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Calaveras Planning Coalition files Case over General Plan Update

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For Immediate Release

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San Andreas. On December 9, the Calaveras Planning Coalition (CPC) filed a case in Calaveras County Superior Court that convincingly asserts the General Plan Update (GPU) is incomplete and in violation of planning law. The case also calls for the County to release the 2011 Mintier-Harnish draft General Plan, which, to date, the County has withheld from the taxpayers who paid for it.

In addition, the petition for writ of mandate also asserts that the County wrongfully refused to include in the plan feasible measures to mitigate the adverse impacts of new development on both the built and natural environments in order to protect the health and safety of the people of Calaveras County. In this regard, the suit provides substantial evidence of multiple violations of the California Environmental Quality Act (CEQA).

As the prayer for relief at the end of the petition explains, the CPC filed the case, “Because our dear friends, neighbors, and family members deserve to benefit from a future that includes lawfully planned economic development, lawfully prescribed resource conservation, and lawfully accessible public documents...”

The 145-page CPC petition includes a 20-page chronology of the general plan update process from 2006 to 2019 and a 22-page primer on the relevant law along with a lengthy and detailed explanation of each alleged violation. One of the major challenges facing the CPC in its endeavor to serve the public interest is the 13-year duration of the GPU and the attending lack of

consistent leadership and institutional memory. Since 2006, there have been 17 supervisors and seven planning directors. “It would not surprise me at all to learn that we have a more accurate chronological record of the GPU process than the County,” said CPC Facilitator Tom Infusino.

As the petition states, “What makes the GPU controversial is not so much what is in the plan but what is missing from the plan after 13 years of work.” The GPU is not lawfully comprehensive because it rescinded without replacement community plans for “Ebbetts Pass, Arnold, Avery/Hathaway Pines, Murphys/Douglas Flat, and Valley Springs.” The GPU is lacking specific objectives required for the long-term protection of agricultural lands and for the protection of communities from unreasonable risk of wildfires and floods.

The petition reveals that the GPU indefinitely defers critical planning for roads, water, sewer, and emergency services. This is shocking given that these services were identified consistently as key general plan issues by residents in public general plan workshops across the county and were acknowledged as such by the Board of Supervisors beginning in 2008.

In the suit, the CPC seeks release of the 2011 Mintier-Harnish draft General Plan “which was executed under a public contract exceeding \$900,000” so that “the people can remain informed about the people’s business.” Though the County maintains the draft plan has been revised beyond recognition, Mintier-Harnish has retained a copy of the draft in its original form.

Both the CPC and a local newspaper, the *Calaveras Enterprise*, sought release of the Mintier-Harnish draft plan after the County failed to renew the Mintier-Harnish contract in 2011. A February 2015 article in the *Enterprise* said, “The scrapped general plan that cost taxpayers nearly \$1 million will only see the light of day if someone files and wins a lawsuit against the county, according to a staff attorney for the California Newspaper Publishers Association.”

The Petition for Writ of Mandate; Complaint for Injunctive and Declaratory Relief Pursuant to General Plan Law, the California Public Records Act, and the California Environmental Quality Act can be viewed on the CPC website: www.calaverascap.com.