



P.O. Box 935, San Andreas, CA 95249 • (209) 772-1463 • www.calaverascap.com

***Protecting our rural environment by promoting citizen participation
in sustainable land use planning since 2006***

Another New Case Means Deeper Legal Jeopardy for the Calaveras County General Plan

March 18, 2022

For Immediate Release

Contact: Tom Infusino (209) 295-8866, tomi@volcano.net

San Andreas. A recent court decision against Placer County adds further support to the Calaveras Planning Coalition's 145-page legal case against the Calaveras County general plan. "We are pleased that the courts continue to protect the health, safety, and well-being of citizens by ensuring that local governments follow the law," said Community Action Project Co-Chair and founding Coalition member Joyce Techel. The Calaveras County Board of Supervisors held a closed door session to discuss the general plan litigation on Tuesday, March 15.

In *League to Save Lake Tahoe v. County of Placer*, our Third District Court of Appeal concluded that Placer County made two of the same legal mistakes that the Planning Coalition alleges Calaveras County made in adopting the 2019 General Plan Update (GPU): namely, that the California Environmental Quality Act (CEQA) is violated when environmental impact mitigation is deferred without clear performance standards, and when a finding rejecting mitigation measures is not supported by substantial evidence.

The CPC is a federation of regional and local organizations, community groups, and concerned individuals who promote public participation in land use and resource planning to ensure a healthy human, natural, and economic environment now and in the future. The County's lack of commitment to implement measures to reduce the adverse impacts of the General Plan was one of the reasons that, on December 9, 2019, the CPC filed a case to challenge the General Plan in Calaveras County Superior Court. The case has yet to be settled or heard in court.

“We get it that people are worn out with the never ending General Plan saga,” said Muriel Zeller, a member of the Community Action Project Governing Committee, which administers the CPC. “Nevertheless, the Planning Coalition will persist in holding our county government accountable. Many people don’t understand that citizens, people like us, are responsible for enforcing CEQA through litigation or the threat thereof. Suing the county is not what we wanted to do. We tried to work with the county for a dozen years. Ultimately, we believe that filing the lawsuit is what we had to do to protect and sustain our rural communities.”

In regard to violations of CEQA, the CPC complaint alleged that many of Calaveras County’s promises to reduce impacts at some unspecified time in the future did not include specific impact reduction targets for the County to achieve. Thus, any negligible level of impact reduction, including no impact reduction at all, would be consistent with the promise. In its decision on *League to Save Lake Tahoe*, the court ruled that Placer County’s promise to reduce impacts in the future was unlawful because it relied “on performance standards that do not exist and may never exist” and it “does not sufficiently commit the County” to mitigate the impact. The Fourth District Court of Appeal made a similar ruling on a case back in 2020.

The CPC complaint also alleged that the GPU indefinitely deferred taking action on key general plan issues that were identified by local residents in 2008. To date, the County has completed only a handful of the over 100 one-time implementation tasks to address these deferred issues. On Tuesday, February 15, Interim Planning Director Gina Kathan told the Board of Supervisors that she hopes to check off a block of 27 implementation tasks when the County completes the Zoning Ordinance Update later this year.

The remaining list of 76 incomplete tasks are supposed to address issues critical to the future health, safety, and prosperity of the residents of Calaveras County such as fire safety, law enforcement funding, water security, traffic and pedestrian safety, noise reduction, flood protection, and community design guidelines. The unfinished list also includes measures to address the conservation of cultural resources, scenic resources, wetlands, range and forest lands, and wildlife habitat. However, the Board of Supervisors has repeatedly refused to set deadlines, hire additional staff, or seek available state and federal funding to complete the remaining 76 general plan implementation measures.

CPC Facilitator Tom Infusino noted, “This list of 76 orphaned implementation measures leaves developers uncertain regarding the requirements for project approval. It leaves residents uncertain about the futures of their communities and the surrounding resource production lands. This uncertainty is bad for economic development, bad for local residents, and bad for the environment.”