

**CALAVERAS COUNTY  
GENERAL PLAN EVALUATION**

**Mintier  
& Associates**

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PLANNING CONSULTANTS

*OCTOBER 12, 2006*

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## INTRODUCTION

At the request of Calaveras County, Mintier & Associates has prepared the following evaluation of the current Calaveras County General Plan. This Calaveras County General Plan Evaluation report fulfills Task 1 of the Scope of Work for the Calaveras County General Plan Update Work Program. The Scope of Work is shown below:

### **Task 1: Review Existing General Plan Documents**

Mintier & Associates will review the existing General Plan, including topical elements and area plans, to identify needed updating and revisions to each element and plan.

### **Task 2: Design Outline, Content, and Format of New General Plan**

Based on its experience with preparing and reviewing numerous general plans throughout California, Mintier & Associates will work with the County to outline the structure and content of a new General Plan. Relevant issues will be:

- The organization and consolidation of topical General Plan elements;
- The structure of policy content (e.g., goals, policies, and implementation programs);
- The role and format of area plans and subregional plans as part of the General Plan; and
- Publishing format options for the new General Plan.

### **Task 3: Develop a General Plan Update Program**

Based on Tasks 1 and 2, Mintier & Associates will work with the County to develop a work program for updating the General Plan that will identify:

- The sequence of steps in the update process;
- Technical studies required for the update;
- Environmental review process;
- Community outreach, techniques, and activities;
- The types of consulting assistance needed for the update;
- Consultant, staff, and other costs for the update; and
- Strategy for financing the general plan update.

### **Task 4: Meetings**

Mintier & Associates will meet two times with County staff during its work on Tasks 1, 2, and 3. Mintier & Associates will meet once with either the Planning Commission or Board of Supervisors, or with both in a joint session, during the course of completing Tasks 1, 2, and 3, or at the conclusion of the project to present the proposed work program.

In this evaluation, the “current” Calaveras County General Plan refers collectively to the following documents: 1) *Calaveras County General Plan* (which was adopted in December 1996 and has the most recent amendment date listed as March 27, 2006); 2) all adopted Community Plans; and 3) all adopted Special Plans.

The evaluation of the Calaveras County General Plan and recommendations for the plan’s revision and updating are based on current State requirements, case law, the California Office of Planning and Research’s (OPR) *2003 General Plan Guidelines*, *Curtin’s California Land Use*

*and Planning Law 2005*, and the experience of Mintier & Associates in preparing and updating numerous general plans over the last 20+ years.

In preparing this evaluation and these recommendations, Mintier & Associates reviewed the following documents:

- *Calaveras County General Plan* (adopted December 1996; with revisions through March 17, 2003) [hard copy];
- *Amendments to the General Plan Since January 1, 1998* (with revisions through March 27, 2006 [hard copy]
- *Draft Environmental Impact Report for the General Plan Revision of Calaveras County* (July 1981) [hard copy]
- *Final Environmental Impact Report (FEIR) for the General Plan Revision of Calaveras County* (adopted April, 1982) [hard copy];
- *Calaveras County General Plan Update Draft Environmental Impact Report* (June 1996) [hard copy];
- *Calaveras County General Plan Update Final Environmental Impact Report* (adopted September 1996) [hard copy];
- The following six adopted Community Plans:
  - *Arnold Community Plan* (adopted 1968; revised 1980 and December 1998) [hard copy];
  - *Avery-Hathaway Pines Community Plan* (adopted April 1999) [hard copy];
  - *Mokelumne Hill Community Plan* (adopted February 1983; revised June 1988) [hard copy];
  - *Murphys & Douglas Flat Community Plan* (adopted 1986; revised December 1988) [hard copy];
  - *San Andreas Community Plan* (adopted April 1981; revised June 1988) [hard copy];
  - *Valley Springs Community Plan* (adopted February 1975; revised September 1983) [hard copy]
- The following three adopted Special Plans:
  - *Calaveras County Airport Special Plan* (adopted October 1992) [hard copy];
  - *Ebbetts Pass Highway Special Plan* (adopted 1984; revised June 1986 and June 1988) [hard copy];
  - *Rancho Calaveras Special Plan* (adopted 1983; revised May 1999) [hard copy];
- The following draft Community Plans:
  - *Copperopolis Community Plan - Working Draft* (August 26, 2005) [hard copy];
- The following non-County documents:
  - *2003 General Plan Guidelines*, California Governor's Office of Planning and Research (OPR);
  - *Curtin's California Land Use and Planning Law 2005* (25<sup>th</sup> ed.), Daniel J. Curtin, Jr. and Cecily T. Talbert.

# GENERAL PLAN STATUS AND EVALUATION

## General Plan Requirements: State Law and Case Law

The California Government Code §65300 *et seq.* require each county (and each city) to adopt a general plan for its future development. The Code requires the following of general plans:

*“The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals.”*

The general plan must address at least seven issue categories, or “elements”, to the extent that they are relevant locally: land use, circulation, housing, open space, conservation, noise, and safety. The county may also address other topics in the general plan of community interest such as economic development or community design. The general plan sets out the goals, policies, and programs in each of these areas that the county will use as the blueprint for future development. The general plan has been called the “constitution” for development within each community and sits atop the hierarchy of land use regulation (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. 3d 531).

The general plan must be long term, but the law does not define the term. Except for the housing element, there is no express statutory requirement to amend general plans in accordance with a specified schedule. However, the courts have identified an implied duty to review and to amend general plans as local circumstances warrant, so that the plan meets statutory objectives of providing long-term, comprehensive, internally consistent guidance for the physical development of the community. (*DeVita v. County of Napa* (1995) 9 Cal.4<sup>th</sup> 763, 792; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 572.)

State law requires that the plan maintain internal consistency between its elements (Government Code §65300.5). All elements of the general plan have equal weight. For example, policies in the land use element cannot supersede conflicting policies in the open space element (*Sierra Club v. Kern County* (1981) 126 Cal.App.3d 698).

Beyond the basic requirements for the contents of the elements, State law authorizes a county to adopt a general plan in any format it chooses. It may combine any or all of the seven required elements. State law allows a general plan to be adopted as a single document or “as a group of documents relating to subjects or geographic segments of the planning area.” (Government Code §65301)

State law requires zoning to be consistent with the general plan (Government Code §65860) and prohibits the approval of subdivisions that are inconsistent with the plan (Government Code §66474). Virtually all other regulatory actions and capital expenditure decisions by the county must also be consistent with the general plan

## Current Status of the Calaveras County General Plan

The existing General Plan (“Calaveras County General Plan”) was originally adopted on December 9, 1996. The document was amended multiple times since its adoption from March 30, 1998, through March 27, 2006. The majority of these amendments were land use designation changes for individual properties. However there were also several substantive text revisions. The plan was intended to address development issues for Calaveras County to the year 2010<sup>1</sup>.

### History

In 1965, the State Planning and Zoning Law was reorganized. In 1967, State law was changed to require a housing element in the general plan (effective July 1, 1969) – formerly, only a land use and a circulation element were required in the general plan. In 1970, State law was changed to require conservation and open-space elements in the general plan. In 1971, these requirements were extended to include new seismic safety, safety, noise, and scenic highway elements. In 1971, along with the new required elements, State law was also changed to require zoning and subdivision approvals be consistent with the adopted general plan. In 1984, the seismic safety and safety element requirements were combined, and the scenic highways element was dropped as a required element.

Calaveras County adopted its first General Plan in 1967, and subsequently amended its Land Use, Open Space, and Conservation Elements in 1973. In response to new State requirements, in 1974, Calaveras County adopted several new mandated elements: Safety, Seismic Safety, Noise, and Scenic Highway.

In 1979, the County undertook a comprehensive revision of its General Plan. The revised General Plan was adopted in April and June, 1982 (depending on the element). The General Plan and EIR were challenged and upheld at the Calaveras County Superior Court. This decision was appealed and the 3<sup>rd</sup> District Court of Appeals ruled in March 1985 that the land use and circulation elements (called the Community Development Element and Public Services Element) were not internally consistent. The *General Plan Guidelines* (2003) summarize the court case as follows (pp. 238-239):

***Concerned Citizens of Calaveras County v. Board of Supervisors of Calaveras County (1985)***  
*166 Cal.App.3d 90*

*In 1982, the Calaveras County Board of Supervisors adopted a new general plan. Subsequently, Concerned Citizens of Calaveras County (Citizens) filed suit, alleging that the general plan was inadequate because Appendix B: Court and Attorney General Opinions General Plan Guidelines 239 cause the circulation and the land use elements were internally inconsistent and insufficiently correlated, solid and liquid waste disposal facilities were not designated, and the plan omitted population density standards for three areas of the county.*

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<sup>1</sup> The “horizon year” of the General Plan is not stated outright in the Plan. Page II-1 of the Land Use Element, pages III-1 and III-3 of the Circulation Element, and page VI-4 of the Noise Element describe “planned growth,” “projections,” and “projected future conditions” through the year 2010. However, the map on page III-8 of the Circulation Element shows the “2015 Circulation Plan” The 1996 *Calaveras County General Plan Update Draft EIR* refers repeatedly to the 2010 horizon year for the General Plan.

*The trial court concluded that the circulation element was adequate and areas for waste disposal did not need to be designated in the general plan until they were identified by the county. However, the land use element's omission of population density standards rendered it legally inadequate. Citizens appealed.*

*The Court of Appeal reversed the trial court on the adequacy of the circulation element. Section 65300.5 of the Government Code requires that a general plan and its elements comprise an integrated, internally consistent, and compatible statement of policies. Section 65302(b) requires that a general plan contain a circulation element that addresses transportation infrastructure and that is correlated with the land use element. The court found that one portion of the element indicated that county roads were sufficient to accommodate the projected traffic, while another described a worsening traffic situation aggravated by continued subdivision activity and development in areas with inadequate roads. The court concluded that the circulation element was internally inconsistent.*

*On the issue of correlation between the land use and the circulation elements, the court interpreted §65302(b) to mean that the circulation element must describe, discuss, and set forth standards and proposals reflecting any change in demands on the various roadways or transportation facilities of the county as a result of changes in uses of land contemplated by the plan. The court noted that the land use element, which provided for substantial growth, neither discussed the potential inadequacy of the roadways nor contained proposals by which growth would be restricted in the event the road system was overwhelmed. At the same time, the circulation element pointed out current and expected deficiencies in the state highways serving the county. Further, the element's only policy for rectifying the situation was to "lobby for funds." No other funding sources were identified. The court concluded that the land use and circulation elements were not sufficiently correlated and violated §65302(b).*

The County made major revisions to its General Plan and Zoning Ordinance in 1985. The 1985 General Plan was subsequently modified to include General Plan Amendments made through December 1986, along with updates to statistical data in the Plan. The December 1986 General Plan is described in the 1996 *Calaveras County General Plan Update Draft Environmental Impact Report* ("Draft EIR") as reflecting "the format and concept embodied in the 1982 General Plan."

The Noise Element (Chapter VI-1) of the Calaveras County General Plan includes the following paragraph on page VI-1:

*To form the basis for the noise element, the County conducted an assessment of noise conditions prepared in accordance with the Noise Element Guidelines of the California Department of Health Services and the Governor's Office of Planning and Research. That assessment produced a technical report included in the Calaveras County General Plan Update Background Report (Crawford, Multari, and Starr, 1993). The existing and future noise environments were prepared by Brown- Buntin Associates.*

This is the only mention of the 1993 "Calaveras County General Plan Update Background Report" in the General Plan text (note: the main body text of the 1996 *Calaveras County General Plan Update Draft EIR* makes numerous references to the 1993 Background Report and Appendix B of the EIR contains the Background Report text.. However, the document appears not to have been adopted as part of the General Plan.<sup>2</sup>

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<sup>2</sup> The Background Report is dated December 1993 and contains the following main sections: Introduction, Natural Resources, Noise, Safety Issues, Appendix, and Annotated Bibliography.



An update of the 1986 General Plan was started in 1995. As stated in the 1996 Draft EIR, the 1995 updates were undertaken for several reasons:

*First, the 1986 plan is in need of an update as the data forming the basis for the plan was obtained in 1980. Second, although the 1986 General Plan complies with the State law regulating general plans, the plan contained a number of components that were in need of clarification. Finally, the policy statements contained in the 1986 plan were no longer reflective of the local vision as articulated by the governing bodies and the general community.*

The 1996 Draft EIR identified three main purposes for the update:

- 1) To update the Land Use Element by revising General Plan land use polices to achieve consistency with anticipated growth.*
- 2) To establish level of service standards in the Circulation Element which correspond to specific roadway classifications, and maintaining consistency with the Land Use Element*
- 3) To provide for the economic welfare of the County by allowing growth and employment while preserving the overall rural character of the County.*

The 1996 Draft EIR made the following statements about the update:

*To assist in determining the direction for the current General Plan Update program, the County retained EIP Associates to compare the 1986 plan to the 1990 State General Plan Guidelines to determine the probable areas of improvement or revision. From that analysis, it was determined that the policies contained in the 1986 General Plan needed revising to provide better focus, to reflect current vision and direction and to eliminate ambiguities. In addition, it was also determined that the new plan should reflect better internal consistency, address components required by the State Guidelines and make technical revisions to bring the plan into conformance with current planning practices.*

*The General Plan Update project as authorized by the Board of Supervisors included a comprehensive edit for clarity and an overall reformatting of the document, **while maintaining the basic underlying land use framework**. It should be noted that, while the 1986 General Plan land use framework has been maintained, changes to the land use plan have been made as needed to eliminate current land use conflicts. Corrections to the land use map have been made where recent developments have occurred due to General Plan Amendments. **Nonetheless, forecast land use projections as presented in the 1995 General Plan Update remain as presented in the 1986 General Plan.** Figure 2 illustrates the future land use diagram for the Year 2010 conditions. Finally, the General Plan has been restructured into seven mandatory elements - Land Use, Circulation, Housing, Open Space, Safety, Conservation and Noise.*

Therefore, while providing a comprehensive update of background information and a restructuring and reformatting of the plan, the 1996 General Plan, in our opinion, did not substantially change County land use policy from the 1986 General Plan.<sup>3</sup> And the 1986 General Plan did not differ in concept from the 1982 General Plan.

This supposition is supported by numerous statements in the 1996 *Calaveras County General Plan Update Final Environmental Impact Report* ("Final EIR") to the effect that land use policy/designations had not changed significantly from the 1986 General Plan:

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<sup>3</sup> Furthermore, it is unclear what the phrase, "forecast land use projections as presented in the 1995 General Plan Update remain as presented in the 1986 General Plan", in the 1996 Draft EIR is referring to, since there are no land use projections in the 1996 General Plan. The 1993 Calaveras County General Plan Update Background Report document does not contain any projections.

*“In light of the fact that the 1995 General Plan does not and has not considered land use changes...” (p. 21).*

*“...particularly in light of the status of land use conditions of the General Plan, which are not changing.” (p. 40).*

*“The change in General Plan policy language from the 1986 General Plan to the 1995 General Plan is not extensive.” (p. 61).*

However, it is unusual to see the following statement in the 1996 Final EIR when there were other statements saying that the land use forecasts had not been updated (our bold underline):

*“It is a fundamental objective of the General Plan Update program to revise and reformat policy in a manner that makes implementing the policies more clear and distinct while eliminating ambiguities contained in the 1986 General Plan policies. The revisions and reformatting of policy is viewed as necessary to **implement the land use forecasts** and designations for the General Plan thus achieving consistency between the policies and the designations (p. 41).*

## Contents

The 1996 *Calaveras County General Plan* consists of a collection of seven main topic chapters. There is also an introductory chapter and separate chapter consisting of appendices. The topic chapters are strictly organized by the seven required general plan elements (it should be noted that organization of the policy document by topic rather than the element categories in State law is the standard current accepted practice for general plans). The General Plan consists of the following chapters:

- Chapter I: Introduction
- Chapter II: Land Use Element
- Chapter III: Circulation Element
- Chapter IV: Conservation Element
- Chapter V: Open Space Element
- Chapter VI: Noise Element
- Chapter VII: Safety Element
- Chapter VIII: Housing Element<sup>4</sup>
- Calaveras County General Plan Appendices
  - I. Figures (maps)
  - II. Land Use Element Appendix
  - III. Circulation Element Appendix
  - IV. Conservation Element Appendix
  - V. Open Space Element Appendix
  - VI. Noise Element Appendix
  - VIII. Housing Element Appendix

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<sup>4</sup> The Housing Element (adopted May 2005) has not been reviewed as part of this evaluation since it was found to be adequate by the California Department of Housing and Community Development (HCD) in July 2005.

Each of the seven main topic chapters elements are organized similarly with an introductory section describing legal authority and relationship to other general plan elements, and sometimes including definitions, followed by topical sections with multiple sub-topic under these. Under each of these sub-topics are a list of “General Plan Recommendations” which consist of the goals, police, and implementation measures for that particular sub-topic.

There are seven Appendix sections. The first section contains larger versions of maps contained in the text. The other sections are for each of the Elements, except for the Safety Element, which does not have an Appendix.

## **Evaluation**

This section contains an in-depth evaluation of the Calaveras County General Plan. It consists of an overall evaluation of the Plan, a detailed summary and evaluation of each of the General Plan chapters, and a summary and brief evaluation of the contents of the Appendices, and the Community and Special Plans.

The Appendix to this report contains a summary of statutory requirements for the background and policy sections of general plans along with an analysis of whether Calaveras County meets these requirements. It also contains a summary and analysis of general plan coordination and consistency requirements and referral requirements. Information from the Appendix is used in this evaluation section.

## **General Comments/Observations**

The following is an overall evaluation of the General Plan. It should be noted that our evaluation discusses issues related to statutory requirements and issues relating to document formatting and organization. Issues that are solely related to statutory requirements are derived from the analysis in the Appendix to this report.

The Calaveras County General Plan does not meet statutory requirements and is of limited usefulness as a guide for day-to-day decision making concerning land use, development, and environmental protection.

The most obvious problem is that the plan is outdated. The Plan was conceived to run from 1995/6 through the horizon year of 2010. While the Plan is nominally only 10-11 years old, it was primarily a technical update of the previous (1986) plan, with the fundamental land use and development policy direction for the County not being substantially altered from earlier policy (i.e., circa 1982). The result is that, notwithstanding various revisions and updates, current General Plan policy is based on conditions, laws, and concepts from the early 1980s.

Another significant problem in the General Plan is the mixing of background and policy information. OPR’s *General Plan Guidelines* (2003), as well as common general plan practice in California, recommend maintaining a clear distinction between background information and policy directives (p.100):

*“The general plan should clearly distinguish its objectives, policies, and plan proposals from background information and discussion. Although data and analysis are important to the preparation of the plan and help put the objectives and policies in context, including them in the main body of the general plan can obscure the primary purpose of the plan: to provide “a statement of development policies.”*

A preferable approach is to include the data and analysis in a technical appendix or in a separate volume (often called a background report). This way, the policies are easily discernible but the background information is readily available as needed. It is general practice to adopt this background information as part of the General Plan. The “Calaveras County General Plan Update Background Report” document (December 1993) does not appear to have been adopted as part of the General Plan. This would be potentially problematic if the Background Report contained more detailed information on certain topics. However, the information contained in the Background Report appears to have been carried forward into the 1996 General Plan text (including appendices).

The following is a summary of other problems:

- The phrase “General Plan Recommendations” is used as the heading for all policy sections that present the General Plan Goals, Policies, and Implementation Measures. This phrase is misleading, since the content contains actual adopted General Plan policy, rather than just “recommendations.”
- The wording of most policies and implementation measures does not make it clear who is responsible for carrying them out.
- Many of the implementation measures are on the level of policies rather than implementation programs that have a clear measurable outcome and timeline. For example, Implementation Measure II-5A-1 in the Land Use Element states “While future high density single family residential, multiple family residential, commercial, and light industrial developments and zoning may be located within Special Plan areas, it is not required.” This statement is not on the level of an implementable program that has a clear measurable outcome.

The following sections contain summaries and evaluations of the individual chapters of the General Plan.

## **Chapter I: Introduction**

### **Description**

The following is a list of the contents of Chapter I (Introduction).

- 1.0 The Calaveras County General Plan and Related Land Use Documents
  - 1.1 General Plan Elements
  - 1.2 Internal Consistency
  - 1.3 Definitions of Maps, Goals, Policies, and Implementation Measures
  - 1.4 General Plan Amendments
  - 1.5 Area Plans
  - 1.6 Zoning, Subdivision and Road Ordinances
  - 1.7 Other Planning Documents
- 2.0 County Description
  - 2.1 Climate
  - 2.2 History
  - 2.3 Economy

Section 1.0 contains background information regarding State planning law and general plan requirements. Subsection 1.1 describes the seven required elements in the general plan, and the overall structure of the Calaveras County General Plan. Subsection 1.2 contains a discussion of internal consistency in the General Plan.

Subsection 1.3 discusses the “Future Land Use Plan” (Land Use Diagram) and the definition of goals, policies, and implementation measures. The Subsection also contains a set of “General Plan Recommendations (goal, policy, and implementation measure).

Subsection 1.4 discusses amendments to the General Plan. Subsection 1.5 discusses “area plans”, which it defines as Community Plans, Special Plans, or Specific Plans. The Subsection also contains a set of “General Plan Recommendations.

Subsection 1.6 discusses history of the County’s Zoning and Subdivision Codes and Road Ordinance, and their relation with the General Plan. Section 1.7 discusses other County planning documents.

Section 2.0 provides a generalized description of the location and setting of Calaveras County. Subsection 2.1 discusses the climate in Calaveras County. Subsection 2.2 discusses the history of the county. Subsection 2.3 discusses the economy of the county. It also provides a set of “General Plan Recommendations” designed to improved the economy of Calaveras County..

### **Evaluation**

The following is an evaluation of Chapter I (Introduction). The following issues are problematic:

- Text under Subsection 1.5 (Area Plans) on page I-4 seems to equate Community Plans and Specific Plans. For example, the statement that “plans adopted by the County are incorporated into the General Plan, ensuring internal consistency between the General Plan and the various area plans.” is not true if applied to Specific Plans. Community Plans and Specific Plans have completely different legal standings under State planning

law and the text (along with Implementation Measure I-2A-1) should be corrected to reflect this.

- Section 1.7 should be expanded. There is not enough discussion of the other County planning documents listed.
- The discussion of economic conditions in Section 2.3 contains no date for the statements. Thus, statements such as “overall unemployment in the area *currently* remains above the state average” (italics ours) cannot be evaluated.

**Recommendations**

- Correct deficiencies noted above.
- Expand the discussion of certain topics.
- Add a section with a detailed history of the Calaveras County General Plan.

## **Chapter II: Land Use Element**

### **Statutory Requirements**

The following are the statutory requirements for the Land Use Element from Government Code §65302(a):

*“A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas. The land use element shall designate, in a land use category that provides for timber production, those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.”*

### **Description**

Other than land use designation amendments for specific properties, Chapter II (Land Use Element) has been amended only once since its adoption in 1996. In 1998 County Resolution No. 98-92 (approving General Plan Amendment 97-75) added a new implementation measure to Subsection 3.7 (Residential Centers).

The following is a list of the contents of the Land Use Element.

#### 1.0 Introduction

- 1.1 Legal Authority
- 1.2 Relationship to Other General Plan Elements
- 1.3 Land Use Categories
- 1.4 Determining Maximum Densities
- 1.5 Development Flexibility

#### 2.0 Natural Resource Lands

#### 3.0 Community Development Lands

- 3.1 Community Plan Areas (PRC Section 21083.3)
- 3.2 Special Plan Areas (CGC Section 65302)
- 3.3 Specific Plan Areas (CGC Section 65454)
- 3.4 City of Angels Sphere of Influence
- 3.5 Mixed Use/Master Project Area
- 3.6 Community Centers
- 3.7 Residential Centers
- 3.8 Single Family Residential Areas

#### 4.0 Industrial Areas

- 4.1 Industrial Corridor
- 4.2 Rural Home Industries

#### 5.0 Recreation Oriented Commercial

#### 6.0 Business in the Home

#### 7.0 Legally Existing Nonconforming Land uses and Zoning

#### 8.0 Schools

9.0 Waste Disposal System  
9.1 Solid and Liquid Waste  
9.2 Sewage

In addition, the Land Use Element Appendix (Appendix II) contains excerpted tables from the six adopted Community Plans and two of the three adopted Special Plans.

Subsection 1.2 discusses the relationship of the Land Use Element to the other elements in the General Plan. The “Future Land Use Plan” on page II-3 is first referred to in this section. It is what is commonly referred to as the “Land Use Diagram” in general plans.

Section 1.3 discusses the classification of all land into two basic categories: “Natural Resource Land” and “Community Development Land”. Table II-2 provides an inventory of land in the county by Natural Resource Land/Community Development Land categories and sub-categories under these. The table shows land uses in the following hierarchy:

- Natural Resource Land
  - Wildlife, Botanical
  - Timber, Dam Area, MRA-2A
  - Agriculture Preserve, MRA-2B
- Community Development Land
  - Future Single Family
  - Future Single Family >50% slope
  - Community Centers
  - Residential Centers
  - Industrial – Existing Zoning
  - Industrial – Prime Industrial
  - Adopted Community Plans
  - Adopted Special Plans
  - Adopted Specific Plans
- City of Angels Sphere of Influence

Section 2.0 discusses Natural Resource Lands and enumerates the six General Plan land use designations that fall under this category (these are also shown on the Future Land Use Map):

- Wildlife, Botanical (called “Wildlife Habitats/Botanical Areas” on the Future Land Use Plan map)
- Agriculture Preserve (called “Agriculture Preserves” on the Future Land Use Plan map)
- Timber Lands (called “Timberlands” on the Future Land Use Plan map)
- Dam Inundation (called “Dam Inundation Area” on the Future Land Use Plan map)
- Mineral Resource 2A (called “Mineral Resource Area 2A” on the Future Land Use Plan map)
- Mineral Resource 2B (called “Mineral Resource Area 2B” on the Future Land Use Plan map)



The section includes “General Plan Recommendations” for Natural Resource lands. Implementation Measure II-3A-1 sets forth the maximum residential densities for Natural Resource Lands.

Section 3.0 discusses Community Development Lands. As stated in the text and shown on the Future Land Use Map, the following are the land use types (note: the text calls them “land use designations”) under the Community Development Land category:

- Community Plans
- Special Plans
- Specific Plans
- City of Angels Sphere of Influence
- Mixed Use/Master Project Area (note: not shown on the Future Land Use Plan map)
- Community Centers
- Residential Centers
- Single Family Residential Areas (note: called “Future Single Family Residential” in the Future Land Use Map)

Subsection 3.1 discusses Community Plans. The text states that there are adopted Community Plans for the following five communities and that the “community of Avery is currently in the process of developing a Community Plan”(note: the *Avery-Hathaway Pines Community Plan* was adopted in April 1999):

- Arnold
- Mokelumne Hill
- Murphys-Douglas Flat
- San Andreas
- Valley Springs

The five Community Plan areas are shown on the Future Land Use Plan map as blank areas with a note to refer to the relevant Community Plan. Subsection 3.1 also contains a series of “General Plan Recommendations” for the current and future Community Plan areas. However, the majority of policy for the Community Plan areas is found in the separate Community Plans.

Subsection 3.2 discusses Special Plan areas. The text states that there are three adopted Special Plans:

- Ebbetts Pass Highway Special Plan
- Airport Special Plan
- Rancho Calaveras Special Plan

The three Special Plan areas are shown on the Future Land Use Plan map as blank areas with a note to refer to the relevant Special Plan. Subsection 3.2 also contains a series of “General Plan Recommendations” for the current and future Special Plan areas. However, the majority of policy for the Special Plan areas is found in the separate Special Plans.

Subsection 3.3 discusses Specific Plan areas. The text states that there are two adopted Specific Plans:

- Calaveras Country Club Specific Plan (Saddle Creek)
- Spring Valley Estates Specific Plan

However, the County adopted an additional Specific Plan in November 2003 – the Oak Canyon Ranch Specific Plan – subsequent to the General Plan adoption. This Specific Plan is not referred to in the text or the Future Land Use Plan map. The two Specific Plan areas referenced above are shown on the Future Land Use Plan map as blank areas with a note to refer to the relevant Specific Plan. Subsection 3.3 also contains a series of “General Plan Recommendations” for the current and future Specific Plan areas. However, the majority of policy for the Specific Plan areas is found in the separate Specific Plans.

Subsection 3.4 discusses the City of Angels Sphere of Influence (SOI). The “City of Angels Sphere of Influence” map on page II-12 shows the land use designations between the City of Angels city limits and its sphere of influence (SOI). Table II-3 on page II-13 shows the population density and building intensity for the City of Angels Sphere of Influence (SOI) area. The text on page II-11 states that the “The City's land use map for its sphere of influence (See Sphere of Influence map Page II-12) is incorporated into the County General Plan.” This map shows the land use designations for the City of Angels SOI area outside of City limits. Presumably Table II-3 is from the City’s General Plan also. Subsection 3.4 also contains a series of “General Plan Recommendations” for the Angels SOI.

Subsection 3.6 discusses the Community Center land use designation. The text states that there are fourteen Community Centers<sup>5</sup>:

- Avery
- Burson
- Camp Tamarack
- Carson Hill
- Copper Cove/Poker Flat
- Copperopolis
- Glencoe
- La Contenta
- Mountain Ranch
- Rail Road Flat
- Sheep Ranch
- Vallecito
- Wallace
- West Point

Section 4.0 discusses industrial areas. The text divides industrial land into two categories:

- Existing Industrial Lands: land with existing industrial uses and/or zoning

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<sup>5</sup> The “Future Land Use Plan” Map shows 15 Community Centers. The map shows the following two Community Centers not in the list in the text: Forest Meadows and Dorrington. The Avery Community Center is shown correctly in the map as the Avery-Hathaway Pines Community Plan.

- Future Industrial Designations: industrial land that will be located within “Community Centers, Community, Special and Specific Plan areas, Mixed Use/Master Project Areas, or the Industrial Corridor (See Section 4.1)”.

Table II-4 on page II-25 shows “Population Density, Building Intensity, Consistent Zones” for General Plan “Land Use Classifications” in the following hierarchy:

- Natural Resource Lands
  - Wildlife, Botanical
  - Agriculture Preserves
  - Timberlands
  - Dam Inundation
  - Mineral Resource 2A
  - Mineral Resource 2B
- Community Development Lands
  - Community Centers
    - A. Residential Areas
      - 1. Single-Family Residential
      - 2. Multi-Family Residential
    - B. Commercial, Industrial, Public Service Areas
      - 1. Commercial
      - 2. Light Industrial
    - C. Resource Zones
  - Residential Centers
    - A. Residential Areas
      - 1. Single-Family Residential
  - Future Single Family Residential
    - 1. Single-Family Residential
    - 2. Single-Family Residential with 50% or greater slopes
  - Industrial Corridor
  - Recreationally-oriented Commercial
    - A. Direct recreationally-oriented commercial uses
    - B. Indirect recreationally-oriented commercial uses
  - City of Angels Sphere of Influence
  - Community, Special, & Specific Plans

Section 9.0 discusses waste disposal systems, including solid and liquid waste under Subsection 9.1 and Sewage under Subsection 9.2. The “Solid Waste Facilities” map on page II-34 shows the location of landfills and transfer stations in the county.

The “General Plan Recommendations” in each Section/Subsection contain one or more Goals. Under each Goal there are one or more Policies. Under each Policy there are one or more Implementation Measures.

## Evaluation

The following is an evaluation of Chapter II (Land Use Element). It should be noted that our evaluation discusses issues related to statutory requirements and issues related to document format and organization. Issues that are solely related to statutory requirements are derived from the analysis in the Appendix to this report. The evaluation is broken into three different topics: land use designations, consistency with airport land use plans (ALUPs), and other issues.

### Land Use Designations

- The land use designations are not described consistently. The table below shows a list of General Plan land use designations from three different sources: 1) the text in the Land Use Element (Sections 2.0 and 3.0); 2) the “Future Land Use Plan” map on page II-3; and 3) Table II-4 on page II-25. As shown below, there are numerous inconsistencies between the land use designations listed in the different sources. Additionally, there are discrepancies in the table below and Table II-2. A further difficulty is that the Community Plans/Special Plans contain more land use designations that do not appear in the list below.

Land Use chapter text	“Future Land Use Plan” map on page II-3	Table II-4
<b>Natural Resource Lands</b>	<b>Natural Resource Lands</b>	<b>Natural Resource Lands</b>
Wildlife, Botanical	Wildlife Habitats/Botanical Areas	Wildlife, Botanical
Agriculture Preserve	Agriculture Preserves	Agriculture Preserves
Timber Lands	Timberlands	Timberlands
Dam Inundation	Dam Inundation Area	Dam Inundation
Mineral Resource 2A	Mineral Resource Area 2A	Mineral Resource 2A
Mineral Resource 2B	Mineral Resource Area 2B	Mineral Resource 2B
<b>Community Development Lands</b>	<b>Community Development Lands</b>	<b>Community Development Lands</b>
Community Plans	Community Plans	Community Plans
Special Plans	Special Plans	Special Plans
Specific Plans	Specific Plans	Specific Plans
City of Angels Sphere of Influence	City of Angels Sphere of Influence	City of Angels Sphere of Influence
Mixed Use/Master Project Area	n/a	n/a
Community Centers	Community Centers: commercial, light industrial, multiple family residential and single family residential	Community Centers: A. Residential Areas 1. Single-Family Residential 2. Multi-Family Residential B. Commercial, Industrial, Public Service Areas 1. Commercial 2. Light Industrial B. Resource Zones
Residential Centers	Residential Centers	Residential Centers: A. Residential Areas 1. Single-Family Residential
Single Family Residential Areas	Future Single Family Residential	Future Single Family Residential: 1. Single-Family Residential 2. Single-Family Residential with 50% or greater slopes
n/a	Prime Industrial Corridor Boundary	Industrial Corridor
n/a	n/a	Recreationally-oriented Commercial A. Direct recreationally-oriented commercial uses B. Indirect recreationally-oriented commercial uses

- A more fundamental problem is the nature of the land use designations. It is unclear what the land use designations actually are.
  - Many of the “land use designations” are actually land use classifications or categories that have specific land use designations listed under them.
    - This is evident from the table above that shows Single-Family Residential, Multi-Family Residential, Commercial, and Light Industrial uses listed under the Community Centers “land use designation” in the far right column.
    - The Community Plans, Special Plans, Specific Plans, City of Angels Sphere of Influence, Community Centers, and Residential Centers “designations” are not actual land use designations, since they include more specific land use designations within them.
- State law requires that the Land Use Element include “standards of population density and building intensity for the various districts and other territory covered by the plan.”
  - The *General Plan Guidelines* (2003) defines standards of population density as follows (p. 50):
 

*Although applied differently from one jurisdiction to another, population density can best be expressed as the relationship between two factors: the number of dwellings per acre and the number of residents per dwelling.*
  - The *General Plan Guidelines* (2003) (pp. 50-51) define standards of building intensity as follows<sup>6</sup>:
 

*OPR recommends that each intensity standard include these variables: (1) permitted lands uses or building types; and (2) concentration of use. Permitted uses and building types is a qualitative measure of the use that will be allowable in each land use designation. The concentration of use can be defined by one or more quantitative measures that relate directly to the amount of physical development that will be allowed. Maximum dwelling units per acre is a good residential standard. Floor area ratio (the ratio of building floor area to the total site area) is a useful measure of commercial and industrial intensity. The dual standard of maximum lot coverage and maximum building height is suitable for agricultural, open-space, and recreational designations where development is being limited. On the other hand, lot size, which has been widely used for agricultural and open-space designations, is an inadequate standard of building intensity because although it regulates lot area, it does not quantify the allowable concentration of development on each lot.*
  - For the purposes of the General Plan, the County classifies all land into two categories “Natural Resource Land” and “Community Development Land”. Implementation Measure II-3A-1 on page II-6 sets forth the maximum residential densities for Natural Resource Lands. Implementation Measure II-4A2 on page II-7 describes densities and intensities for “Community Development Lands”. There are several statutory requirement issues with these measures:
    - Implementation Measure II-3A-1 does not show the allowable uses for the Natural Resource Lands designations. These do not occur anywhere else in the General Plan either.

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<sup>6</sup> While the General Plan Guidelines recommend using FAR and maximum building height for agricultural, open-space, and recreational designations, Mintier & Associates considers solely using FAR (and density if residential uses allowed) as sufficient for these designations, just as for other non-residential designations.

- Implementation Measure II-3A-1 sets forth the following standard for the Mineral Resource 2A and Mineral Resource 2B designations: “One dwelling unit per five acres, when consistent with Conservation Element Implementation Measure IV-7A-2 from page IV-14).” Implementation Measure IV-7A-2 states: “Require a use permit for all new mining operations in the County, except for small mines less than or equal to 5 acres or mines located in the M2 zone.” However, the General Plan is not allowed to rely on other standards such as zoning standards or procedures (special permit procedures) to define building intensity. The General Plan must establish an independent and measurable standard.
- Implementation Measure II-4A-2 does not set forth any allowable land uses, densities, or intensities, but instead refers to the Land Use Element Appendix, which contains excerpted tables from the six adopted Community Plans and two of the three adopted Special Plans. Since Community Plans are considered by State law as part of the General Plan, it is not necessarily a state law issue to refer to land use standards in Community Plan areas in lieu of the “main” General Plan text. But the way it is implemented in the Calaveras General Plan does not comply with State law:
  - The tables in the Land Use Appendix correspond with the tables in the Community Plans as follows:
    - The following tables do not match: the Murphys & Douglas Flat Community Plan (Table 2.43 matches, but Table 2.2 in the Appendix is not shown in the Community Plan); the Arnold Community Plan; the Avery-Hathaway Pines Community Plan (not shown at all in the Appendix; only mentioned in the General Plan text on page II-6: “Additionally, the community of Avery is currently in the process of developing a Community Plan.”); and the Rancho Calaveras Special Plan (not shown at all in the Appendix; only mentioned in the General Plan text on pages II-8, II-9, and II.29).
    - The tables in the Land Use Appendix do match the tables in the corresponding Community Plans for the following: the Mokelumne Hill Community Plan, the San Andreas Community Plan; the Valley Springs Community Plan; the Ebbetts Pass Highway Special Plan (though it is called the “Ebbetts Pass Highway Plan” in the Appendix); and the Airport Special Plan.
  - The following is an incomplete list of State law problems within the specific tables in the Land Use Element Appendix. There may be additional problems that we have not documented below, but this list is intended to demonstrate the range of problems with the tables:
    - The table from the “Arnold Community Plan” in the Land Use Appendix does not show allowable uses for the land use designations. Also, the Commercial designation specifies a building intensity as follows: “lot coverage per approved plot plan”. The General Plan must establish an independent and measurable standard for land use designations.
    - The two tables from the “Ebbetts Pass Highway Plan” in the Land Use Appendix do not show allowable uses for the land use designations. Also,

land use designations have a table showing “consistent zones” and then a separate table showing density and intensity for the zoning districts. The General Plan must establish an independent and measurable standard for land use designations.

- The table from the “Mokelumne Hill Community Plan” in the Land Use Appendix does not show allowable uses for the land use designations. Also, it provides no standards of non-residential building intensity (FAR) or population density.
  - The table from the “San Andreas Community Plan” in the Land Use Appendix provides no standards of population density.
  - The table from the “Valley Springs Community Plan” in the Land Use Appendix does not show allowable uses for the land use designations. Also, it has varying density/intensity standards for a given land use designation depending on the zoning that is applied to the site. The General Plan is not allowed to rely on zoning code standards to define building intensity. The General Plan must establish an independent and measurable standard for each land use designation.
  - The two tables from the “Murphys/Douglas Flat Community Plan” in the Land Use Appendix) do not show allowable uses for the land use designations. Also, they provide no standards of population density and have varying density/intensity standards for some land use designation depending on the zoning that is applied to the site.
  - The table from the “Airport Special Plan” in the Land Use Appendix provides no standards of population density.
- Implementation Measure II-6A-2 on page II-10 refers to the Land Use Element Appendix for the allowable densities for the Saddle Creek Specific Plan (Calaveras Country Club) and the Spring Valley Estates Specific Plan. This does not meet statutory requirements for three reasons:
    - It does not refer to the Oak Canyon Ranch Specific Plan (adopted November 2003).
    - The Land Use Appendix does not contain density tables from the three adopted Specific Plans.
    - The General Plan (or Community Plan, which is considered part of the General Plan) has to establish allowable densities independently.
  - The Calaveras Country Club Specific Plan (Saddle Creek) and Spring Valley Estates Specific Plan areas are shown on the Future Land Use Plan map as blank areas with a note to refer to the relevant Specific Plan. According to State law, specific plans are subservient to the general plan as with zoning regulations. Specific plan policy regulations cannot be used to satisfy State law requirements for complete and adequate general plans.
  - Table II-3 on page II-13 shows the population density and building intensity for the City of Angels Sphere of Influence (SOI) area. The text on page II-11 states that the “The City's land use map for its sphere of influence (See Sphere of Influence map Page II-12) is incorporated into the County General Plan.” Presumably Table II-3 is from the City's General Plan also. However, Table II-3 does not meet statutory requirements for three reasons:

- It provides no standards of population density.
- It provides no list of allowable uses for the land use designations
- It refers to Table II-4 (“same as Community Centers”) for the population density and building intensity standards for the non-residential designations. However, as discussed below, Table II-4 does not meet statutory requirements.
- Implementation Measure II-8A-3 on page II-14 states “Utilize criteria set forth in the General Plan to determine maximum density allowed within Mixed Use/Master Project Areas.” However, there are no criteria set forth in the General Plan to determine maximum densities.
  - “Mixed Use/Master Project Areas” are not shown in the “Future Land Use Plan” map on page II-3 or in Table II-4.
- Table II-4 on page II-25 shows the population density, building intensity, and consistent zones for County lands. There are multiple statutory requirement issues, and other deficiencies and problems with this table:
  - It is unclear how these standards interact with those for the Community Plans in the Land Use Appendix. For example, which regulations take precedence when they are in conflict?
  - It does not show the allowable uses for the land use designations.
  - The “Maximum Density” column does not actually show the number of dwelling units per acre, but rather the minimum parcel size allowable per one dwelling unit. This is a relatively minor quibble since the number of dwelling units per acre can be easily calculated. However, it is contrary to the use of the word “density” and is also contrary to the text on page II-4 that states: “The General Plan utilizes "density" rather than "minimum parcel size."”.
  - For the non-residential designations (commercial and industrial designations), Table II-4 shows “Lot Coverage” expressed as a percentage rather than “Maximum Density”. However, these lot coverage figures do not meet statutory requirements since, in many cases, they are qualified by the phrase “less setback & landscaping requirements.” The General Plan does not list any setback and landscaping requirements for land use designations and is not allowed to rely on zoning code standards to define building intensity. The General Plan must establish an independent and measurable standard.
  - Table II-4 has further statutory requirement issues in relying on zoning code standards since it has varying “Maximum Density” standards for a given land use designation, depending on the zoning that is applied to the site. Again, the General Plan is not allowed to rely on zoning code standards to define building intensity. The General Plan must establish an independent and measurable standard for each land use designation
  - As discussed above, the table discusses zoning district consistency with the various land use designations. There may be inconsistencies between the statements in the General Plan and the Zoning Code. Zoning compatibility with General Plan land use classifications is more appropriately addressed only in the Zoning Code. It should not be discussed in the General Plan.
  - The table includes Level of Service (LOS) standards from the Circulation Element that vary “Maximum Density” standards for a given land use designation,



depending on the LOS that is measured for the site.<sup>7</sup> The reliance on LOS standards is problematic. The County should consider using physical road capacity measures instead. The LOS categorization seems unwieldy to implement and raises several important questions:

- Does the LOS mean the existing LOS or the planned future “concept” LOS?
  - How do you deal with LOSs changing over time?
  - What happens to a property that had a certain LOS when the first phase of a project was approved, but now has a worse LOS and has a reduced development capacity?
- ▪ The table states the following under “Recreationally-oriented Commercial”: “Indirect recreationally-oriented commercial uses shall be located where consistent with commercial uses and zoning.” However, this has it backwards. The General Plan must independently establish land uses and zoning is required to be consistent with the General Plan.
  - The statement on page II-4 (in regards to the parcels with two different “specifications”) is problematic:

*Parcels may in some instances possess two or more differing specifications on a parcel of land. To preserve the Plan’s internal consistency, the more restrictive (lower density or large minimum parcel size) requirements apply. For example, a parcel of land may be identified as a protected wildlife habitat with 40 acre density, but may also be identified in a timber area with a 20 acre density. The land use would be designated as wildlife habitat and the 40 acre density established to protect wildlife habitat would apply.*

This approach of having specific “resource values” is further compounded in that not all of the “resource values” are independently mapped. Also, in the Community Plan areas, the values do not appear at all which makes the “most restrictive” an incorrect statement. In many of the community areas, the “resources” are either ignored or simply not considered.

- This language is echoed in the notes to Table II-4 on page II-29: “When multiple land use designations apply, the most restrictive land use takes precedence.” Each parcel of land in the county should have only one land use designation.
- The use of the term “future industrial designations” on page II-20 is problematic. It is unclear whether the text means that “future industrial” is meant to be a land use designation applied to land now, or it means an “industrial” land use designation that will be applied to certain parcels sometime in the future.
  - Implementation Measure II-18A-1 on page II-22 further confuses the issue: “Lands with existing industrial zoning within the corridor shall be designated as Industrial, unless located within a Community Plan Area, Special Plan Area, Specific Plan Area, Mixed Use/Master Project Area, or Community Center.”
    - “Industrial” is not listed as a land use designation anywhere else in the chapter.
    - If “Industrial Corridor” is a land use designation, then how are selected lands with that designation also to be given an “Industrial” designation.

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<sup>7</sup> Note #3 in Table II-4 states the following for Level of Service: As assigned in the Special Provisions to the Road Ordinance, or as set by other criteria. See Circulation Element Table III-1 for explanation.

- Descriptions of allowable densities for certain land use designations (such as “Single Family Residential Areas”) are embedded in implementation measures. These standards do not always correlate with the standards provided in Table II-4. The redundancy makes for consistency problems.
- The text does not contain clear descriptions of allowable uses for the land use designations. Even for the land use designations where example uses are described, these are not presented as the only allowable uses. Furthermore, some of the land use designations contain no such description at all.
- It is problematic to have land use designations in the Community Plans that are not used or even referenced in the Land Use Element. As stated in the General Plan Guidelines (2003) (p. 17):
 

*...an area or community plan must be internally consistent with the general plan of which it is a part. To facilitate such consistency, the general plan should provide a policy framework for the detailed treatment of specific issues in the various area or community plans. Ideally, to simplify implementation, the area or community plans and the general plan should share a uniform format for land use categories, terminology, and diagrams.*

  - Examples of this include the “Open Space,” “Resource Production,” “Professional Office,” and “Public Service” designations in the Avery-Hathaway Pines Community Plan.
- It is problematic to have the background discussion of some of the land use designations include language that sounds like policy direction.
  - For example, it is unclear if language such as: “The Mixed Use/Master Project Area designation allows for a broad range of nonresidential uses, including commercial uses typically found in neighborhood and community areas, such as retail and service establishments, office and financial uses, and light industrial uses. Other nonresidential uses include privately operated commercial recreation areas, such as golf courses and equestrian facilities. Resource production uses are also compatible with the Mixed Use/Master Project Area designation.” is simply a description of allowable land uses and densities in the Mixed Use/Master Project Area land use designation that is spelled out in detail elsewhere in the General Plan, or whether that language is intended to function as the required prescription of allowable uses in the Mixed Use/Master Project Area designation.
- The inventory of Community Centers is incomplete/inconsistent.
  - The text on page II-15 of Subsection 3.6 mentions 14 designated Community Centers in the county, but the “Future Land Use Plan” Map shows 15 Community Centers (the Forest Meadows (residential) Community Center is the 15<sup>th</sup>).

#### *Consistency with airport land use plans (ALUPs)*

- Table 3 (General Plan Coordination and Consistency Requirements) in the Appendix of this Report discusses specific statutory requirements related to the Land Use Element. Our analysis found that the Land Use Element does not meet the requirements for consistency with airport land use plans (ALUPs).
- The Calaveras County Airport Land Use Plan (ALUP) was adopted (with amendments) as the Calaveras County Airport Special Plan on October 19, 1992. As stated on page III-27 of Chapter III (Circulation Element):

*An Airport Land Use Plan was adopted in 1992, and incorporated into the General Plan as the Airport Special Plan. The Plan addresses issues regarding safety to persons on the ground, safety to occupants in the aircraft, noise, and land use. For specific policies relating to these issues, refer to the Land Use Element, the Airport Special Plan, the Safety Element, and Noise Element.*

- Consistency findings with the General Plan and the Zoning Ordinance were made at the time of adoption of the Airport Special Plan in 1992. However, as stated on page VI-8 of Chapter VI (Noise Element):
  - The most recent Calaveras County Airport Land Use Compatibility Plan was adopted in April 1999 by the Calaveras County Airport Land Use Commission (ALUC). This document replaced the original Calaveras County Airport Land Use Commission Policy Plan which was adopted in 1978 (and has had only minor revisions since adoption).*
  - The Airport Land Use Plan is no longer consistent with the ALUP. State law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan within 180 days of when the ALUC adopts or amends its plan (or to override the ALUC by a two-thirds vote after holding a public hearing and making consistency findings).
  - As a note, the Calaveras Council of Governments (CCOG) has an update of the County Airport Land Use Plan budgeted in its Transportation Planning Work Program (Overall Work Program) for FY 2005/2006 (with a possible extension to FY 2006/2007).
- The County needs to explicitly adopt the most recent *Calaveras County Airport Land Use Compatibility Plan* policies either by reference or by incorporating it directly into the General Plan.

#### *Other Issues*

- There is no overall consolidated description of existing land uses. There is also no analysis of the development potential and holding capacity of unincorporated lands in the county.
- The "Future Land Use Plan" map in the Land Use Element provides the future land use distribution, but does not appear to be connected to any projections of population or economic activity in the Land Use Element. The only projection in the Land Use Element is contained in Table II-1 for population in 2000 and 2010. However, this is not tied to the land use designations. While the 1996 *Calaveras County General Plan Update Draft EIR* analyzed 2010 population, housing, and industrial and commercial floor space projections, the actual General Plan text contains no reference to these. Since County staff were unable to provide us with a copy of the 1993 "Calaveras County General Plan Update Background Report" document, we do not know if the projections were contained in that document.
- "Special Plans" are not defined in State law or in the General Plan Guidelines, but based on the discussion above, they have the same status as Community Plans in the Calaveras County General Plan.
  - The language used to describe the Special Plans is very similar to that describing the Community Plans in Subsection 3.1. The only difference is that Community Plans are described as:

*...designated for the areas surrounding and including the larger towns in the County where the greatest concentrations of single family, multiple family, commercial and industrial land uses are found.*

- Special Plans are described as:

*...intended to serve areas possessing architectural or historic characteristics, scenic resources, or special use. Special Plans are utilized primarily by larger subdivisions, scenic highway corridors, and areas of the County which share a common bond.*

- The following statement on page II-15 is problematic since there are no specific policies or requirements that apply to Community Centers in the Circulation Element:

*Road capacity and the capability of roads to handle development are addressed in Community Centers on a project-specific basis using the policies and requirements contained in the Circulation Element and County Road Ordinance.*

- Many of the Sections/Subsections in the last part of the chapter (e.g., Subsection 4.2 (Rural Home Industries), Section 5.0 (Recreation Oriented Commercial), Section 6.0 (Business in the Home), etc.) use language that is more appropriate to the Zoning Ordinance than the General Plan.
- Implementation Measures II-22A-2, II-22A-3, and II-22C-1, which discuss existing uses and consistent zoning, use language that is more appropriate to the Zoning Ordinance than to the General Plan.
  - Implementation Measure II-22A-3 is especially problematic: “Any commercial, industrial, or multifamily zoning legally existing within areas which under this General Plan would not be permitted, shall be considered consistent zoning within the designation.” It is unclear how a parcel would have “legally existing” zoning when it is within a General Plan land use designation that does not allow that zoning.
- Implementation Measure II-25A-2 sets forth criteria for parcel sizes and densities based on the type of water/wastewater system used for four different types of “Land Use”: Single Family Residential, Multi-family Residential, Commercial, and Industrial. This table is problematic for several reasons:
  - It is unclear how the standards interact with the standards established elsewhere in the chapter.
  - It relies on zoning standards (setback and landscaping requirements) for the building intensity. However, the General Plan is not allowed to rely on standards outside the General Plan (e.g., zoning) to define building intensity. The General Plan must establish an independent and measurable standard.

## **Recommendations**

- Resolve and clean up any discrepancies and inconsistencies noted above.
- Group descriptions of all land use designations together separate from any background information and other policy information. There should be a consistent format for the land use designations consisting of, at minimum, a list of allowable uses and density/intensity standards. The purpose, site designation criteria, and/or application could be added also. Revise the standards of population density and building intensity to make them consistent with State requirements.
- Redefine the land use designations so that they do not include the Community Plans, Special Plans, Specific Plans, City of Angels Sphere of Influence, Community Centers,

and Residential Centers categories, but instead include actual land uses designations in those categories (e.g., residential, commercial, industrial, etc.)

- Define land use designations that exist in the Community Plans.
- Rename the “Future Land Use Map” as the “Land Use Diagram” and make it consistent with the text.
- Provide a consolidated description of existing land uses.
- Provide recent analysis of the development potential and holding capacity of unincorporated lands in the county.
- Develop population and economic projections and relate them with the land use designation holding capacity analysis
- Remove all references to land use designation and zoning district consistency. This should be addressed only in the Zoning Code.
- Update policy language to correct the deficiencies noted regarding consistency with the *Calaveras County Airport Land Use Plan (ALUP)*. Explicitly adopt the most recent Calaveras County Airport Land Use Compatibility Plan policies either by reference or by incorporating it directly into the General Plan.
- Consider renaming the “Special Plans” as “Community Plans.”

## Chapter III: Circulation Element

### Statutory Requirements

The following are the statutory requirements for the Circulation Element from Government Code §65302(b):

*“A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.”*

### Description

Chapter III (Circulation Element) has been amended once since its adoption in 1996. In 2005 County Resolution No. 05-158 (approving General Plan Amendment 2004-174) removed the Circulation Element Appendix from the General Plan and designated the contents of the Appendix as a separate road service classification system to be maintained by the Public Works Department.

The following is a list of the contents of the Circulation Element).

#### Introduction

- 1.1 Legal Authority
- 1.2 Relationship to Other Elements

#### **Part 1: ROAD SYSTEM**

- 2.0 Introduction
  - 2.1 Definitions
- 3.0 Public and Private Roads, New Construction, Access
- 4.0 State Highways
  - 4.1 State Highways
  - 4.2 State Highway Improvements
  - 4.3 Scheduling Improvements
- 5.0 County Roads
  - 5.1 Development Impacts
- 6.0 Private Roads
- 7.0 Road Maintenance
- 8.0 Other Road Issues
  - 8.1 Road Encroachments
  - 8.2 Snow Removal
  - 8.3 Mining and Timber Production

#### **Part 2: TRANSPORTATION SYSTEM**

- 1.0 Scenic Highways
  - 1.1 State Scenic Highways
  - 1.2 Locally Designated Scenic Highways
- 2.0 Public Transit
  - 2.1 Car and Van Pools
- 3.0 Airports
  - 3.1 Private Airfields
  - 3.2 Public Airports

- 4.0 Railroads
- 5.0 Pipelines
- 6.0 Bicycle, Pedestrian and Equestrian Travel

Subsections 1.1 and 1.2 discuss the statutory requirements of the Circulation Element and its relationship to other General Plan Elements. The remainder of the Circulation Element is divided into two parts: Part 1 covers the road system in Calaveras County, including State Highways, County roads, and private roads. Part 2 covers the rest of the transportation system, including scenic highways; public transit; airports; railways; pipelines; and bicycle, pedestrian, and equestrian routes.

Subsection 2.1 provides definitions for the Circulation Element. These definitions provide policy direction since they contain the countywide functional road classifications and Level of Service (LOS) standards.

The “Transportation Plan (Map 1)” and “Transportation Plan (Map 2)” are located on pages III-6 and II-7. A “2015 Circulation Plan” map is located on page III-8. Finally, a “Transportation Plan (Map 4)” is located on page III-9.

## **Evaluation**

The following is an evaluation of Chapter III (Circulation Element).

### *General*

- Table 1 (General Plan Background Report Statutory Requirements), Table 2 (General Plan Policy Document Content Requirements), and Table 3 (General Plan Coordination and Consistency Requirements) in the Appendix of this Report discuss specific statutory requirements related to the Circulation Element. Our analysis found that the Circulation Element meets these requirements with caveats.
  - Based on Government Code §65103(f) and §65080, *et seq.*, the circulation element must be coordinated with applicable state and regional transportation plans. The policies and plan proposals contained in the land use and circulation elements should reflect the RTP and RTIP. This requirement appears to be addressed with the discussion of the 1989 *District 10 System Management Plan* from Caltrans, the *State Transportation Improvement Plan* (STIP), the *Calaveras County Regional Transportation Plan* (RTP),
    - However the RTP referenced in the General Plan appears to be the 1996 RTP (the most recently adopted RTP is dated 2001 and the Calaveras Council of Governments (CCOG) states on its website that the RTP will be updated in 2006). Also, the text of the General Plan does not discuss the CCOG at all.
- State law does not say how the Circulation Element is to be correlated with the Land Use Element. However, LOS standards and traffic modeling/projections are key components.
  - The lack of coordination and consistency between the Land Use Element and the Circulation Element was central to the 1985 court decision against the Calaveras County General Plan (*Concerned Citizens of Calaveras County v. Board of Supervisors of Calaveras County*). The revisions and amendments to the General Plan in 1985-86 were designed to address the identified deficiencies in the correlation of

the Circulation and Land Use Elements. The Court reviewed the revised Land Use and Circulation Elements for legal adequacy.

- While we have found no evidence that the Circulation Element is not properly correlated with the Land Use Element, we also have not found evidence that the Circulation Element is properly coordinated with the Land Use Element. For example, the following sentence in Subsection 1.2 on page III-4 is problematic:

*“The transportation plan, policy, and implementation measures established by utilizing the same projections of future population and economic activity as does the Land Use Element, by using the same geographic distribution of future population and economic activity as expressed in the Land Use Element map, and by designing the transportation plans and policies to contribute to the achievement of the planned land-use pattern.”*

- The sentence is incomplete. It appears to need the word “were” in between “implementation measures” and “established” in the first line.
- It is unclear what the phrase “geographic distribution of future population and economic activity as expressed in the Land Use Element map” is referring to. The “Future Land Use Plan” map in the Land Use Element provides the future land use distribution, but does not appear to be connected to any projections of population or economic activity in the Land Use Element. The only projection in the Land Use Element is contained in Table II-1 for population in 2000 and 2010. However, this is not tied to the land use designations. Therefore, there appears to be no coordination with projections in the Circulation Element (which appear to be directly from the 1996 RTP), and the Land Use Element.
- Some of the background language contains what appears to be policy directives, as in the following example in Section 3.0 on page III-5:  
*In order to maintain a smooth flow of traffic within community areas, alternate access points should be identified along roads.*
- Table III-2 on page III-21 is mis-labeled. It should be Table III-5.
- The text on page III-28 directs the reader to refer to the Noise Element for noise policies relating to railroad activity. However, while Chapter VI (Noise Element) discusses railroad noise levels (see Section 2.2), it contains no specific policies relating to railroad noise.
- The reliance on LOS standards is problematic. The County should consider using physical road capacity measures instead.

### *Maps*

- The “Transportation Plan (Map 1)”, “Transportation Plan (Map 2)”, and “Transportation Plan (Map 4)” are from the 1985 General Plan. They are dated, reflecting conditions more than 20 years in the past.
- “Transportation Plan (Map 2)” and “Transportation Plan (Map 4)” show detailed existing and planned roads for several of the communities in Calaveras County. However, not all of the circulation maps in the Community/Special Plans are shown (such as the map in the Avery-Hathaway Pines Community Plan).



- The “2015 Circulation Plan” map located on page III-8 is from the 1996 RTP. It is outdated since the most recent RTP is dated 2001.
- In 2005, County Resolution No. 05-158 (approving General Plan Amendment 2004-174) removed the Circulation Element Appendix from the General Plan and designated the contents of the Appendix as a separate road service classification system to be maintained by the Public Works Department and capable of being updated by resolution. This was done in an attempt to facilitate the updating of road LOS ratings. To date, no updates have occurred. The LOS ratings appears to date back to the early 1980s and have not been updated since originally adopted.

### **Recommendations**

- Resolve and clean up any discrepancies and inconsistencies noted above.
- Strictly separate all background discussion from policy directives.
- Rename the “Transportation Plan” maps as the “Circulation Diagram”.
- Explicitly coordinate transportation projections with population and economic projections in the Land Use Element.
- Ensure that all of the appropriate Community/Special Plan Circulation Diagrams are either integrated into or referred to in the text.

## **Chapter IV: Conservation Element**

### **Statutory Requirements**

The following are the statutory requirements for the Conservation Element from Government Code §65302(d):

*“A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county. The conservation element may also cover:*

- (1) The reclamation of land and waters.*
- (2) Prevention and control of the pollution of streams and other waters.*
- (3) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.*
- (4) Prevention, control, and correction of the erosion of soils, beaches, and shores.*
- (5) Protection of watersheds.*
- (6) The location, quantity and quality of the rock, sand and gravel resources.*
- (7) Flood control. The conservation element shall be prepared and adopted no later than December 31, 1973.”*

### **Description**

Chapter IV (Conservation Element) has been amended once since its adoption in 1996. In 1998 County Resolution No. 98-92 (approving General Plan Amendment 97-75) revised Policy IV-1B in Subsection 3.2 (Williamson Act Lands) and Implementation Measure IV-3A-1 in Subsection 4.1 (Timber Production).

The following is a list of the contents of the Conservation Element.

- 1.0 Introduction
  - 1.1 Legal Authority
  - 1.2 Relationship to Other Elements
- 2.0 Soils
- 3.0 Agriculture Lands
  - 3.1 Agriculture Production
  - 3.2 Williamson Act lands
- 4.0 Forest Resources
  - 4.1 Timber Production
- 5.0 Mineral Resources
  - 5.1 Mining History
  - 5.2 Mining Operations
  - 5.3 Potential Mineral Resources
  - 5.4 Land Use Compatibility and Reclamation

- 5.5 Mineral Resource Designation
- 6.0 Water Resources
  - 6.1 Precipitation
  - 6.2 Surface Water resources
  - 6.3 Public Water/Utilities
- 7.0 Energy System

In addition, the Conservation Element Appendix (Appendix IV) contains a description of soil types in Calaveras County, a description of minerals found in the county, and an inventory of existing mines and mineral operations.

## Evaluation

The following is an evaluation of Chapter IV (Conservation Element).

- Table 1 (General Plan Background Report Statutory Requirements), Table 2 (General Plan Policy Document Content Requirements), and Table 3 (General Plan Coordination and Consistency Requirements) in the Appendix of this Report discuss specific statutory requirements related to the Conservation Element. Our analysis found that the Conservation Element together with Appendix IV (Conservation Element Appendix) generally meets these State requirements with the exception of the coordination requirements with the Surface Mining and Reclamation Act (SMARA).
  - The Division of Mines and Geology (DMG) (also known as the California Geological Survey (CGS)) in the California Department of Conservation has produced the following Open-File (OFR) and Special Reports (SR) on SMARA mineral resources classification in Calaveras County:
    - OFR 83-01: Mineral Land Classification of the Ordway Skunk Gulch Carbonate Deposit, Calaveras County, California (1982).
    - OFR 83-36: Mineral Land Classification of the Sutter Creek 15' Quadrangle, Amador, and Calaveras Counties, California (1983).
    - OFR 87-02: Mineral Land Classification of the Camino and Mokelumne Hill 15' Quadrangles, El Dorado, Amador, and Calaveras Counties, California (1987).
    - OFR 89-01: Mineral Land Classification of the San Andreas 15' Quadrangle, Calaveras County, California (1989). (Reprinted as SR 169).
    - SR 169: Mineral Land Classification of the San Andreas 15' Quadrangle, Calaveras County, California (1993)
  - The General Plan briefly discusses SMARA on page IV-5 of the Conservation Element: *In enacting the Surface Mining and Reclamation Act of 1975 (Public Resources Code §2710 et seq.), the State Legislature declared that mineral extraction is essential to the economic well-being of the state and to the needs of society. The Legislature also recognized that reclamation of mined lands is necessary to mitigate the environmental effects of mining and to protect the public health and safety. Reclamation permits continued mining as well as protection and future beneficial use of mineral lands after mining is completed.*
  - Implementation Measure IV-8A-2 states: *Support and apply the Surface Mining and Reclamation Act of 1975 (Public Resources Code section 2710 et seq.).*

- Section 5.0 (Mineral Resources) of Chapter IV (Conservation Element) includes a map on page IV-16 (“Preliminary Mineral Resource Areas”) that shows four types of “mineral resource areas” (MRAs) in Calaveras County: MRA-1, MRA-2A, MRA-2B, and MRA-3. The map source is listed as “Calaveras County General Plan Revision 1985”. The MRA designations correspond to the CGS definitions for MRZ-1, MRZ-2a, MRZ-2b, and MRZ-3.
  - However, since the map was done in 1985, it does not contain information from SMARA mineral resources classification surveys done in Calaveras County by CGS after that date (OFR 87-02, OFR 89-01, and SR 169). Therefore the mapping is out of date and incomplete.
- Policies and Implementation Measures under Goals IV-5, IV-6, IV-7, and IV-8 address mineral resources adequately under SMARA requirements.
- Government Code §65302.2, §65302(d) and §65352.5 set forth requirements that the water portion of the conservation element must be developed in coordination with any water agencies that serve the area covered by the general plan. The general plan should also incorporate water quality policies from regional plans to the extent that they are relevant.
  - We are unable to determine if this requirement has been met because we do not know the degree to which the County coordinated with the Calaveras County Water District and the Calaveras Public Utility District in the preparation of the General Plan.
  - Implementation Measure II-25B-1 in Chapter II (Land Use Element) appears to at least partially address these requirements:
 

*Work cooperatively with the State Regional Water Quality Control Board on sewage and water issues.*
- Government Code §65302(a) discusses requirements related to the California Timberland Productivity Act of 1982.
  - Section 4.0 (Forest Resources) of the Conservation Element discusses timberland production and sets forth timberland policies. That section plus related text in the Land Use Element and Circulation Element appear to meet statutory requirements. However, the text should clarify the definition, role and use of timberland production zones (TPZs).

## **Recommendations**

- Update maps to reflect the most recent SMARA mineral resources classification maps.
- Ensure that mineral resources policies fully address SMARA coordination requirements.
- Ensure that the next General Plan Update is properly coordinated with applicable water agencies.
- Clarify the definition, role and use of timberland production zones (TPZs).

## **Chapter V: Open Space Element**

### **Statutory Requirements**

The following are the statutory requirements for the Open Space Element from Government Code §65302(e):

*“An open-space element as provided in Article 10.5 (commencing with Section 65560).”*

Government Code §65560 is too extensive to reproduce here.

### **Description**

Chapter V (Open Space Element) has been amended once since its adoption in 1996. In 1998 County Resolution No. 98-92 (approving General Plan Amendment 97-75) revised Policies V-1A and V-3A and added new associated Implementation Measures in Subsection 1.3 (Significant Wildlife Habitat).

The following is a list of the contents of the Open Space Element.

- 1.0 Introduction
  - 1.1 Legal Authority
  - 1.2 Relationship to Other Elements
- 2.0 Ecological Resource Areas
  - 2.1 Rare Natural Plant Communities
  - 2.2 Significant Vegetative Habitat
  - 2.3 Significant Wildlife Habitat
- 3.0 Cultural, Historic and Scenic Resources
  - 3.1 Areas of Archaeological Importance
  - 3.2 Significant Cultural and Historical Areas
  - 3.3 Areas of Outstanding Scenic Value
- 4.0 Recreational Resources
  - 4.1 Parks and Reserves
  - 4.2 Federal Lands and Recreational Opportunities
  - 4.3 State Recreation Areas
  - 4.4 Reservoir Recreation Areas
  - 4.5 Local Recreation Areas

In addition, the Open Space Element Appendix (Appendix V) contains a description of habitat communities in Calaveras County.

### **Evaluation**

The following is an evaluation of Chapter V (Open Space Element).

- Table 1 (General Plan Background Report Statutory Requirements), Table 2 (General Plan Policy Document Content Requirements), and Table 3 (General Plan Coordination and Consistency Requirements) in the Appendix of this Report discuss specific statutory requirements related to the Open Space Element. Our analysis found that the Open Space Element together with Appendix V (Open Space Element Appendix) generally meets these State requirements.

- While the Chapter discusses endangered species (including the Federal Endangered and Threatened List, and the California Endangered and Threatened List), it does not discuss the legal and regulatory framework and context of endangered species, including the Federal Endangered Species Act (FESA), the California Endangered Species Act (CESA), and critical habitat issues. Similarly, the legal and regulatory framework and context should be discussed for broader habitat management issues, including the National Environmental Policy Act (NEPA), the Clean Water Act (CWA), the Migratory Bird Treaty Act (MBTA), the U.S. Fish and Wildlife Service (USFW), the U.S. Army Corps of Engineers, the National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (CDFG). Habitat Conservation Plans (HCPs) should also be discussed.
- Implementation Measure V-1A-1 states:
 

*Allow a maximum density of one dwelling unit per 40 acres on lands within the following significant protected wildlife and botanical habitats outside of Community Centers, Residential Centers, and Community or Special Plan Areas:*

  - Railroad Flat Deer Protected Areas*
  - Bald Eagle Wintering Area*
  - Golden Eagle Nesting Area*
  - Big Trees State Park*
  - UOP Research Area*

However, there is no discussion in the Chapter text regarding the exact location of most of these areas (they are only shown in the “Significant Wildlife Areas” map). Furthermore, the density restriction does not appear to be reflected in the General Plan Land Use Diagram (“Future Land Use Plan” map).
- The lack of an “Open Space” designation/zone to implement the Open Space Element policies seems a significant omission. With the broad range of uses allowed, the 40 acre minimum lot size standard does not seem adequate by itself to safeguard open space resources.

### **Recommendations**

- Expand the background discussion to include the legal and regulatory framework and context for endangered species and habitat management. Update policies as necessary to reflect this information.
- Revise Implementation Measure V-1A-1 and background information in the Chapter.
- Consider revising minimum lot sizes for open space designations/zones

## Chapter VI: Noise Element

### Statutory Requirements

The following are the statutory requirements for the Noise Element from Government Code §65302(f):

*“A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:*

*(1) Highways and freeways.*

*(2) Primary arterials and major local streets.*

*(3) Passenger and freight on-line railroad operations and ground rapid transit systems.*

*(4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.*

*(5) Local industrial plants, including, but not limited to, railroad classification yards.*

*(6) Other ground stationary noise sources identified by local agencies as contributing to the community noise environment.*

*Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.*

*The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise. The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state’s noise insulation standards.”*

### Description

Chapter VI (Noise Element) has been not been amended since its adoption in 1996. The following is a list of the contents of the Noise Element.

#### 1.0 Introduction

##### 1.1 Legal Authority

##### 1.2 Relationship to Other Elements

#### 2.0 Major Noise Sources

##### 2.1 Traffic noise

##### 2.2 Railroad Noise

##### 2.3 Airport Noise

##### 2.4 Fixed Noise Sources

#### 3.0 Noise Sensitive Uses

In addition, the Noise Element Appendix (Appendix VI) contains a set of definitions and a description of the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model.

## Evaluation

The following is an evaluation of Chapter VI (Noise Element).

- Table 1 (General Plan Background Report Statutory Requirements), Table 2 (General Plan Policy Document Content Requirements), and Table 3 (General Plan Coordination and Consistency Requirements) in the Appendix of this Report discuss specific statutory requirements related to the Noise Element. Our analysis found that the Noise Element together with Appendix VI (Noise Element Appendix) does not meet statutory requirements:

- The Chapter only partially meets the requirement for background information in Government Code §65302(f). While the document discusses Calaveras County Airport noise and noise from fixed sources, there is no analysis, quantification, or noise contours for the current or projected noise levels for them.

However, the text on page VI-8 does state in regards to the airport:

*The Calaveras County Airport (Maury Rasmussen Field) began operation in December of 1981. Information on noise resulting from the aircraft operations at the airport is based on the County of Calaveras Airport Final Environmental Impact Report, 1982. Given that the area adjacent to the airport is generally undeveloped, the noise resulting from aircraft operations has very little impact on current land uses. Land use in the vicinity of the Calaveras County Airport is guided by both the County Airport Land Use Plan (ALUP), which was incorporated into the General Plan as the Airport Special Plan, and is included in the Noise Element. For additional information regarding airport operations and noise generation, refer to the Airport Special Plan.*

- The Airport Special Plan shows noise contours for the airport for existing (1980) and projected (2000) conditions in Figure 4. However, this information is out of date and out of sync with the 2010 projections in the rest of the General Plan.
- The Chapter only partially meets the requirements for using “noise contours as a guide for establishing a pattern of land uses” in Government Code §65302(f).
  - The text is missing analysis, quantification, and noise contours for the current and projected noise levels for the Calaveras County Airport noise and noise from fixed sources. The Airport Special Plan shows noise contours for the airport for existing (1980) and projected (2000) conditions in Figure 4. However, this information is out of date and out of sync with the 2010 projections in the rest of the General Plan.

- Page VI-1 includes the following paragraph:

*To form the basis for the noise element, the County conducted an assessment of noise conditions prepared in accordance with the Noise Element Guidelines of the California Department of Health Services and the Governor's Office of Planning and Research. That assessment produced a technical report included in the Calaveras County General Plan Update Background Report (Crawford , Multari, and Starr, 1993). The existing and future noise environments were prepared by Brown- Buntin Associates.*

County staff were unable to provide us with a copy of the Background Report document, so we were unable to evaluate the contents. It is unknown, for instance, the degree to which this document might address some of the deficiencies noted above. However, the document appears not have been adopted as part of the General Plan.



- The Noise Element definitions in Appendix VI are based on the 1990 General Plan Guidelines. These should be updated to those in the current (2003) General Plan Guidelines.

**Recommendations**

- Correct the deficiencies noted above.

## Chapter VII: Safety Element

### Statutory Requirements

The following are the statutory requirements for the Safety Element from Government Code §65302(g):

*“A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards. Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the Division of Mines and Geology of the Department of Conservation and the Office of Emergency Services for the purpose of including information known by and available to the department and the office required by this subdivision.*

*To the extent that a county’s safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county’s safety element that pertains to the city’s planning area in satisfaction of the requirement imposed by this subdivision.*

*At least 45 days prior to adoption or amendment of the safety element, each county and city shall submit to the Division of Mines and Geology of the Department of Conservation one copy of a draft of the safety element or amendment and any technical studies used for developing the safety element. The division may review drafts submitted to it to determine whether they incorporate known seismic and other geologic hazard information, and report its findings to the planning agency within 30 days of receipt of the draft of the safety element or amendment pursuant to this subdivision. The legislative body shall consider the division’s findings prior to final adoption of the safety element or amendment unless the division’s findings are not available within the above prescribed time limits or unless the division has indicated to the city or county that the division will not review the safety element. If the division’s findings are not available within those prescribed time limits, the legislative body may take the division’s findings into consideration at the time it considers future amendments to the safety element. Each county and city shall provide the division with a copy of its adopted safety element or amendments. The division may review adopted safety elements or amendments and report its findings. All findings made by the division shall be advisory to the planning agency and legislative body.*

### Description

Chapter VII (Safety Element) has been not been amended since its adoption in 1996. The following is a list of the contents of the Safety Element.

- 1.0 Introduction
  - 1.1 Legal Authority
  - 1.2 Relationship to Other Elements
- 2.0 Seismic, Geologic, and Soil Hazards
  - 2.1 Seismicity
  - 2.2 Groundshaking

- 2.3 Liquefaction Hazards
- 2.4 Slope Instability
- 2.5 Expansive Soils
- 2.6 Erosion
- 3.0 Fire Hazards
  - 3.1 Fire Protection Services and Fire Rating
- 4.0 Flood Hazards
  - 4.1 Dam Failure Inundation
- 5.0 Hazardous Materials
  - 5.1 Indigenous Hazardous Materials
  - 5.2 Imported Hazardous Materials
- 6.0 Airport Operations
- 7.0 General Safety

## Evaluation

The following is an evaluation of Chapter VII (Safety Element).

- Table 1 (General Plan Background Report Statutory Requirements), Table 2 (General Plan Policy Document Content Requirements), and Table 3 (General Plan Coordination and Consistency Requirements) in the Appendix of this Report discuss specific statutory requirements related to the Safety Element. Our analysis found that the Safety Element does not meet the following requirements:
  - The Chapter does not contain the required background information and associated policies in Government Code §65302(g) relating to evacuation routes, peakload water supply requirements, minimum road widths, and clearances around structures. The General Plan is required to create independent standards addressing these topics.
    - Evacuation routes: pages III-4 and III-5 in Chapter III (Circulation Element) define “Emergency Access Roads” under the Service Classifications for both Regional Roads and Community Roads: “Emergency Access Roads are roads which provide an alternate means of ingress and egress for emergency vehicles and evacuation.” However, there is no specific discussion of evacuation routes in this chapter or in Chapter VII (Safety Element). There is no policy language addressing this topic.
      - The General Plan does not require emergency or secondary access. This issue is left to the discretion of the Public Works Department with a 50-unit development generally being the minimum threshold. Emergency access is usually a gated or other controlled access point.
    - Peakload water supply requirements: Subsection 3.1 (Fire Protection Services and Fire Rating) discusses ISO (Insurance Services Office) ratings:
 

*A community's ISO rating takes into account water supply, fire department capabilities, communities, regulations, hazards and climate. The availability of an adequate water supply and delivery system is a major consideration.*

This Subsection also discusses water supply for fire protection in general terms: *Approximately two-thirds of the County's population are served by district water systems. The remaining one third of the County's population is served by ground water sources. Water supply for fire purposes in areas where fire hydrant systems are not available depends upon the ability of local fire protection districts to*

*transport water to the site of a fire, or upon individuals who have developed their own water storage systems.*

However, there is no specific discussion of peakload water supply requirements.

Implementation Measure VII-2B-1 does establish ISO fire protection goals for different types of new development.

- Minimum road widths: there is no discussion of minimum required road widths for emergency vehicle access. The only policy language that addresses this topic is Implementation Measure VII-2B-2: “Require adequate access for emergency fire equipment to new development by applying standards contained in the County Road Ordinance.”
- Clearances around structures: there is no discussion of minimum clearances around structures for fire safety. The only policy language that addresses this topic is Implementation Measure VII-2A-1: “Protect structures from wildland fires by requiring minimum firebreaks around all structures as part of final building inspection.”
- Health and Safety Code §21135.7(b) requires a discussion of the county Hazardous Waste Management Plan (HWMP). Also, the HWMP must either be incorporated by reference into a county’s general plan or a county must enact an ordinance requiring that all applicable zoning, subdivision, conditional use permit, and variance decisions be consistent with its HWMP.
  - The text on page VII-16 of Chapter VII (Safety Element) discusses the Calaveras County HWMP:

*The Tanner Hazardous Waste Management Planning Law (AB 2948-Tanner, 1986) requires counties to develop local plans to manage hazardous wastes. The Calaveras County Hazardous Waste Management Plan was adopted in 1990 and addresses the policies and programs to manage hazardous wastes.*
  - However, this is not an incorporation by reference into County General Plan policy. It is unknown whether the County enacted an ordinance as required.
- Public Resources Code §2621.5 requires a discussion of the Alquist-Priolo Act of 1972 (amended in 1994). The Alquist-Priolo Act states that its purpose is to provide for “the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties in implementation of the general plan.” The Act’s provisions should be reflected in the general plan’s land use, safety, and open-space elements.
  - The Alquist-Priolo Act addresses earthquake faults that have ruptured the ground surface within the last 11,000 years. While the Background Report discusses earthquake faults, it does not specifically discuss the Alquist-Priolo Act.
  - That being said, the California Geological Survey has not mapped any Alquist-Priolo Earthquake Fault Zones in Calaveras County as shown in *Table 4, Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999* (updated version of Table 4 from the 1997 edition of Special Publication 42, *Fault-Rupture Hazard Zones in California*). Therefore, there are no Fault Rupture Hazard Zones (formerly Alquist-Priolo Special Studies Zones) and no active faults that displace near-surface bedrock or residual soils in the county.
- Public Resources Code §2699 requires discussion of the Seismic Hazards Mapping Act of 1990. The Seismic Hazards Mapping Act requires cities and counties to take into

account the information available in seismic hazard maps when preparing their safety elements and when adopting or revising land use planning regulations such as zoning.

- The Seismic Hazards Mapping Act addresses seismic hazards other than surface rupture, such as strong ground shaking, liquefaction and seismically induced landslides. While the Background Report discusses groundshaking, liquefaction hazards, and slope instability, it does not specifically discuss the Seismic Hazards Mapping Act.
- The “Slopes and Fault Zones” map on page VII-4 lists its source as “Calaveras County Water District 1975”. The map shows slopes greater than 30 percent and the Bear Mountain and Melones Fault Zones. As stated on page VII-2:  
*The Melones-Bear Mountain Fault System (also known as the Sierra Foothills Fault System) crosses the western portion of Calaveras County. While the northern portion of this system (outside of Calaveras County) is thought to be capable of a magnitude 6.5 earthquake, the level of activity on the portion of the system within Calaveras County is still unknown. However, the risk of surface rupture is not considered sufficient to restrict the development found in the County.*
- The “Erosion Potential” map on page VII-6 shows area with high erosion hazards. The source of this data is also listed as “Calaveras County Water District 1975”. It is likely that there is more recent/accurate information available for this map.

### **Recommendations**

- Add background discussion and create policy to address evacuation routes, peakload water supply requirements, minimum road widths, and clearances around structures.
- Incorporate the Calaveras County Hazardous Waste Management Plan (HWMP) by reference.
- Reference the Alquist-Priolo Act and the Seismic Hazards Mapping Act in the background discussion of seismic hazards.
- Incorporate the following publications/maps from DMG into the discussion of seismic hazards:
  - Probabilistic Hazard Assessment for the State of California (1996).
  - Seismic Shaking Hazard Maps of California. DMG Map Sheet MS048 (1999)
- Update mapping information where necessary.

## **Chapter VIII: Housing Element**

### **Statutory Requirements**

The following are the statutory requirements for the Housing Element from Government Code §65302(c):

*“A housing element as provided in Article 10.6 (commencing with Section 65580).”*

### **Description**

The County’s previous Housing Element was adopted in December 1996, with an amendment adopted September 1999 adding provisions for housing opportunities for first-time homebuyers. The current Housing Element was adopted in May 2005 for a January 1, 2001 to June 30, 2009) planning period. The Calaveras County Housing Element was reviewed by the California Department of Housing and Community Development (HCD) and found to be in compliance with State law in n July 2005.

The Housing Element has not been reviewed as part of this evaluation since it was found to be adequate by the California Department of Housing and Community Development (HCD) in July 2005. An HCD approval creates a legal presumption that a housing element is adequate under the requirements of State law.

### **Recommendations**

None

## Community/Special/Specific Plans

### Description

Separately-adopted Community Plans are considered by State law to be a part of the General Plan. Calaveras County has adopted the following six Community Plans and three Special Plans (same status as community plans/area plans under State law):

- *Arnold Community Plan* (adopted 1968; revised 1980 and December 1998)
- *Avery-Hathaway Pines Community Plan* (adopted April 1999)
- *Mokelumne Hill Community Plan* (adopted February 1983; revised June 1988)
- *Murphys & Douglas Flat Community Plan* (adopted 1986; revised December 1988)
- *San Andreas Community Plan* (adopted April 1981; revised June 1988)
- *Valley Springs Community Plan* (adopted February 1975; revised September 1983)
- *Calaveras County Airport Special Plan* (adopted October 1992)
- *Ebbetts Pass Highway Special Plan* (adopted 1984; revised June 1986 and June 1988)
- *Rancho Calaveras Special Plan* (adopted May 1999)

In addition the County has produced the following draft Community Plan:

- Copperopolis Community Plan - Working Draft (August 26, 2005)

Specific plans, unlike community/area plans are not considered part of the General Plan under State planning law. Therefore, a discussion of them is beyond the scope of this report. The County has adopted two currently active Specific Plans:

- *Calaveras Country Club Specific Plan* (formerly Saddle Creek Specific Plan)
- *Oak Canyon Ranch Specific Plan* (adopted November 2003) (note: not referred to in the General Plan text or the Future Land Use Plan map).

A third specific plan, the *Spring Valley Estates Specific Plan*, was vacated on July 6, 2004, and the property was rezoned consistent with the underlying General Plan land use designations

The following is a summary of the contents of each of the Community/Special Plans:

#### **Arnold Community Plan**

- Introductory sections
- Eight different Elements (land use, circulation, conservation, open space, safety, noise, housing, and economic)
- Community Plan map

#### **Avery-Hathaway Pines Community Plan**

- Introductory section
- Seven different Elements (land use, circulation, conservation, open space, safety, noise, and housing); most implementation measures refer to the countywide General Plan.
- Community Plan map

#### **Mokelumne Hill Community Plan**

- Multiple introductory and background sections

- Goals, policies and implementation measures pertaining to the following topics: citizen involvement, growth management, commercial, housing, parks and recreation, safety, roads, public services, parking, mineral resources, agriculture, and cluster housing.
- Consistent zoning
- Community Plan map

**Murphys & Douglas Flat Community Plan**

- Introductory section
- Goals and policies pertaining to the following topics: land use designation, Community Plan land use, future land use plan and plan amendments, domestic watershed, open space, parks and recreation; public services; mobile home residences; multiple family residential development; and transportation.
- Implementation program
- Community Plan map

**San Andreas Community Plan**

- Multiple introductory and background sections
- Goals, policies pertaining to the following topics: citizen involvement, agricultural land, air and water quality, hazards, recreation, economy, housing, public facilities, transportation, trails, energy, natural resources, retail sales, growth management, and industrial
- Land use designations
- Implementation program
- Community Plan map

**Valley Springs Community Plan**

- Development policy section
- Description of community area
- Table of consistent zones
- Two Community Plan maps

**Calaveras County Airport Special Plan**

- Introductory section
- Description of Calaveras County Airport
- Evaluation of land use compatibility
- Policies and standards
- Specific coordination measures

**Ebbetts Pass Highway Special Plan**

- Introductory section
- Goals, policies pertaining to the following topics: land use designation, zoning consistency, general, community centers, resort centers, recreation, multiple-family residential, single-family residential, commercial, timber harvesting and resource production, and circulation
- Implementation program
- Special Plan map

**Rancho Calaveras Special Plan**



- Introductory section
- Background information and policy pertaining to commercial land uses
- Background information and policy pertaining to multifamily residential and accessory dwelling uses
- Background information and policy pertaining single family residential uses
- Background information and policy pertaining to easements for pedestrians and equestrians
- Background information and policy pertaining to the keeping of animals
- Special Plan map

**Copperopolis Community Plan (Working Draft August 26, 2005)**

- Introductory sections
- Six different Elements (community development and land use, open space and natural resources, economic, circulation and transportation, public service and utilities, and recreation)
- Appendices

**Evaluation**

We have not done a systematic review of the consistency of each Community/Special Plan with the General Plan. It is beyond the scope of this report and would not be particularly helpful for the General Plan update process. However, we have provided a general discussion of the problems that exist in reconciling the Community/Special Plans with the General Plan.

● **Land use designations**

- As discussed under the evaluation of the Land Use Element, there are land use designations in the Community Plans that are not used or even referenced in the Land Use chapter
- There may also be discrepancies between land use designations that appear in both the main General Plan document text and a given Community/Special Plan, but use different assumptions and standards (allowable uses, density/intensity standards, etc.)
- The Community Plans and Special Plans land use “designations” are not actual land use designations, since they include more specific land use designations within them.
- As discussed in the evaluation of the Land Use Element, the tables in the Land Use Appendix do not all correspond with the tables in the Community Plans

● **Different time frames.** The 1996 General Plan as originally adopted was conceived to run from 1995/6 through the horizon year of 2010. However, since the adopted Community/Special Plans are considered part of the General Plan, there are potential problems with different planning horizons.

- For example, the Arnold Community Plan was revised in 1998. It was intended to run from 1997 “for the next 15 years” to 2012. It uses population projections to the year 2015.

● **Inconsistency.** Because of these issues, there are potential inconsistencies between the main General Plan text and the Community/Special Plans.

Although we have not reviewed the Specific Plans, in the review of the Land Use Element, we did find the following problems:

- Implementation Measure II-6A-2 on page II-10 refers to the Land Use Element Appendix for the allowable densities for the Saddle Creek Specific Plan (Calaveras Country Club) (and the Spring Valley Estates Specific Plan which is now vacated). This does not meet statutory requirements for three reasons:
  - It does not refer to the Oak Canyon Ranch Specific Plan (adopted November 2003)
  - The Land Use Appendix does not contain anything from the two adopted Specific Plans
  - The General Plan (or Community Plan, which is considered part of the General Plan) has to establish an independent and measurable standard for land use designations.

### **Recommendations**

- Resolve and clean up any discrepancies and inconsistencies noted above.
- Consider renaming the “Special Plans” as “Community Plans.”
- The new General Plan update should establish a systematic framework for the Community Plans that lays out a common scope and format that will be used for all plans.

# **APPENDIX**

## Background Report Requirements

This section discusses the background information in the General Plan that is required by California law. The basic content requirements for General Plans are discussed in Government Code, Article 5 (Authority for and Scope of General Plans” (§65300, *et seq.*). *The General Plan Guidelines* (2003) published by the California Governor’s Office of Planning and Research (OPR) states the following regarding the content requirements:

*“While state law establishes the basic contents of the general plan, the full list of issues contained in §65302 and other statutes are not intended to apply in every jurisdiction. Section §65301(c) provides that each state-mandated element need address only those issues that are relevant to the city’s or county’s planning area. This is commonly referred to as the “shoe-fits” doctrine (from the old saying, “if the shoe fits, wear it”). For example, an urbanized city need not discuss prime agricultural soils. Open-space issues in a county where agricultural land and wildlife habitat are important will be very different than those in an urbanized city, which may have parks as its only open space. The exception is the housing element, which must meet all the specific requirements of §65580, et seq.”*

Table 1 below is a summary of the General Plan requirements that apply to the Background Report. Please note that only those areas for which State law explicitly requires specific information are discussed. Where policy or programs are required by the statutes, they are presumed to be part of Policy Document requirements and are not shown below. The table also shows whether the topic is addressed in the current Calaveras County General Plan. Please note: the Housing Element is not discussed below.

**TABLE 1**  
**GENERAL PLAN BACKGROUND REPORT STATUTORY REQUIREMENTS**

Element/ General Plan Background Report Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<b>Land Use Element</b>		
<p>Description of the general location and extent of the following land uses:</p> <ul style="list-style-type: none"> <li>▪ housing;</li> <li>▪ business;</li> <li>▪ industry;</li> <li>▪ open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty;</li> <li>▪ education;</li> <li>▪ public buildings and grounds;</li> <li>▪ solid and liquid waste disposal facilities; and</li> <li>▪ other categories of public and private uses of land.</li> </ul>	<p>Government Code §65302(a)</p>	<p>Only partially complete.</p> <p>The Future Land Use Map on page II-3 of Chapter II (Land Use Element) shows the existing distribution of land use <u>designations</u>. Table II-2 on page II-4 shows the acreage within each of the land use designations. The “City of Angels Sphere of Influence” map on page II-12 shows the land use designations between the City of Angels city limits and its sphere of influence (SOI).</p> <p>The “Solid Waste Facilities” map on page II-35, the “Mine Locations” map on page IV-12, and the “Major Recreation Areas” map on page V-16 all show additional land uses. There are also numerous maps in the Conservation (Chapter IV), Open Space (Chapter V), and Safety (Chapter VII) Elements that provide an inventory of specific land capabilities and classifications (agricultural lands, timber lands, mineral resources, water resources, vegetation, wildlife habitat, slopes and fault zones, flood zones, etc.)</p> <p>However, there is no overall consolidated description of <u>existing</u> land uses. There is also no analysis of the development potential and holding capacity of unincorporated lands in the county.</p>
<p>Identification of areas covered by the plan which are subject to flooding.</p>	<p>Government Code §65302(a)</p>	<p>Yes. See Sections 4.0 (Flood Hazards) and Subsection 4.1 (Dam Failure Inundation) of Chapter VII (Safety Element).</p> <p>The “Flood Zones” map on page VII-13 shows the areas subject to “the 100-year flood”. The source of the map data is listed as the Federal Emergency Management Agency (FEMA) from 1990. The current Flood Insurance Rate Maps (FIRMs) available from FEMA for unincorporated Calaveras County are listed as September 5, 1990 (the most recent maps for Angel’s Camp are listed as May 19, 1997), so there is not more recent comprehensive mapping information available. However there are several Letter of Map Changes (LOMCs) to the Calaveras County maps since publication, dating from 1999, 2004, and 2005.</p> <p>The “Surface Water” map on page VII-14 shows “area subject to slow surface drainage”, “areas subject to slow surface drainage and dam inundation”, and “dam inundation areas”. It is unclear where this information is from, since the map does not show the source listed. The map appears to be from the 1985 General Plan Revision. It is possible that there is more current information available in the dam failure inundation maps required to be submitted by dam owners to the California Office of Emergency Services (OES) for review and official approval pursuant to Government Code §8589.5</p>

Element/ General Plan Background Report Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<b>Circulation Element</b>		
<p>Description of the general location and extent of the following existing and future facilities:</p> <ul style="list-style-type: none"> <li>▪ major thoroughfares;</li> <li>▪ transportation routes;</li> <li>▪ terminals; and</li> <li>▪ other local public utilities and facilities.</li> </ul>	Government Code §65302(b)	Yes. See Chapter III (Circulation Element).
<b>Conservation Element</b>		
<p>Background information regarding the following mandatory natural resource topics:</p> <ul style="list-style-type: none"> <li>▪ water and its hydraulic force;</li> <li>▪ forests;</li> <li>▪ soils;</li> <li>▪ rivers and other waters;</li> <li>▪ harbors;</li> <li>▪ fisheries;</li> <li>▪ wildlife;</li> <li>▪ minerals; and</li> <li>▪ other natural resources.</li> </ul>	Government Code §65302(d)	Yes. See Chapter IV (Conservation Element), Chapter V (Open Space Element), and portions of Chapter II (Land Use). See also Appendix IV (Conservation Element Appendix) and Appendix V (Open Space Element Appendix).
<b>Open Space Element</b>		
<p>Information on the following topics to the extent that they are locally relevant:</p> <ul style="list-style-type: none"> <li>▪ Open space for the preservation of natural resources including, but not limited to: <ul style="list-style-type: none"> <li>▪ areas required for the preservation of plant and animal life, including habitat for fish and wildlife species;</li> <li>▪ areas required for ecologic and other scientific study purposes;</li> <li>▪ rivers, streams, bays and estuaries; and</li> <li>▪ coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.</li> </ul> </li> <li>▪ Open space used for the managed production of resources, including but not limited to: <ul style="list-style-type: none"> <li>▪ forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber;</li> <li>▪ areas required for recharge of ground water basins;</li> <li>▪ bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and</li> <li>▪ areas containing major mineral deposits, including those in short supply.</li> </ul> </li> </ul>	Government Code §65560, §65563, and 65564	Yes. See Chapter IV (Conservation Element), Chapter V (Open Space Element), and Chapter VII (Safety Element). See also Appendix IV (Conservation Element Appendix) and Appendix V (Open Space Element Appendix).

Element/ General Plan Background Report Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<ul style="list-style-type: none"> <li>▪ Open space for outdoor recreation, including but not limited to: <ul style="list-style-type: none"> <li>▪ areas of outstanding scenic, historic and cultural value;</li> <li>▪ areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and</li> <li>▪ areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.</li> </ul> </li>   <li>▪ Open space for public health and safety, including, but not limited to: <ul style="list-style-type: none"> <li>▪ areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.</li> </ul> </li> </ul>		
<b>Noise Element</b>		
<p>Recognition of the guidelines established by the Office of Noise Control in the California Department of Health Services [now located in Appendix C (“Guidelines for the Preparation and Content of the Noise Element of the General Plan”) of the <i>State of California General Plan Guidelines</i>]</p> <p>Analysis and quantification of the current and projected noise levels for all of the following sources:</p> <ol style="list-style-type: none"> <li>1) Highways and freeways.</li> <li>2) Primary arterials and major local streets.</li> <li>3) Passenger and freight on-line railroad operations and ground rapid transit systems.</li> <li>4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.</li> <li>5) Local industrial plants, including, but not limited to, railroad classification yards.</li> <li>6) Other ground stationary noise sources identified by local agencies as contributing to the community noise environment.</li> </ol> <p>Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques.</p>	<p>Government Code §65302(f)</p>	<p>Only partially complete. See Chapter VI (Noise Element) and Appendix VI (Noise Element Appendix). While the document discusses Calaveras County Airport noise and noise from fixed sources, there is no analysis, quantification, or noise contours for the current and projected noise levels for them.</p> <p>However, the text on page VI-8 does state in regards to the airport:  <i>The Calaveras County Airport (Maury Rasmussen Field) began operation in December of 1981. Information on noise resulting from the aircraft operations at the airport is based on the County of Calaveras Airport Final Environmental Impact Report, 1982. Given that the area adjacent to the airport is generally undeveloped, the noise resulting from aircraft operations has very little impact on current land uses. Land use in the vicinity of the Calaveras County Airport is guided by both the County Airport Land Use Plan (ALUP), which was incorporated into the General Plan as the Airport Special Plan, and is included in the Noise Element. For additional information regarding airport operations and noise generation, refer to the Airport Special Plan.</i></p> <p>The Airport Special Plan shows noise contours for the airport for existing (1980) and projected (2000) conditions in Figure 4. However, this information is out of date compared to the rest of the General Plan.</p> <p>Page VI-1 includes the following paragraph:  <i>To form the basis for the noise element, the County conducted an assessment of noise conditions prepared in accordance with the Noise Element Guidelines of the California Department of Health Services and the</i></p>

Element/ General Plan Background Report Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
		<p><i>Governor's Office of Planning and Research. That assessment produced a technical report included in the Calaveras County General Plan Update Background Report (Crawford , Multari, and Starr, 1993). The existing and future noise environments were prepared by Brown- Buntin Associates.</i></p> <p>It is unknown what is in this document. Or if it is included in the adopted Calaveras County General Plan.</p> <p>Additionally, the Noise Element definitions in Appendix VI are based on the 1990 General Plan Guidelines. These should be updated to those in the current (2003) General Plan Guidelines.</p>
<b>Safety Element</b>		
<p>Mapping of known seismic and other geologic hazards.</p> <p>Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the Division of Mines and Geology of the Department of Conservation and the Office of Emergency Services for the purpose of including information known by and available to the department and the office required by this subdivision.</p>	<p>Government Code §65302(g)</p>	<p>Yes. Section 2.0 (Seismic, Geologic, and Soil Hazards) in Chapter VII (Safety Element) discusses seismic hazards. As discussed in this section:</p> <p><i>Although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes have been recorded within the County</i></p> <p><i>The potential for seismically induced ground shaking is lower in Calaveras County than in most of California.</i></p> <p>The California Geological Survey does not have any mapping available for any Alquist-Priolo Earthquake Fault Zones in Calaveras County as shown in Table 4. Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999 (updated version of Table 4 from the 1997 edition of Special Publication 42, <i>Fault-Rupture Hazard Zones in California</i>). Therefore, there are no Fault Rupture Hazard Zones (formerly Alquist-Priolo Special Studies Zones) and no active faults that displace near-surface bedrock or residual soils in the county.</p> <p>The “Slopes and Fault Zones” map on page VII-4 lists its source as “Calaveras County Water District 1975”. The map shows slopes greater than 30 percent and the Bear Mountain and Melones Fault Zones. As stated on page VII-2</p> <p><i>The Melones-Bear Mountain Fault System (also known as the Sierra Foothills Fault System) crosses the western portion of Calaveras County. While the northern portion of this system (outside of Calaveras County) is thought to be capable of a magnitude 6.5 earthquake, the level of activity on the portion of the system within Calaveras County is still unknown. However, the risk of surface rupture is not considered sufficient to restrict the development found in the County.</i></p> <p>Finally, the “Erosion Potential” map on page VII-6 shows area with high erosion hazards. The source of this data is also listed as “Calaveras County Water District 1975”.</p>
Information on the following topics as they relate to identified fire and	Government	No.



Element/ General Plan Background Report Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<p>geologic hazards:</p> <ul style="list-style-type: none"> <li>▪ evacuation routes;</li> <li>▪ peakload water supply requirements;</li> <li>▪ minimum road widths; and</li> <li>▪ clearances around structures.</li> </ul>	<p>Code §65302(g)</p>	<ul style="list-style-type: none"> <li>▪ Evacuation routes: pages III-4 and III-5 in Chapter III (Circulation Element) define “Emergency Access Roads” under the Service Classifications for both Regional Roads and Community Roads: “Emergency Access Roads are roads which provide an alternate means of ingress and egress for emergency vehicles and evacuation.” However, there is no specific discussion of evacuation routes in this chapter or in Chapter VII (Safety Element).</li> <li>▪ Peakload water supply requirements: Subsection 3.1 (Fire Protection Services and Fire Rating) discusses ISO (Insurance Services Office) ratings: <i>A community's ISO rating takes into account water supply, fire department capabilities, communities, regulations, hazards and climate. The availability of an adequate water supply and delivery system is a major consideration.</i></li> </ul> <p>This Subsection also discusses water supply for fire protection in general terms: <i>Approximately two-thirds of the County's population are served by district water systems. The remaining one third of the County's population is served by ground water sources. Water supply for fire purposes in areas where fire hydrant systems are not available depends upon the ability of local fire protection districts to transport water to the site of a fire, or upon individuals who have developed their own water storage systems.</i></p> <p>However, there is no specific discussion of peakload water supply requirements.</p> <ul style="list-style-type: none"> <li>▪ Minimum road widths: there is no discussion of minimum required road widths for emergency vehicle access.</li> <li>▪ Clearances around structures: there is no discussion of minimum clearances around structures for fire safety.</li> </ul>

## Policy Document Requirements

This section discusses the types of policies in the General Plan that are required by California law. The basic content requirements for General Plans are discussed in Government Code, Article 5 (Authority for and Scope of General Plans” (§65300, *et seq.*).

Table 2 below is a summary of the content requirements that apply to the Policy Document in Government Code, Article 5 (Authority for and Scope of General Plans” (§65300, *et seq.*). Please note that only those areas for which State law requires specific policy are discussed. State law is uneven in its approach to establishing mandates for the different general plan elements. Some element requirements emphasize policy, while other emphasize required background information. Where background information is required by the statutes, it is presumed to be part of Background Report requirements and is not shown below. The table also shows whether the topic is addressed in the current Calaveras County General Plan. Please note: the Housing Element is not discussed below.

The *General Plan Guidelines* (October 2003) from the California Governor’s Office of Policy and Research (OPR) include suggested “ideas for development policies” for the seven required elements of the General Plan. Under the Open Space Element, there is a listing not only for “Ideas for Development Policies”, but also a separate listing of “Ideas for Open-Space Action Programs”. Every local open-space element is required to contain a specific action program to preserve open space (§65564). Since the *General Plan Guidelines* are advisory, local general plans are not required to address each of the topics mentioned under “ideas for development policies”; they serve only as recommendations.

**TABLE 2**  
**GENERAL PLAN POLICY DOCUMENT CONTENT REQUIREMENTS**

Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<p><b>Land Use Element</b></p> <p>Designation of the proposed general distribution and general location and extent of the following land uses:</p> <ul style="list-style-type: none"> <li>▪ housing;</li> <li>▪ business;</li> <li>▪ industry;</li> <li>▪ open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty;</li> <li>▪ education;</li> <li>▪ public buildings and grounds;</li> <li>▪ solid and liquid waste disposal facilities; and</li> <li>▪ other categories of public and private uses of land.</li> </ul>	<p>Government Code §65302(a)</p>	<p>Yes. The Future Land Use Map on page II-3 of Chapter II (Land Use Element) shows the general distribution of land use designations.</p>
<p>Statement of the standards of population density and building intensity recommended for the various land use designations.</p>	<p>Government Code §65302(a)</p>	<p>No.</p> <p>The <i>General Plan Guidelines</i> (2003) defines standards of population density as follows (p. 50):</p> <p style="padding-left: 40px;"><i>Although applied differently from one jurisdiction to another, population density can best be expressed as the relationship between two factors: the number of dwellings per acre and the number of residents per dwelling.</i></p> <p>The <i>General Plan Guidelines</i> (2003) (pp. 50-51) define standards of building intensity as follows:</p> <p style="padding-left: 40px;"><i>OPR recommends that each intensity standard include these variables: (1) permitted lands uses or building types; and (2) concentration of use. Permitted uses and building types is a qualitative measure of the use that will be allowable in each land use designation. The concentration of use can be defined by one or more quantitative measures that relate directly to the amount of physical development that will be allowed. Maximum dwelling units per acre is a good residential standard. Floor area ratio (the ratio of building floor area to the total site area) is a useful measure of commercial and industrial intensity. The dual standard of maximum lot coverage and maximum building height is suitable for agricultural, open-space, and recreational designations where development is being limited. On the other hand, lot size, which has been widely used for agricultural and open-space designations, is an inadequate standard of building intensity because although it regulates lot area, it does not quantify the allowable concentration of development on each lot.</i></p> <p>Note: while the General Plan Guidelines recommend using FAR <u>and</u> maximum</p>

Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
		<p>building height for agricultural, open-space, and recreational designations, Mintier &amp; Associates considers solely using FAR (and density if residential uses allowed) as sufficient for these designations, just as for other non-residential designations.</p> <p>For the purposes of the General Plan, the County classifies all land into two categories “Natural Resource Land” and “Community Development Land”. Implementation Measure II-3A-1 on page II-6 sets forth the maximum residential densities for Natural Resource Lands. Implementation Measure II-4A2 on page II-7 describes densities and intensities for “Community Development Lands”. There are several statutory requirement issues with these measures:</p> <ol style="list-style-type: none"> <li>1) Implementation Measure II-3A-1 does not show the allowable uses for the Natural Resource Lands designations. These do not occur anywhere else in the General Plan either.</li> <li>2) Implementation Measure II-3A-1 sets forth the following standard for the Mineral Resource 2A and Mineral Resource 2B designations: “One dwelling unit per five acres, when consistent with Conservation Element Implementation Measure IV-7A-2 from page IV-14.” Implementation Measure IV-7A-2 states: “Require a use permit for all new mining operations in the County, except for small mines less than or equal to 5 acres or mines located in the M2 zone.” However, the General Plan is not allowed to rely on other standards (special permit procedures) to define building intensity. The General Plan must establish an independent and measurable standard.</li> <li>3) Implementation Measure II-4A2 does not set forth any allowable land uses, densities, or intensities, but instead refers to the Land Use Element Appendix, which contains excerpted tables from the six adopted Community Plans. Since Community Plans are considered by State law as part of the General Plan, it is not necessarily a statutory requirement issue to refer to land use standards in Community Plan areas in lieu of the “main” General Plan text. But there are specific statutory requirement issues with the way it is implemented in the Calaveras General Plan: <ul style="list-style-type: none"> <li>▪ The tables in the Land Use Appendix do not match the tables in the corresponding Community Plans for the following: <ul style="list-style-type: none"> <li>▪ the Murphys &amp; Douglas Flat Community Plan (Table 2.43 matches, but Table 2.2 in the Appendix is not shown in the Community Plan); the Arnold Community Plan; the Avery-Hathaway Pines Community Plan (not shown at all in the Appendix; only mentioned in the General Plan text on page II-6: “Additionally, the community of Avery is currently in the process of developing a Community Plan.”); and the Rancho Calaveras Special Plan (not shown at all in the Appendix; only mentioned in the General Plan text on pages II-8, II-9, and II.29).</li> <li>▪ The tables in the Land Use Appendix do match the tables in the corresponding Community Plans for the following: the Mokelumne Hill</li> </ul> </li> </ul> </li> </ol>

Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
		<p>Community Plan, the San Andreas Community Plan; the Valley Springs Community Plan; the Ebbetts Pass Highway Special Plan (though it is called the “Ebbetts Pass Highway Plan” in the Appendix); and the Airport Special Plan.</p> <ul style="list-style-type: none"> <li>▪ The following is an incomplete list of statutory requirement problems within the specific tables in the Land Use Element Appendix. There may be additional problems that we have not documented below, but this list is intended to demonstrate the range of problems with the tables: <ul style="list-style-type: none"> <li>▪ Allowable uses are not shown for the land use designations. Also, the Commercial designation is listed as having a building intensity of the following: “lot coverage per approved plot plan”. The General Plan must establish an independent and measurable standard for land use designations. (Table from the “Arnold Community Plan” in the Land Use Appendix)</li> <li>▪ Allowable uses are not shown for the land use designations. Also, land use designations have a table showing “consistent zones” and then a separate table showing density and intensity for the zoning districts. The General Plan must establish an independent and measurable standard for land use designations. (Two tables from the “Ebbetts Pass Highway Plan” in the Land Use Appendix).</li> <li>▪ Allowable uses are not shown for the land use designations. Also, provides no standards of non-residential building intensity (FAR) or population density. (Table from the “Mokelumne Hill Community Plan” in the Land Use Appendix).</li> <li>▪ Provides no standards of population density. (Table from the “San Andreas Community Plan” in the Land Use Appendix).</li> <li>▪ Allowable uses are not shown for the land use designations. Also, has varying density/intensity standards for a given land use designation depending on the zoning that is applied to the site. The General Plan is not allowed to rely on zoning code standards to define building intensity. The General Plan must establish an independent and measurable standard for each land use designation. (Table from the “Valley Springs Community Plan” in the Land Use Appendix).</li> <li>▪ Allowable uses are not shown for the land use designations. Also, provides no standards of population density and has varying density/intensity standards for a given land use designation depending on the zoning that is applied to the site. (Two tables from the “Murphys/Douglas Flat Community Plan” in the Land Use Appendix).</li> <li>▪ Provides no standards of population density. (Table from the “Airport Special Plan” in the Land Use Appendix).</li> </ul> </li> </ul> <p>Table II-3 on page II-13 shows the population density and building intensity for the</p>

Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
		<p>City of Angels Sphere of Influence (SOI) area. The text on page II-11 states that the “The City’s land use map for its sphere of influence (See Sphere of Influence map Page II-12) is incorporated into the County General Plan.” Presumably Table II-3 is from the City’s General Plan also. However, Table II-3 does not meet statutory requirements for several reasons:</p> <ol style="list-style-type: none"> <li>1) It provides no standards of population density.</li> <li>2) It refers to Table II-4 for the population density and building intensity standards for the non-residential designations. However, as discussed below, Table II-4 does not meet statutory requirements.</li> </ol> <p>Table II-4 on page II-25 shows the population density, building intensity, and consistent zones for County lands. There are multiple statutory requirement issues with this table:</p> <ol style="list-style-type: none"> <li>1) It is unclear how these standards interact with those for the Community Plans in the Land Use Appendix. For example, which regulations take precedence when they are in conflict?</li> <li>2) It does not show the allowable uses for the land use designations.</li> <li>3) The “Maximum Density” column does not actually show the number of dwelling units per acre, but rather the minimum parcel size allowable per 1 dwelling unit. This is a relatively minor quibble since the number of dwelling units per acre can be easily calculated. However, it is contrary to the use of the word “density” and is also contrary to the text on page II-4 that states: “The General Plan utilizes “density” rather than “minimum parcel size.”” <ul style="list-style-type: none"> <li>▪ For the non-residential designations which presumably also do not allow residential uses (commercial and industrial designations), the Table II-4 shows “Lot Coverage” expressed as a percentage rather than “Maximum Density”. However, these lot coverage figures do not meet statutory requirements since, in many cases, they are qualified by the phrase “less setback &amp; landscaping requirements.” The General Plan does not list any setback and landscaping requirements for land use designations and is not allowed to rely on zoning code standards to help define building intensity. The General Plan must establish an independent and measurable standard.</li> </ul> </li> <li>4) Table II-4 has further statutory requirement issues with relying on zoning code standards since it has varying “Maximum Density” standards for a given land use designation, depending on the zoning that is applied to the site. Again, the General Plan is not allowed to rely on zoning code standards to define building intensity. The General Plan must establish an independent and measurable standard for each land use designation</li> <li>5) As discussed above, the table discusses zoning district consistency with the various land use designation. However, zoning compatibility with General Plan land use classifications is more appropriately addressed only in the Zoning Code. It should not be discussed in the General Plan.</li> </ol>

Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<p>Designation, in a land use category that provides for timberland production, those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.</p>	<p>Government Code §65302(a)</p>	<p>Yes. The General Plan Guidelines (2003) state (p. 159):</p> <p><i>The Timberland Productivity Act of 1982 requires all counties and cities with productive private timberland to establish timberland production zones (TPZs) to discourage the premature conversion of timberland to other uses (§51100, et seq.). The land use element must reflect the distribution of existing TPZs and have a land use category that provides for timber production. A city or county also may use TPZs to implement the conservation element’s timber resource provisions.</i></p> <p>Implementation Measure II-3A-1 sets forth the “Timber Land” land use designation. Table II-4 calls it the “Timberlands” land use designation and shows the following compatible zones: A1-20, GF-20, AP-50, and TP-160.</p> <p>Page III-23 of Subsection 8.3 (Mining and Timber Production) of Chapter III (Circulation Element) states the following: “Timber production in Calaveras County takes place primarily on national forest lands or on private lands within the Timber Production Zone.” However the text does not define the “Timber Production Zone”</p> <p>Section 4.0 (Forest Resources) of Chapter IV (Conservation Element) discusses timberland production and sets forth timberland policies. <i>Areas receiving the Timber Production Lands designation are identified as highly capable of supporting timber growth and harvesting. The soil information developed by the California Department of Forestry (CDF) Cooperative Soil Vegetation Survey identifies soil classifications capable of supporting timber. Lands containing soils in the Arvanitis and Palley Site classes 3 through 7 (medium to very high) are most capable of timber production. These lands were included as part of the lands shown on the High Capability Timberlands Map, Page IV-10. (p. IV-9)</i></p> <p><i>“1992 figures from the County Agriculture Commissioner indicate that 75,893 or 12 percent of the total land area is held in Timber Production Zone (TPZ) pursuant to the Forest Taxation Reform Act of 1976. See High Capability Timberlands Map, Page IV-10. (p. IV-9)</i></p> <p>Page IV-10 shows a map of “High Capacity Timberlands,” including TPZs. However, the map is dated from the 1985 General Plan Revision.</p> <p>Goal IV-3, Policies IV-3A and IV-4A, and Implementation Measures IV-3A-1, IV-3A-2, and IV-4A-1 refer to timber lands. Implementation Measures IV-3A-2 specifically refers to TPZs.</p> <p>The General Plan appears to meet statutory requirements. However, it could clarify the</p>

Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
		definition, role and use of TPZs.
<b>Circulation Element</b>		
<p>The general location and extent of the following existing and proposed facilities, all correlated with the land use element of the plan:</p> <ul style="list-style-type: none"> <li>▪ major thoroughfares;</li> <li>▪ transportation routes;</li> <li>▪ terminals; and</li> <li>▪ other local public utilities and facilities.</li> </ul>	Government Code §65302(b)	Yes. See Chapter III (Circulation Element).
<b>Conservation Element</b>		
<p>The conservation, development, and utilization of natural resources including the following topics:</p> <ul style="list-style-type: none"> <li>▪ water and its hydraulic force;</li> <li>▪ forests;</li> <li>▪ soils;</li> <li>▪ rivers and other waters;</li> <li>▪ harbors;</li> <li>▪ fisheries;</li> <li>▪ wildlife;</li> <li>▪ minerals; and</li> <li>▪ other natural resources.</li> </ul> <p>The conservation element may also cover:</p> <ul style="list-style-type: none"> <li>▪ the reclamation of land and waters;</li> <li>▪ prevention and control of the pollution of streams and other waters;</li> <li>▪ regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan;</li> <li>▪ prevention, control, and correction of the erosion of soils, beaches, and shores;</li> <li>▪ protection of watersheds;</li> <li>▪ the location, quantity and quality of the rock, sand and gravel resources; and</li> <li>▪ flood control.</li> </ul>	Government Code §65302(d)	Yes. See the goals, policies, and implementation measures in Chapter IV (Conservation Element) and Chapter V (Open Space Element) address all applicable required Conservation Element topic requirements (first list shown to the left).
<b>Open Space Element</b>		
<p>An open space plan consisting of goals, policies, and an action program (specific programs). The following topics should be covered to the extent that they are locally relevant:</p> <ul style="list-style-type: none"> <li>▪ Open space for the preservation of natural resources including, but not limited to: <ul style="list-style-type: none"> <li>▪ areas required for the preservation of plant and animal life, including habitat for fish and wildlife species;</li> <li>▪ areas required for ecologic and other scientific study purposes;</li> </ul> </li> </ul>	Government Code §65560, §65563, and 65564	Yes. There is no specific open space action plan identified as such in the General Plan. However, the goals, policies, and implementation measures contained in Chapter IV (Conservation Element), Chapter V (Open Space Element), and Chapter VII (Safety Element) meet these requirements.



Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<ul style="list-style-type: none"> <li>▪ rivers, streams, bays and estuaries; and</li> <li>▪ coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.</li>   <li>▪ Open space used for the managed production of resources, including but not limited to: <ul style="list-style-type: none"> <li>▪ forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber;</li> <li>▪ areas required for recharge of ground water basins;</li> <li>▪ bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and</li> <li>▪ areas containing major mineral deposits, including those in short supply.</li> </ul> </li>   <li>▪ Open space for outdoor recreation, including but not limited to: <ul style="list-style-type: none"> <li>▪ areas of outstanding scenic, historic and cultural value;</li> <li>▪ areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and</li> <li>▪ areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.</li> </ul> </li>   <li>▪ Open space for public health and safety, including, but not limited to: <ul style="list-style-type: none"> <li>▪ areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.</li> </ul> </li> </ul>		
<b>Noise Element</b>		
Implementation measures that address existing and foreseeable noise problems. Use noise contours as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.	Government Code §65302(f)	<p>Only partially complete. See the discussion of Noise Element requirements under Table 1 (Background Report Requirements) above.</p> <p>Chapter VI (Noise Element) is missing analysis, quantification, and noise contours for the current and projected noise levels for the Calaveras County Airport noise and noise from fixed sources. The Airport Special Plan shows noise contours for the airport for existing (1980) and projected (2000) conditions in Figure 4. However, this information is out of date compared to the rest of the General Plan.</p>
Guidelines for compliance with the state’s noise insulation standards.	Government Code §65302(f)	Yes. See Chapter VI (Noise Element) and Appendix VI (Noise Element Appendix).
<b>Safety Element</b>		

Element/ General Plan Policy Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<p>The protection of the community from any unreasonable risks associated with the effects of the following:</p> <ul style="list-style-type: none"> <li>▪ seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure;</li> <li>▪ slope instability leading to mudslides and landslides;</li> <li>▪ subsidence, liquefaction and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of the Public Resources Code, and other geologic hazards known to the legislative body;</li> <li>▪ flooding; and</li> <li>▪ wildland and urban fires.</li> </ul>	<p>Government Code §65302(g)</p>	<p>Yes. See the policies and implementation measures under Goal VII-1 (seismic, geologic, and soil hazards), Goals VII-2 and VII-3 (fire hazards), and Goal VII-4 (flood hazards) in Chapter VII (Safety Element).</p>
<p>Address the following as they relate to identified fire and geologic hazards:</p> <ul style="list-style-type: none"> <li>▪ evacuation routes;</li> <li>▪ peakload water supply requirements;</li> <li>▪ minimum road widths; and</li> <li>▪ clearances around structures.</li> </ul>	<p>Government Code §65302(g)</p>	<p>No.</p> <ul style="list-style-type: none"> <li>▪ Evacuation routes: no policy language addresses this topic.</li> <li>▪ Peakload water supply requirements: Implementation Measure VII-2B-1 establishes ISO fire protection goals for different types of new development.</li> <li>▪ Minimum road widths: no policy language directly addresses this topic. Implementation Measure VII-2B-2 states “Require adequate access for emergency fire equipment to new development by applying standards contained in the County Road Ordinance.”</li> <li>▪ Clearances around structures: Implementation Measure VII-2A-1 states: “Protect structures from wildland fires by requiring minimum firebreaks around all structures as part of final building inspection.”</li> </ul>

## Coordination and Consistency Requirements

The following table is a summary of the requirements that apply to the Background Report and Policy Document based on coordination and consistency requirements contained in Government Code §65300, *et seq.*, other general plan requirements outside of Government Code §65300, *et seq.*, and other requirements outside of general plan law.

**TABLE 3**  
**GENERAL PLAN COORDINATION AND CONSISTENCY REQUIREMENTS**

Consistency/Coordination Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
The general plan must be consistent with airport land use plans (ALUPs).	Government Code §65302.3(a); Public Utilities Code §21676	<p>No. The Calaveras County Airport Land Use Plan (ALUP) was adopted (with amendments) as the Calaveras County Airport Special Plan on October 19, 1992. As stated on page III-27 of Chapter III (Circulation Element):</p> <p><i>An Airport Land Use Plan was adopted in 1992, and incorporated into the General Plan as the Airport Special Plan. The Plan addresses issues regarding safety to persons on the ground, safety to occupants in the aircraft, noise, and land use. For specific policies relating to these issues, refer to the Land Use Element, the Airport Special Plan, the Safety Element, and Noise Element.</i></p> <p>Consistency findings with the General Plan and the Zoning Ordinance were made at the time of adoption of the Airport Special Plan. However, as stated on page VI-8 of Chapter VI (Noise Element):</p> <p><i>The most recent Calaveras County Airport Land Use Compatibility Plan was adopted in April 1999 by the Calaveras County Airport Land Use Commission (ALUC). This document replaced the original Calaveras County Airport Land Use Commission Policy Plan which was adopted in 1978 (and has had only minor revisions since adoption).</i></p> <p>Therefore, the Airport Land Use Plan is no longer consistent with the ALUP. State law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan within 180 days of when the ALUC adopts or amends its plan (or to override the ALUC by a two-thirds vote after holding a public hearing and making consistency findings).</p> <p>As a note, the Calaveras Council of Governments (CCOG) has an update of the County Airport Land Use Plan budgeted in its Transportation Planning Work Program (Overall Work Program) for FY 2005/2006 (with a possible extension to FY 2006/2007).</p>

Consistency/Coordination Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
		The County needs to explicitly adopt the most recent <i>Calaveras County Airport Land Use Compatibility Plan</i> policies either by reference or by incorporating it directly into the General Plan.
<p>The water portion of the conservation element must be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The general plan should incorporate water quality policies from regional plans to the extent that they are relevant.</p> <p>Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.</p> <p>The city or county shall utilize as a source document any urban water management plan submitted to the city or county by a water agency.</p>	Government Code §65302.2, §65302(d) and §65352.5	<p>Unknown. We do not know the degree to which the County coordinated with the Calaveras County Water District and the Calaveras Public Utility District in the preparation of the General Plan.</p> <p>Implementation Measure II-25B-1 in Chapter II (Land Use Element) states: <i>Work cooperatively with the State Regional Water Quality Control Board on sewage and water issues.</i></p>
<p>Discussion of the Surface Mining and Reclamation Act (SMARA). SMARA requires cities and counties to adopt ordinances in accordance with state policy for the review and approval of reclamation plans and for the issuance of permits to conduct surface mining operations.</p> <p>Discussion of areas classified as MRZ-2 or SZ and designated by the State Mining and Geology Board as containing significant mineral resources of statewide or regional significance, including:</p> <ul style="list-style-type: none"> <li>▪ A summary of the data and analysis provided in the classification and/or designation reports, incorporation of Public Resources Code §2710, <i>et seq.</i>, and state policy by reference (together with maps of the identified mineral deposits), or incorporation by reference of the classification and/or designation reports and maps.</li> <li>▪ Reference in the general plan to the location of identified mineral deposits and a discussion of those areas targeted for conservation and possible future resource extraction.</li> <li>▪ Use of maps to clearly delineate identified mineral deposits and those areas targeted for conservation and possible future resource extraction.</li> </ul> <p>The State Mining and Geology Board may designate all or part of the areas classified MRZ-2 or SZ as areas containing significant mineral resources of statewide or regional significance. Local governments must establish mineral resource management policies to be</p>	Public Resources Code §2774, §2762(a) and §2762(c)	<p>No. Not up to date.</p> <p>The Division of Mines and Geology (DMG) (also known as the California Geological Survey (CGS)) in the California Department of Conservation has produced the following Open-File (OFR) and Special Reports (SR) on SMARA mineral resources classification in Calaveras County:</p> <ul style="list-style-type: none"> <li>▪ OFR 83-01: <i>Mineral Land Classification of the Ordway Skunk Gulch Carbonate Deposit, Calaveras County, California</i> (1982).</li> <li>▪ OFR 83-36: <i>Mineral Land Classification of the Sutter Creek 15' Quadrangle, Amador, and Calaveras Counties, California</i> (1983).</li> <li>▪ OFR 87-02: <i>Mineral Land Classification of the Camino and Mokelumne Hill 15' Quadrangles, El Dorado, Amador, and Calaveras Counties, California</i> (1987).</li> <li>▪ OFR 89-01: <i>Mineral Land Classification of the San Andreas 15' Quadrangle, Calaveras County, California</i> (1989). (Reprinted as SR 169).</li> <li>▪ SR 169: <i>Mineral Land Classification of the San Andreas 15' Quadrangle, Calaveras County, California</i> (1993)</li> </ul> <p>The General Plan briefly discusses SMARA on page IV-5 of the Conservation Element: <i>In enacting the Surface Mining and Reclamation Act of 1975 (Public Resources Code §2710 et seq.), the State Legislature declared that mineral extraction is essential to the economic well-being of the state and to the needs of society. The Legislature also recognized that reclamation of mined lands is necessary to mitigate the environmental effects of mining and to protect the public health and safety.</i></p>

Consistency/Coordination Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<p>incorporated in the general plan (the land use, conservation, and open-space elements are the most common locations for such policies) which:</p> <ol style="list-style-type: none"> <li>(1) Recognize and include designated areas of statewide or regional significance.</li> <li>(2) Develop and adopt policies for the management of land use of designated areas of statewide and regional significance to protect those areas from premature development incompatible with mining.</li> <li>(3) Emphasize the conservation and development of identified mineral deposits designated as of statewide and regional significance.</li> </ol> <p>The criteria to be used by affected cities and counties in developing their own mineral resource management policies are laid out by the State Mining and Geology Board (California Code of Regulations, Title 14, §3676). Local policies should include:</p> <ul style="list-style-type: none"> <li>▪ A summary of the data and analysis provided in the classification and/or designation reports, incorporation of Public Resources Code §2710, <i>et seq.</i>, and state policy by reference (together with maps of the identified mineral deposits), or incorporation by reference of the classification and/or designation reports and maps.</li> <li>▪ Policies that recognize the mineral information transmitted by the state Board, assist in the management of land uses affecting areas of regional and statewide significance, and emphasize the conservation and development of the identified mineral deposits.</li> <li>▪ Implementation measures, including: <ul style="list-style-type: none"> <li>▪ Reference in the general plan to the location of identified mineral deposits and a discussion of those areas targeted for conservation and possible future resource extraction.</li> <li>▪ Use of maps to clearly delineate identified mineral deposits and those areas targeted for conservation and possible future resource extraction.</li> <li>▪ At least one of the following: <ol style="list-style-type: none"> <li>1. Special purpose overlay zones, mineral resource/open-space zoning, or any other appropriate zoning that identifies the presence of mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.</li> <li>2. Requirements for recording notice of the presence of identified mineral deposits in the chain of property title.</li> </ol> </li> </ul> </li> </ul> <p>3. Conditions placed upon incompatible land uses within and next to any areas containing identified mineral deposits for the purpose of</p>		<p><i>Reclamation permits continued mining as well as protection and future beneficial use of mineral lands after mining is completed.</i></p> <p>Implementation Measure IV-8A-2 states:  <i>Support and apply the Surface Mining and Reclamation Act of 1975 (Public Resources Code section 2710 et seq.).</i></p> <p>Section 5.0 (Mineral Resources) of Chapter IV (Conservation Element) includes a map on page IV-16 (“Preliminary Mineral Resource Areas”) that shows four types of “mineral resource areas” (MRAs) in Calaveras County: MRA-1, MRA-2A, MRA-2B, and MRA-3. The map source is listed as “Calaveras County General Plan Revision 1985”. The MRA designations correspond to the CGS definitions for MRZ-1, MRZ-2a, MRZ-2b, and MRZ-3.</p> <p>However, since the map was done in 1985, it does not contain information from SMARA mineral resources classification surveys done in Calaveras County by CGS after that date (OFR 87-02, OFR 89-01, and SR 169). Therefore the mapping is out of date and incomplete.</p> <p>Policies and Implementation Measures under Goals IV-5, IV-6, IV-7, and IV-8 address mineral resources adequately under SMARA requirements.</p>

Consistency/Coordination Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
<p>mitigating any significant land use conflicts</p> <p>The land use element is required to designate future locations for solid waste disposal facilities (Government Code §65302(a)).</p> <p>The Countywide Integrated Waste Management Plan's (IWMP) countywide siting element must identify and reserve sites for the establishment or expansion of solid waste transformation or disposal facilities consistent with applicable city or county general plans.</p> <p>All siting elements submitted to the Integrated Waste Management Board as part of a CIWMP must contain a resolution from each affected city and the county stating that any area identified for location of new or expanded facilities is consistent with the applicable general plan. An area is consistent with the city or county general plan when the adopted general plan complies with state planning law, the area being reserved for a new or expanding solid waste facility is located in or adjacent to an area designated for that use on the applicable general plan, and the land uses authorized in the area adjacent or near the area being reserved for a solid waste transformation or disposal facility are compatible with the establishment or expansion of such a facility.</p> <p>The <i>General Plan Guidelines</i> (2003) state: "The law provides no direction for what constitutes compatible land uses or how much area around a site is subject to the compatibility requirement. Cities and counties, therefore, must make their own determinations. Their land use elements should contain goals, objectives, and policies addressing the question of compatibility. When developing policies for allowable uses near solid waste facilities, cities and counties should pay special attention to particularly sensitive uses such as schools, hospitals and health care facilities, residential development, and commercial and office developments."</p>	<p>Public Resources Code §41720</p>	<p>Yes. Page II-34 of Chapter II (Land Use Element) states the following:</p> <p><i>There are two landfill sites in the county (see Solid Waste Facilities, Page II-35). The Rock Creek landfill is operated by the county, and an asbestos disposal site is operated by Calaveras Asbestos, Ltd.</i></p> <p><i>The new landfill at Rock Creek was opened in 1990. The landfill is located on a portion of a 200-acre site and is expected to serve the needs of the county for 35 or more years.</i></p> <p><i>There are six transfer stations for the Rock Creek Landfill. They are located in Wilseyville, Avery, Paloma, Red Hill, San Andreas, and Copperopolis.</i></p>
<p>The circulation element must be coordinated with applicable state and regional transportation plans. The policies and plan proposals contained in the land use and circulation elements should reflect the RTP and RTIP.</p> <p>The <i>General Plan Guidelines</i> (2003) state: "Clearly, transit standards, congestion management measures, proposed facilities, and transportation-related funding may directly affect land use patterns and capital improvements. Although there is no explicit requirement that the RTP and RTIP be consistent with local general plans, good practice dictates that cities and counties should address these regional goals,</p>	<p>Government Code §65103(f) and §65080, <i>et seq.</i></p>	<p>Yes. See the discussion of the 1989 <i>District 10 System Management Plan</i> from Caltrans, the <i>State Transportation Improvement Plan</i> (STIP), the <i>Calaveras County Regional Transportation Plan</i> (RTP), and policies and implementation measures related to the RTP in Chapter III (Circulation Element).</p> <p>However the RTP referenced in the General Plan appears to be the 1996 RTP (the most recent adopted RTP is dated 2001 and Calaveras Council of Governments (CCOG) states on its website that the RTP will be updated in 2006). Also, the text of the General Plan does not discuss the CCOG at all.</p>

Consistency/Coordination Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
policies, and programs to the extent they are relevant. The city or county should consult with the RTPA and CMA when updating or adopting a circulation element or when considering changes to the land use element that would involve traffic or transportation issues.”		
Discussion of the county Hazardous Waste Management Plan (HWMP). Also, the HWMP must either be incorporated by reference into a county’s general plan or a county must enact an ordinance requiring that all applicable zoning, subdivision, conditional use permit, and variance decisions be consistent with its HWMP.	Health and Safety Code §21135.7(b)	<p>Unknown.</p> <p>The text on page VII-16 of Chapter VII (Safety Element) discusses the Calaveras County HWMP:</p> <p><i>The Tanner Hazardous Waste Management Planning Law (AB 2948-Tanner, 1986) requires counties to develop local plans to manage hazardous wastes. The Calaveras County Hazardous Waste Management Plan was adopted in 1990 and addresses the policies and programs to manage hazardous wastes.</i></p> <p>However, this is not an incorporation by reference into County General Plan policy. It is unknown whether the County enacted an ordinance as required</p>
<p>Discussion of the Alquist-Priolo Act of 1972 (amended in 1994). The Alquist-Priolo Act states that its purpose is to provide for “the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties in implementation of the general plan.” The Act’s provisions should be reflected in the general plan’s land use, safety, and open-space elements.</p> <p>The general plan should incorporate Alquist-Priolo Act policies restricting building within fault zones. A city or county may also establish policies and criteria more restrictive than those of the Act or adopted by the State Mining and Geology Board. Implementation may occur through disclosure requirements as well as through zoning and subdivision requirements.</p>	Public Resources Code §2621.5	<p>No. The Alquist-Priolo Act addresses earthquake faults that have ruptured the ground surface within the last 11,000 years. While the Background Report discusses earthquake faults, it does not specifically discuss the Alquist-Priolo Act.</p> <p>That being said, the California Geological Survey does not have any mapping available for any Alquist-Priolo Earthquake Fault Zones in Calaveras County as shown in Table 4. <i>Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1999</i> (updated version of Table 4 from the 1997 edition of Special Publication 42, <i>Fault-Rupture Hazard Zones in California</i>). Therefore, there are no Fault Rupture Hazard Zones (formerly Alquist-Priolo Special Studies Zones) and no active faults that displace near-surface bedrock or residual soils in the county.</p>
<p>Discussion of the Seismic Hazards Mapping Act of 1990.</p> <p>The Seismic Hazards Mapping Act requires cities and counties to take into account the information available in seismic hazard maps when preparing their safety elements and when adopting or revising land use planning regulations such as zoning (Public Resources Code §2699). Policies may also be included in the open-space and land use elements when not redundant.</p>	Public Resources Code §2699	<p>No. The Seismic Hazards Mapping Act addresses seismic hazards other than surface rupture, such as strong ground shaking, liquefaction and seismically induced landslides. While the Background Report discusses groundshaking, liquefaction hazards, and slope instability, it does not specifically discuss the Seismic Hazards Mapping Act.</p> <p>The “Slopes and Fault Zones” map on page VII-4 lists its source as “Calaveras County Water District 1975”. The map shows slopes greater than 30 percent and the Bear Mountain and Melones Fault Zones. As stated on page VII-2:</p> <p><i>The Melones-Bear Mountain Fault System (also known as the Sierra Foothills Fault System) crosses the western portion of Calaveras County. While the northern portion of this system (outside of Calaveras County) is thought to be capable of a</i></p>

Consistency/Coordination Requirement	Code Section Reference	Contained in the Calaveras County General Plan?
		<p><i>magnitude 6.5 earthquake, the level of activity on the portion of the system within Calaveras County is still unknown. However, the risk of surface rupture is not considered sufficient to restrict the development found in the County.</i></p> <p>Finally, the “Erosion Potential” map on page VII-6 shows area with high erosion hazards. The source of this data is also listed as “Calaveras County Water District 1975”.</p> <p>It is likely that there is more recent/accurate information available for these maps. In addition, the County should incorporate the following publications from DMG:</p> <ul style="list-style-type: none"> <li>● <i>Probabilistic Hazard Assessment for the State of California</i> (1996).</li> <li>● <i>Seismic Shaking Hazard Maps of California</i>. DMG Map Sheet MS048 (1999)</li> </ul>



## Referral Requirements

The following is a summary of the referral requirements that apply to general plans based on Government Code §65352(a) (as amended in 2004). Prior to adopting or substantially amending a general plan, the planning agency shall refer the proposed action to all of the following entities:

- A city or county, within or abutting the area covered by the proposal, and a special district that may be significantly affected by the proposed action;
- An elementary, high school, or unified school district within the area covered by the proposed action;
- The local agency formation commission (LAFCO);
- An areawide planning agency whose operations may be significantly affected by the proposed action;
- A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action;
- A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal;
- The Bay Area Air Quality Management District for a proposed action within the boundaries of the district;
- A California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county's jurisdiction [note: this requirement added by Senate Bill 18 in 2004, effective March 1, 2005]

Each entity receiving a proposed general plan or amendment of a general plan has 45 days in which to comment unless a longer period is specified by the planning agency. It should be noted that this rule is directory, not mandatory, and the failure to refer a proposed action to the entities specified in this section does not affect the validity of the action, if adopted.

In addition to this, Senate Bill 18, signed into law in September 2004, requires cities and counties to conduct consultations with California Native American Tribes prior to adopting or amending their general plans or specific plans for the purpose of protecting Traditional Tribal Cultural Places. For purposes of this law, "consultation" means the "meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement."

Finally, Chapter 726, Statutes of 2005 (SB1087) establishes processes to ensure the effective implementation of Government Code Section 65589.7 (Housing Elements). This statute requires local governments to immediately provide a copy of the adopted housing element to water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households.