

Talking Points

For the Planning Commission's General Plan Hearing on 5/22/19

Regarding the Environmental Impact Report

(Please pick one or two of these for making a short speech to the Planning Commission. Your time will probably be limited to three minutes.)

- 1) In general, I find the new mitigation measure changes in Attachment 1 of the staff report to be greatly improved. For one, they reflect a commitment by the County to implement the mitigation. I'm glad to see that some of them include bright-line standards to help people design their projects to protect the environment. Thank you. Please listen carefully to those who during these hearings will offer yet other improvements, such as timelines, tracking data, monitoring, and reporting to make these measures even more effective.
- 2) A perhaps counter-intuitive effect of mitigation measures is that they actually support more people exercising their property rights. They do this by cutting the impact pie into smaller pieces, so that **more** development can occur before so many impacts accumulate as to reach thresholds that might stop development. The best mitigation prevents such unnecessary development impediments. Mitigation measures also support my property value by keeping my community and my home more desirable. So, if you care about property rights and property value, it makes sense to adopt the mitigation measures.
- 3) The same impact and mitigation issues raised in the general plan can and do come up eventually when the County is asked to consider discretionary approval of specific plans, subdivisions, and use permits. So, by mitigating the most significant environmental impacts of development at the general plan level, the County would facilitate prompt and lawful approvals of specific plans, subdivisions, and use permits in the future. Filling gaps in the County Code with standards that mitigate development impacts kills two birds with one stone: it facilitates project approvals, while also protecting health, safety, welfare, and the environment. So, if you care about streamlining economic development. Please adopt mitigation measures into the General Plan.
- 4) Please adopt the feasible mitigation measures proposed by the public as well as those proposed by staff. To date, there has been little attention given publicly to mitigation measures proposed by the public to reduce the 25 significant impacts of development under the General Plan Update. Out of respect for the constituents of the Supervisor who you advise and represent, either adopt each one or explain specifically why each one is not feasible. Beyond that, pages 4 and 5 of the staff report explain that this is your **obligation** under the law.
- 5) By law, all general plan amendments must be in the public interest. One example of a locally suggested mitigation measure and public interest policy the Draft Parks and Recreation Master Plan developed by the Calaveras County Parks and Recreation Commission. Completing and adopting this plan would mitigate recreation impacts. This would also be consistent with general plan law requirements to adopt an open-space element.

6) Other examples of locally suggested mitigation measures and public interest policies come from the existing community plans (that have been **eliminated** from the proposed General Plan Update). They contain many measures that have been mitigating impacts for years, and could continue to do so. The **proposed** community plans that were developed as part of the update process are similarly equipped. These address impacts associated with aesthetics, traffic circulation, water supply, fire safety, recreation, public services, energy conservation, streams, and wildlife. Because these measures also implement aspects of the proposed General Plan Update, they can be seamlessly included in the General Plan Update. They reflect the conservative public policy principle of *subsidiarity*: that local issues be addressed locally, regional issues addressed regionally, state issues addressed at the state government level, and national issues be addressed at the federal government level.

7) Another source of feasible measures to mitigate impacts and public interest policies are the **optional elements** that were developed during the General Plan Update process but will **not** be included in the proposed General Plan Update. These optional elements are the Water Element, the Energy Conservation Element, and the Economic Development Element.

8) Another source of mitigation measures and public interest policies is the 2012 Mintier General Plan that the County Planning Department has yet to release to the public,—or to the Planning Commission, or to the Board of Supervisors—for review. Please release this plan so that we all can make use of any feasible mitigation measures and public interest policies that it may contain.

The EIR claims that there are 25 significant and unavoidable impacts of the General Plan Update. Page 5 of the Staff Report further states that the County must make a finding that additional mitigation for these impacts is infeasible and that that finding must be based upon specific economic, social, legal, or technical considerations. In addition, the documents that are the basis of those findings must be available to the public as part of the administrative record. How can the Planning Commission recommend that the Board of Supervisors make such finding, if the Planning Commission has not even seen the impact mitigation proposals in the 2012 Mintier General Plan? How would the Board of Supervisors make a finding that additional mitigation measures are infeasible, if one of the documents that contains those mitigation measures remains locked up? As Planning Commissioners, you will not be doing your CEQA due diligence if you allow the Planning Department and its consultants to withhold from you potentially feasible impact mitigation measures, while that same Planning Department claims that there are 25 significant and unavoidable impacts of the General Plan Update.

9) A general plan is supposed to be solution oriented. So give us a plan equipped to solve our problems. This means adopting policies and implementation measures that are actually capable of addressing the issues we care about. Do not create a plan without teeth and then waste County time and money inventing excuses for your failure. This is an insult to your constituents. Whether your excuse meets legal standards and will pass judicial review is only one consideration. You should consider also the court of public opinion. I assure you I will not vote for a supervisor who delivered excuses when I asked for solutions. The people who vote for Supervisor will reject you if you reject us. We want solutions, not excuses. Solutions! Not excuses. Solutions. Not. Excuses. (Got it?)

10) The Planning Department has claimed that many impact mitigation measures are infeasible due to a lack of County revenue. This is a flawed argument. The State and Federal governments have multiple programs to fund the County's efforts to reduce the significant impacts identified in its General Plan EIR. Any County need only identify the level of funding required to develop specified programs and to meet specified levels of achievement by a specified time. Then that County would be well situated to apply for and receive funding from both the State and Federal governments. By participating in those programs, Calaveras County taxpayers can get back some of our state and federal tax dollars, and put them to good use in our communities.

11) In general, the additional policies and implementation measures in Attachment 2 of the Staff Report are welcome. Please keep your mind open to additional policies recommended by the public during these hearings, to promote the public interest. Some needed additions to the general plan are not merely to mitigate impacts, but are to make the county a nicer place to live, work, and visit. For 13 years of this general plan update process people have been proposing such policies. For 13 years, from various Planning Directors and consultants, we have heard the same thing: that the Planning Commission and the Board of Supervisors will have to discuss and decide policy such issues. Now is that time. Please reward these people for their hard work, good faith, and patience. Please do not ignore people now.

12) In America, we value competition. We delight in athletic competitions like football, basketball, and baseball. Our economic system is based upon competition among producers for the dollars of consumers. Our political system is based upon the competition of candidates for elected office. Our public discourse is based upon the free and open competition of ideas, as guaranteed by the First Amendment of our Constitution: the primary proclamation of our Bill of Rights. In California, even our environmental review is supposed to be a competition among project alternatives. Yet the General Plan Update EIR includes NO policy options in its comparison of alternatives. This is in part because the policies in the 2012 Mintier General Plan have never been released for consideration; not to the public, nor to the Planning Commission, nor to the Board of Supervisors. Please live up to the American principle that we benefit as a county, as a state, and as a nation from the free and open competition of ideas. Please release the 2012 Mintier General Plan so that we can all have a real general plan policy alternative to consider. Be not afraid! Be generous.