~ Avoid impacts to habitats that are known to support state or federally listed species. Where impacts cannot be avoided, mitigate impacts in accordance with resource agency (CDFW and/or USFWS) protocols/policies for the listed species.

For project sites that support suitable breeding or dispersal habitats for listed species, in the absence of focused surveys proving absence, mitigation is warranted. For applicants that choose not to mitigate or compensate for impacts to such habitat based on the assumption that the habitat is suitable breeding or dispersal habitats for listed species, the County shall require project specific site surveys conducted per resource agency guidance for the FESA/CESA species in question by a permitted biologist. If such surveys are conducted with applicable resource agency concurrence and do not produce detections, then mitigation requirements may be diminished or not be required by the County.

When appropriate, mitigation for impacts to CESA/FESA listed species and/or their habitats may be accomplished via CDFW and/or USFWS approval for the applicant to purchase species compensation credits from an agency-approved

conservation bank. For mitigation that includes avoidance on project sites or that provides offsite mitigation land preservation that will be protected in a conservation easement, a qualified biologist shall be required to develop a long-term maintenance and management plan, and a Property Analysis Record (PAR) or PAR-Like Endowment Spreadsheet Analyses for any onsite species avoidance area, and/or for either on or offsite mitigation preserves established to compensate for a project's effects on CESA/FESA listed species.

Policy COS 3.8 The County shall require development that is subject to a discretionary entitlement and subject to CEQA review to evaluate potential impacts to oak woodlands using the methodologies identified below and shall require avoidance, preservation, and/or mitigation for potentially significant and significant impacts. Measures that shall be implemented include:

- Enlist the services of a qualified biologist, botanist, Registered Professional Forester, or arborist to survey the property in question for oak woodlands;
- To assess impacts on properties with a development footprint smaller than 10 acres the oak trees shall be counted and their diameter at breast height (DBH) determined; the number of trees that will be impacted shall be determined. On properties greater than 10 acres the acreage of contiguous oak woodland (based upon canopy cover) shall be calculated and the acreage of impact shall be quantified. This may be completed by the qualified biologist, botanist, Registered Professional Forester, or arborist using a global positioning system (GPS) in the field, or in the lab working from current aerial photographs.
- The dripline/canopy of the oak woodlands that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive, protected, and must be avoided by project plans to the extent practicable.
- On properties less than five acres, mitigation requirements shall include that removed oak trees shall be replaced at a mitigation ratio determined at the discretion of the County Planning Department. This ratio will be based on the species of oak removed. For example, for oak species that are common in the county, such as interior live oak (*Quercus wislizenii*), mitigation ratios may be lower than for less common oak species such as blue oaks (*Quercus douglasii*), valley oak (*Quercus lobata*) or black oaks (*Quercus kelloggii*). Ratios shall vary from 1:1 to as high as 3:1 at the discretion of the County Planning Department staff, and mitigation tree sizes shall vary between 5-gallon pots to 15-gallon box trees, depending on the size of the trees removed/impacted.
- On properties between five and 10 acres, preservation requirements would include that a minimum of 20 percent of existing oak woodland canopy shall be preserved unless it is demonstrated to the County that such preservation would prevent

feasible development of a parcel. In addition, tree replacement mitigation shall be as prescribed above for properties that are less than five acres.

- On properties between five and 10 acres where on-site protection of 20 percent of existing oak woodland canopy is infeasible, and/or where tree replacement mitigation is infeasible, mitigation shall include one or more of the following measures: (1) A monetary contribution commensurate with the acreage of impacts to oak woodland shall be paid to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County; (2) a combination of on-site and off-site planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than five acres or above; or, (3) mitigation through oak woodland preservation at an acreage commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be completed for any site intended for protection of oak woodland to ensure adequate in-perpetuity management.
- On parcels greater than 10 acres, preservation requirements would include that a minimum of 30 percent of existing oak woodland canopy shall be preserved. In addition, mitigation shall include one or more of the following measures: (1) A monetary contribution commensurate with the acreage of impacts to oak woodland shall be paid to the State's Oak Woodlands Conservation Fund for the purpose of purchasing oak woodland conservation easements as close to the project site as possible, and if feasible, within Calaveras County;(2) a combination of onsite and offsite planting as close to the project site as possible, and if feasible, within Calaveras County at a tree replacement ratio as described for properties that are less than 5 acres above; or, (3) mitigation through oak woodland preservation at an acreage that is commensurate with the acreage of impacted oak woodland via recordation of a conservation easement that facilitates the perpetual protection of oak woodland. A management plan and Property Analysis Record (PAR), or PAR-Like Endowment Spreadsheet Analyses shall be completed for any site intended for protection of oak woodland to ensure adequate in-perpetuity management.

Policy COS 3.10 Where practicable, improve the ability of listed species and any native wildlife to safely cross highways and roadways to reduce human injuries and fatalities resulting from vehicle-animal collisions.

Policy COS 4.9 The County shall continue to implement emissions reductions programs such as the Carl Moyer Program, and find methods of incentivizing the replacement or retrofit of small emissions sources throughout the County, such as the replacement of existing wood stoves with EPA Phase II certified appliances.

and the installation of new replacement engines or technologies to reduce emission from off-road and on-road engines within the County.

Policy COS 4.10 Should proposed developments within the County be anticipated to result in significant impacts related to the emission of criteria air pollutants, the County shall require the applicable mitigation measures provided in the CCAPCD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

Policy COS 6.1 Work with the Calaveras County Parks & Recreation Committee, community organizations and special districts to develop park and active recreation facilities, striving to provide a minimum of 3 acres of local park land for every 1,000 County residents.

IM COS-4D **Oak Woodlands**

Develop a mitigation program in addition to the mitigation measures provided in the Oak Woodlands Preservation Act of 2014, ~~where the County determines a project will have a significant effect on oak woodlands,~~ to facilitate the environmental review process relative to mitigating significant direct and cumulative impacts to oak woodlands in conjunction with discretionary project approval and address pre-development removal of oaks.

IM COS-4I **Biological Impact Evaluation**

For development that is subject to a discretionary entitlement and subject to environmental review under the CEQA, the County shall require project applicants to enlist the services of a qualified biologist to evaluate a proposed project's impact on biological resources and determine what avoidance measures or mitigation measures are warranted to offset or mitigate these impacts unless the County determines the development project to be minor and without potential for a significant impact. The County shall adopt the feasible recommendations of a biologist.

IM COS-4J **Biological Impact Evaluation**

Development that is subject to a discretionary entitlement and subject to CEQA review shall be required to evaluate potential impacts to sensitive and significant communities using the methodologies identified below and shall require mitigation for potentially significant and significant impacts.

- Enlist the services of a qualified biologist or botanist to survey the property in question for sensitive and significant plant communities including riparian and lone chaparral;
- If any sensitive or significant plant community is identified on the proposed property, the qualified biologist or botanist shall map the dripline (canopy) and/or extent of the rare plant community using global positioning system (GPS) technology;
- The dripline/canopy and/or sensitive plant communities that are to be preserved shall be shown on all site development plans, grading plans, and/or engineering drawings so that all contractors are aware that this community is sensitive and as such, impacts must be minimized by project plans to the extent

possible. Riparian drip line impacts require additional scrutiny and may require additional permitting from the CDFW pursuant to Section 1602 of the Fish and Game Code.

- Mitigation for project impacts on the sensitive habitat can include onsite planting mitigation compensation, or offsite mitigation through preservation via recordation of a conservation easement that facilitates the perpetual protection of similar habitat types as those that are impacted, consistent with COS-3.6, as necessary to reduce impacts to a less-than-significant level.

#### IM COS-4K **Invasive Species Control**

Support efforts to eradicate invasive species and encourage practices that reduce their spread (IM COS-4G). This can be completed by:

- Require new developments to submit landscape plans that are comprised of mostly native California plant species and avoid landscaping with invasive plant species. Such plans would be subject to the review and approval of the County Planning Department.
- On properties proposed for development or redevelopment that have been identified by a qualified botanist to support those invasive plant species that are identified on the California Invasive Plant Council inventory as having a ranking of “high” invasiveness (or in the case of the plant, stinkwort, which has a “moderate” ranking), removal efforts should be undertaken. The best means to remove the invasive species (for example, hand-removal or the use of herbicides) would be determined on a property by property basis by the contracted botanist/qualified biologist/restoration ecologist.
- To the maximum extent practicable, mechanical means (hand, tools, vehicles, appropriate animals, such as the short-term use of domestic goats) shall be utilized to remove and control invasive weeds. If this is not possible, herbicides may be utilized. Use of herbicides must be undertaken by a licensed herbicide applicator.

#### IM COS-4L **Upland Habitat**

The County shall work with applicants to preserve or enhance upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). Habitat preservation and enhancement shall be encouraged throughout the County in a way that promotes regional connectivity of open space habitats. The County shall work with applicants to design development to be compatible with wildlife movement. Mitigation measures may include installing wildlife friendly fencing or lighting to minimize interference with wildlife movement. Creek corridors shall be preserved in undeveloped open spaces or under conservation easements as creek corridors provide linear wildlife corridors through the County. Similarly, if open spaces are to be preserved within developed areas, they shall have connectivity to/with other dedicated or undevelopable open space lands to the extent possible.

**IM COS-4M Riparian Corridors**

The County shall adopt an ordinance or resolution conserving riparian corridors. In the interim, lake, pond, river, and perennial stream corridor habitat shall be conserved through retention of undisturbed buffers with building setback and the requirement to avoid any barrier to wildlife movement along the water corridor. Within Community Areas as identified on the Land Use Map, new development shall ensure that buffers of a minimum width of 75' from the centerline of the stream or river are left undisturbed along stream corridors. Outside of Community Areas, buffers of a minimum width of 100' from lake or pond or from the centerline of the stream or river shall be left undisturbed. The width of the buffer may be reduced based on a recommendation from a qualified biologist that the reduced width will provide a comparable wildlife movement corridor.

**IM COS-4N Wildlife Corridor Road Crossings**

In areas of the County where a significant wildlife corridor has been identified (e.g., a deer migration corridor, a federally or state listed amphibian migration route), the County and other parties proposing improvements in areas identified by CDFW as significant migration corridors, shall prepare and submit any improvement plans that must be approved by the County showing properly sized and constructed wildlife passage culverts or other under or over crossing plans that will provide safe passageways over or under constructed, improved or modified roadways. In significant wildlife corridors areas, when possible, fencing will be used to direct animals to these under crossings or other roadway crossings. Safety signage may also be utilized to alert drivers to specific areas used by mule deer and other large wildlife for roadway crossings.

**IM COS-4O Bat Roosting**

Prior to the removal of potential bat roosting sites, a pre-project survey shall be conducted by a qualified biologist to determine which bat species are using the site. Should bat species be found present on-site, feasible mitigation shall be required, such as installing exclusionary devices at the instruction of a qualified biologist and/or construction of replacement roost structures, including bat houses, other structures, or crevices incorporated into bridge design. Replacement roost structures should be monitored to document bat use.

**IM COS-4P Wetlands**

Development with the potential to dredge or fill material into, or otherwise impact, wetlands or waters of the U.S. shall apply for appropriate permitting from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act. Where direct or indirect impacts such as grading, fill, or hydrologic disturbance may affect wetlands, aquatic impact minimization measures shall be applied to minimize any potential impacts, consistent with applicable U.S. Army Corps of Engineers requirements.



- IM COS-5B **GHG Baseline for Calaveras County**  
Undertake a greenhouse gas (GHG) emissions inventory to establish baseline levels of GHGs generated from all major emission sources in the County, including those in the City of Angels Camp, consistent with the requirements of Assembly Bill 32 (California Global Warming Solutions Act of 2006) and SB 32.
- IM COS-5C **GHG Reduction Plan**  
Develop a GHG reduction plan outlining the strategies, goals, and actions for contributing to the overall reduction in greenhouse gas (GHG) emissions consistent with AB 32 and SB 32. The GHG Reduction Plan shall incorporate measures from the *Model Policies for Greenhouse Gases in General Plans* document produced by the California Air Pollution Control Officers Association (2009), as applicable.
- IM COS-5G **Air Pollutant Evaluation**  
Evaluate proposed developments to determine whether they will emit criteria air pollutants, including greenhouse gasses, exceeding CCAPCD's standards.
- IM COS-7I **Parks and Recreation Funding**  
Pursue funding and support efforts to provide funding for local community parks, recreation facilities and trail facilities using available funding sources.
- IM COS-8A **Identify Native American Resource Sensitivity Areas**  
Update the County's Archaeological Sensitivity Map in cooperation with local Native American archaeology and history representatives ~~to assist planners in determining when cultural resource surveys shall be required in conjunction with the environmental review process.~~ The County shall consult the updated Archaeological Sensitivity Map, in addition to other existing cultural resources information (e.g. pre- 1950 USGS topographic quadrangle maps, official townsite maps, Sanborn Insurance Maps, GIS database) in conjunction with the environmental review process for all discretionary approvals to identify sensitive areas and resources. If such cultural resources information indicates that sensitive areas and/or resources are likely to occur within the subject area, site-specific cultural resources surveys and/or treatment plans shall be required, at the applicant's expense.
- IM COS-8G **Register of Historic Resources**  
~~Establish a County register of historic resources. Adopt a cultural resources management ordinance to include the following:~~  
  - Implement the Mills Act;
  - Establish a County register of historic resources;
  - Utilization of the California State Historical Building Code;
  - Require a cultural resource study prior to demolition of buildings 75 years of age or older; and
  - Establish criteria for curation of artifacts recovered during construction of private and public projects.

## **Public Facilities and Services Element**

- IM PF-4C      **Funding Law Enforcement and Emergency Services**  
Establish a development impact fee to fund capital costs and operations of law enforcement, fire protection, communications, and emergency services to serve new development and maintain existing levels of service.
- IM PF-4D      **Emergency Communications**  
Install facilities that create or enhance voice and data communications between law enforcement and emergency service providers and between emergency responders and the public. The County shall consider the environmental sensitivity as well as the efficacy of the sites chosen for installation of new emergency communications facilities. Whenever possible, sites that are less environmentally sensitive shall be selected for placement of new emergency communications facilities.

## **Attachment 2**

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### **Other Recommended Policy and Implementation Measure Changes**

## Proposed Revisions to Calaveras Draft General Plan Policies and Implementation Measures

- Policy LU 1.6 Changes to land use designations to support new higher density or intensity uses outside of Community Areas shall not be approved unless findings can be made that additional land is necessary to meet the housing or employment needs of the County.
- IM 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.
- Policy LU 3.6 Development shall adhere to the density, land use intensity, and water and sewage disposal standards set forth in Table LU-1.
- Policy LU 5.3 ~~Recognize~~ Conserve the county’s unique recreational, scenic, cultural, historic and agricultural resources as strong economic generators and encourage their retention and expansion. (IM LU-5D)
- Policy LU 6.3 Provide coordinated planning with the City of Angels Camp and within the City of Angels Camp Sphere of Influence and Area of Interest to coordinate the effective provision of infrastructure and services and promote regional planning goals.
- IM LU-6A Coordination with Angels Camp – Within the Sphere of Influence of the City of Angels Camp, any development proposals and entitlements shall first be referred to the City for possible annexation and development within the City.
- Policy COS 3.1 New development shall use site planning techniques, including buffers, and setbacks, and ~~encourage~~ clustering of development to protect sensitive biological resources. (IM COS-4B)
- Policy COS 5.3 Proposed new development shall ~~consider~~ include design features that enhance and compliment the scenic qualities of the natural resources of the site and the surrounding area in the design of the project. (IMs COS-6A and COS-6B)
- IM COS-6C Scenic Highway Protection (New) – Utilize the Ebbetts Pass National Scenic Byway 2013 Corridor Management Plan as guidance for review of development projects along the State Scenic Highway and National Scenic Byway.
- Policy RP 2.7 Solar energy installations shall be compatible with agricultural activities and ~~such~~ utility-scale facilities shall not be located on prime

agricultural land and shall not reduce the production of the primary agricultural product(s). (IM RP-2A)

IM S-3G Coordinated Fire Prevention and Response Planning Efforts. Continue to participate in and support coordinated fire prevention and response planning efforts. Improve interdepartmental communications to enhance coordinated fire emergency response and planning between the Calaveras County Sheriff's Office of Emergency Services, the County's multiple fire districts, CalFire, the U.S. Forest Service, Planning, Public Works, the Calaveras Council of Governments and other affected agencies. Keep apprised of recommendations contained in the CalFire, Tuolumne/Calaveras Unit Strategic Fire Plan and Calaveras County Community Wildfire Protection Plan. ~~Coordination efforts should include evaluations of~~ Evaluate proposed road improvements in the County's Circulation Element and Regional Transportation Plan that may improve emergency evacuation routes and identify new routes as needed. ~~Support may be in the form of hosting a Host~~ strategic planning sessions for emergency response personnel and planners. ~~Coordination may also be achieved in the form of sharing~~ Share GIS database layers and fire modeling data.

IM C-3A Park-and-Ride Facilities – ~~As funding allows,~~ ~~Designate~~ and implement appropriate "Park and Ride" facilities, and promote ridesharing programs.

IM C-2B Transportation Impact Study Guidelines – Develop and adopt transportation impact study (TIS) guidelines that ~~consider~~ include all modes of travel and define, at a minimum, the need for transportation impact studies, analysis methodology and CEQA significance criteria.

IM C-2D RIM and Benefit Basin Fee Update – Regularly update the Road Impact Mitigation, benefit basin, or other impact fee to keep up with inflation and otherwise adjust to changing construction costs and economic situations and correlate distributions with collections. Include in the impact fee calculations non-vehicular improvements such as pedestrian and bicycle facilities, park and ride lots and public transportation infrastructure.

Policy C 3.1 Maintain a ~~County~~ transit system in the county and strive to increase service efficiency, availability, and convenience for all residents,

employees, and visitors to the degree feasible with available resources.  
(IM C-3B)

Policy C 3.3 ~~Strive~~ Work with the transit provider to develop new attractive, well-maintained, and pedestrian-friendly bus stops, with benches and shelters where warranted, located in high-visibility and heavily used areas. (IM C-3C)

Policy PF 7.7 Work with health care providers to develop medical offices and clinics in communities throughout the county. (IM PF-7F)

PF-7F Medical Facilities - Coordinate with local health care providers to develop mobile clinics, satellite facilities, and other resources where practicable to serve communities throughout the county. Expedite processing of applications for new medical facilities in underserved communities.

## **Attachment 3**

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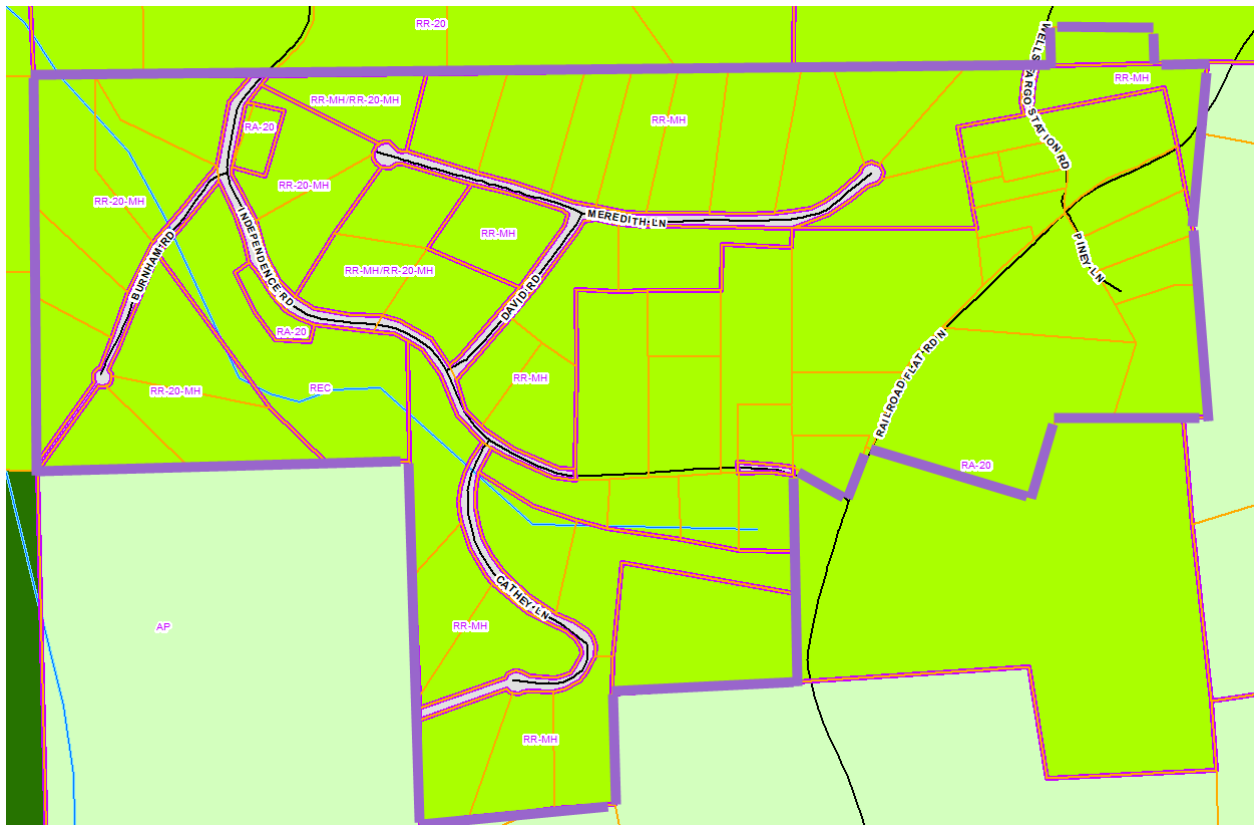
### **Land Use Map Changes**

## Recommended Changes to the Land Use Map

Since the review by the Planning Commission in 2016 of the land use map of the General Plan, situations have arisen where a closer look at some parcels or areas were necessary. The following is a discussion changes that are being recommended as a part of the final adoption. They are minor in nature, and do not create a significant change in the land use patterns or the environmental analysis contained in the Draft and Final EIR. The numbering corresponds to the map exhibits attached at the end of this document.

### 1. 65 Parcels in Book 14 – Lakewood Pines Subdivision and other adjacent parcels, Independence Road, Railroad Flat

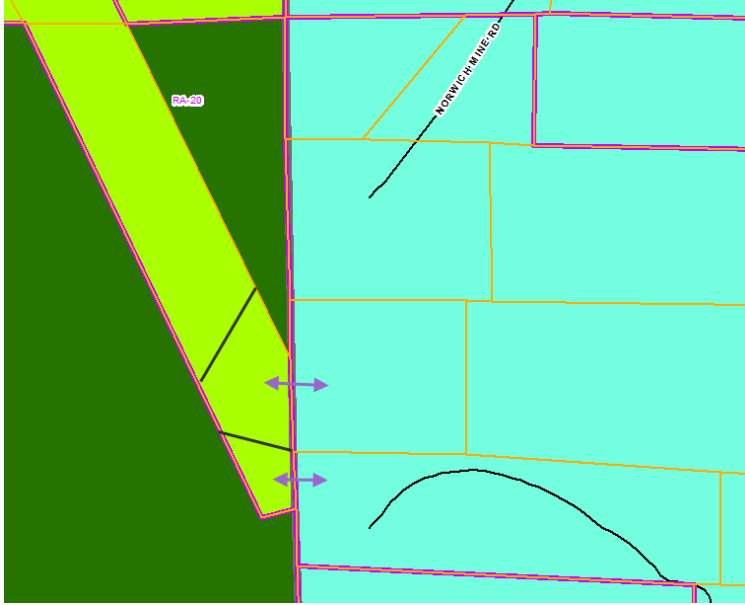
These parcels are predominantly two acres or smaller, with the largest being 7 acres. Most are zoned Rural Residential-Mobile Home. The draft land use map designates the area as Working Lands, a designation with a 20-acre minimum parcel size. These parcels should have a land use designation that more closely reflects their actual size and current zoning. Because the area is outside of a community area, the most appropriate designation would be Rural Transition-B. Because these parcels are already subdivided and could not be further subdivided under this land use designation, no environmental impacts would occur because of this map adjustment.





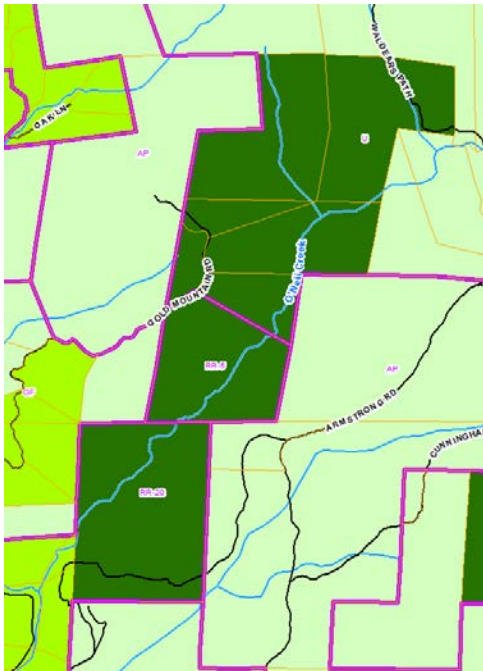
2. APNs 14-007-002, -006, and -003 – Norwich Mine Road, Glencoe

Land area was added to two parcels creating a split land use designation (LLA18-20, recorded in RS Bk 24, Pg 32. The map should be adjusted to reflect the current boundary lines changing a portion of what was previously 14-007-002, Working Lands to Rural Transition-B and including that area in the Glencoe Community Area.



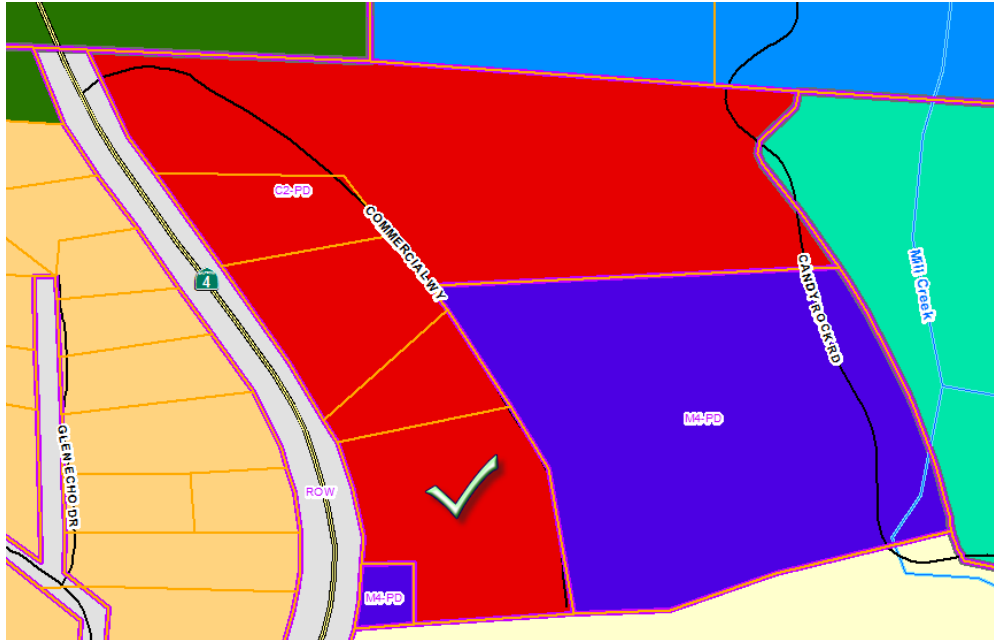
3. 21-015-042, -043, -044, -051, -077, -079, and -080 – Armstrong Road/Gold Mountain Road, Sheep Ranch

These seven parcels are shown on the draft land use map as Resource Management. This designation is for publicly owned land, such as BLM or USFS managed lands. These are privately owned parcels. The designation should be Resource Production.



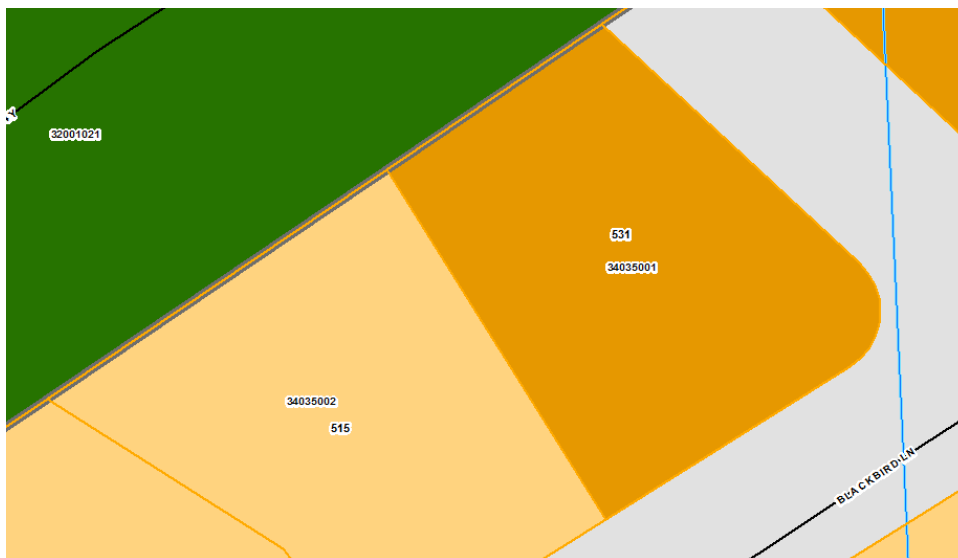
4. APN 30-010-058 – Commercial Way, Avery

This parcel was recently rezoned for C2-PD to M4-PD (Ord. 20180814o3099). The land use designation should remain Industrial as it currently is rather than be changed to Commercial as was proposed in the Draft General Plan. The Commission may wish to consider including the remaining four parcels served by Commercial Way to Industrial. This is consistent with the land uses on most of those lots and with the prior land use designation under the Avery-Hathaway Pines Community Plan.

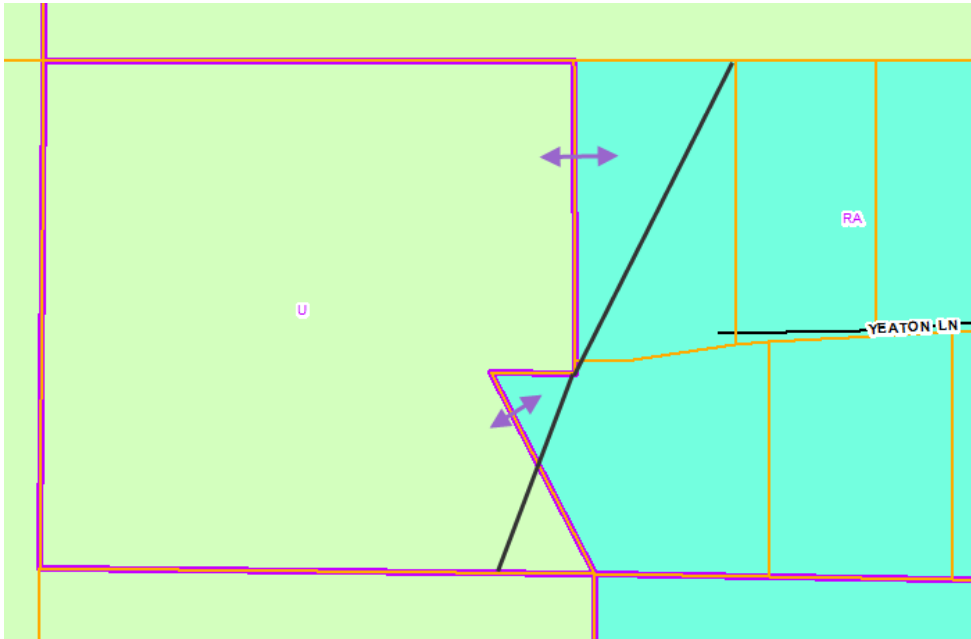


5. APN 34-035-001 – 531 Blackbird Lane, Avery

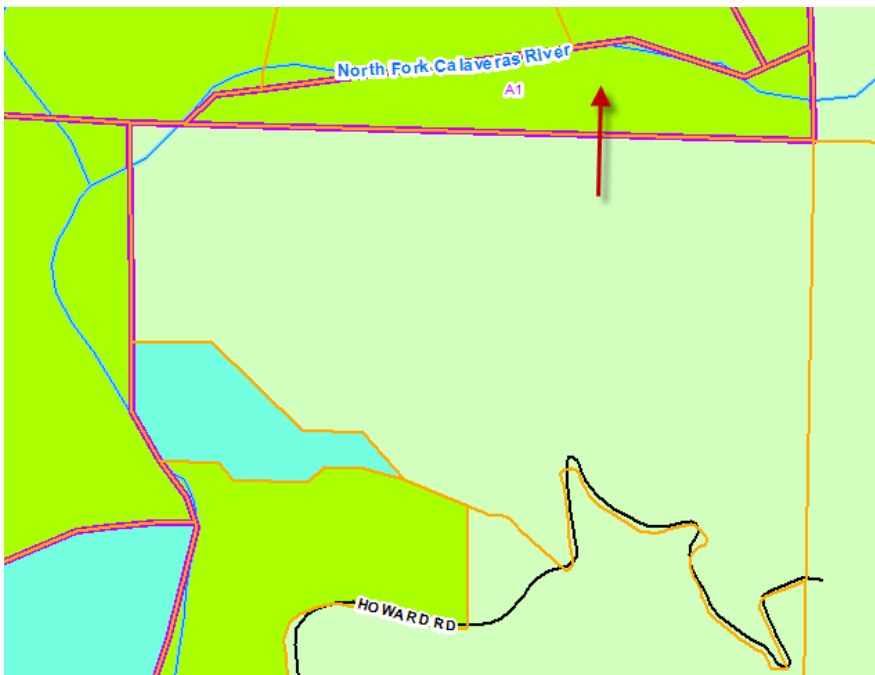
Owner proposes to merge this parcel, zoned R2 and designated Residential Medium Density with the adjacent parcel zoned R1 and designated Residential Low Density. His house is built across the property line. This parcel should be changed to RLD.



6. APNs 40-001-084, 40-029-001 and -007 – Yeaton Road, Double Springs  
Adjust land use designation to reflect new lot lines (LLA 17-05, recorded in PM Bk13, Pg 68) changing from Rural Transition-B to Resource Production.

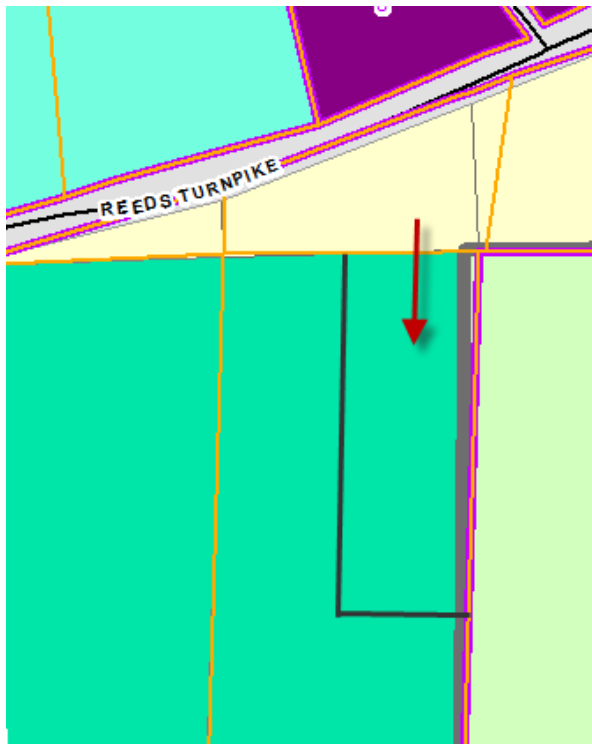


6. APN 40-080-074 – Howard Road, San Andreas  
This parcel was merged (LLA 2014-34, Recorded in PM Bk 12, Pg 201) with an adjacent parcel and should have the same land use designation. The larger portion of the parcel is designated Resource Production. The current zoning of the parcel is A1 which is consistent with the RP designation.

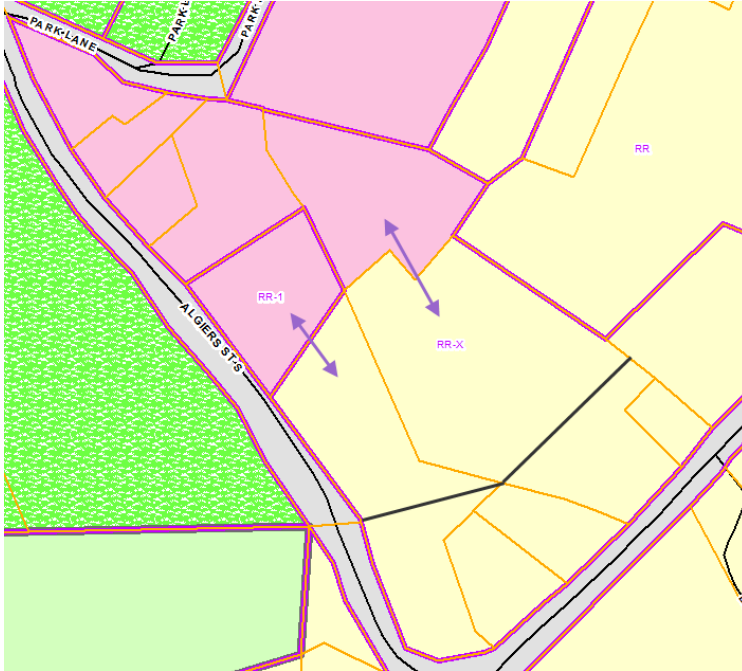


7. Sixteen Parcels in Book 54 – Oak Canyon Ranch Specific Plan, Copperopolis  
The Oak Canyon Ranch Specific Plan was rescinded and the property changed to Natural Resources Land-Agricultural Preserve in late 2018. It has also been entered into a Williamson Act contract. The appropriate land use designation is Resource Production. This is a decrease of 2275 single family dwellings, 1200 resort units (of which 400 could have been permanent residences), and 300,000 square feet of retail commercial space on approximately 3170 acres, a significant reduction in density and intensity of use and will reduce potential environmental impacts.

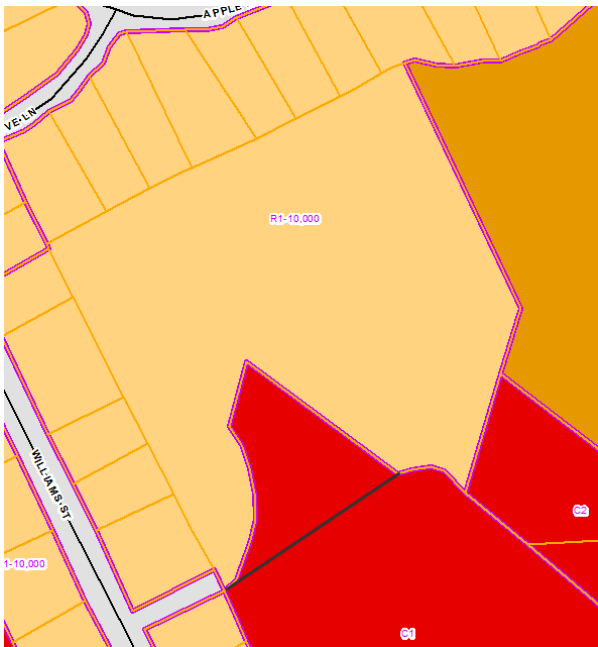
8. APNs 54-007-011 and 54-011-036 – 978 Reeds Turnpike, Copperopolis  
Lot line adjustment moved part of 011 to 036 (LLA16-04, recorded in PM Bk 13, Pg 24). Adjust land use designation for Rural Transition-A to Rural Residential to reflect the new lot line.



9. APNs 66-001-025 and 66-003-002– corner of Algiers Street and Scott Street, Murphys  
These parcels were involved in a lot line adjustment (LLA 17-31, recorded in PM Bk 13, Pg 61).  
The designation should be changed from Community Center to Rural Residential to reflect the  
current zoning. No change in potential density will result from this change.



10. APN 68-006-062 – 458 Williams Street, Murphys  
Lot Line adjustment changed the boundary (LLA17-27, recorded in RS Bk 24, Pg 18). Land use  
designation should be changed from Commercial to Residential Low Density to reflect the lot  
line change.



11. APN 68-010-111 – Bret Harte Lane, Murphys

This parcel is a developed multifamily project. It is designated Commercial but should be changed to Residential Medium Density to reflect the actual land use of the site.

