

### State Approval Requirements (STARS)

Approval/ Topics	I I	General Plan (GC)	CEQA (Checklist)	Specific Plan (GC)	Subd. Map (GC)
Aesthetics		65302(a)	x		
Ag/Forestry		65302(d)	x	65451(a)(3)	66474.4
Air Quality		65302(d)	x	65451(a)(3)	
Energy & Utilities		65302(b)	x	65451(a)(2)	66473.1 66473.3 66473.6
Land Use		65302(a)	x	65451(a)(1)	66474(a)
Population/ Housing		65302(c)	x		66474(b)
Hazardous &Solid Waste		65302(a)	x	65451(a)(2)	
Mineral Resources		65302(d)	x	65451(a)(3)	66474(a)
Public Services/Facilities		65302(a)	x	65451(a)(2)	66474(c)
Transportation		65302(b)	x	65451(a)(2)	66474(d)
Recreation		65302 (a&e)	x	65451(a)(1)	66474(b,c,g)
Water Supply & Wastewater		65302(a&d)	x	65451(a)(2)	66473.7 66474(c&d) 66474.6
Noise		65302(f)	x		66474(b)
Public Safety		65302(g)	x		66474(c&f)
Soils		65302(d)	x	65451(a)(3)	66474(c)
Open Space		65302(e)	x	65451(a)(1)	66474(g)
Biological		65302(d)	x	65451(a)(3)	66474(e)
Cultural			x		

Testimony of Tom Infusino

General Plan Update Workshop 1/28/14

Before the Calaveras County Board of Supervisors & Planning Commission

Good Afternoon Supervisors and Commissioners. Tom Infusino. Calaveras Planning Coalition.

You have a chart before you entitled State Approval Requirements or STARS.

In the left hand column are the issues the County is strongly encouraged to address in the General Plan Update.

In the next column to the right are the Government Code sections that strongly encourage the County to address those issues in the General Plan Update.

In the next column over to the right there is an "x" by each issue that must be considered in a California Environmental Quality Act (CEQA) review whenever the Board of Supervisors and/or the Planning Commission exercises discretionary authority to approve a big specific plan like Oak Canyon Ranch, or a smaller subdivision map, or a conditional use permit for a business. Note that all 17 issues to be addressed in a general plan are also addressed in the CEQA review of projects.

In the next column over to the right, I have listed the Government Code sections that require findings of fact for the approval of a specific plan. The findings requirements correspond to particular General Plan and CEQA issues. Note that 13 of those 17 CEQA and General Plan issues are addressed in the findings the County adopts to support a specific plan approval.

In the next column over to the right, I have listed the Government Code sections that require findings of fact for the approval of a subdivision map. Note that 14 of the 17 issues listed relate to the findings the County adopts to support a subdivision approval.

There are a few points I want to make about this chart.

1) The issues that state law encourages us to resolve in the General Plan Update, if not so resolved, will come up again, and again, and again whenever the Board of Supervisors or the Planning Commission wants to make findings to certify an EIR, to adopt a negative declaration, to approve a specific plan, to approve a subdivision, or to approve a conditional use permit for a business. There is no avoiding these issues.

2) A General Plan is not called general because it is supposed to be superficial and vague. It is called general because it is supposed to be comprehensive and decisive.

3) The General Plan can and should put in place clear interim standards for those issues for which no clear standards are currently in place in the County Code. For example, issues like sheriff impact mitigations. It can and should be a place for identifying feasible means for project applicants to use to meet these standards. For example, things like interim mitigation fees. When necessary, the General Plan Update should identify efforts that will be completed to establish long-term standards and impact mitigation options.

Who will benefit from this?

- Land owners and investors will benefit by knowing more precisely what is needed to secure project approval. Property values will increase as our communities do a better job of maintaining their infrastructure, their attractiveness, and their economies.

- New businesses will find it easier to come here and more attractive when they get here.

- Local taxpayers will benefit because the county's project review and approval mechanisms will be more efficient and more effective. The County will also have the seed money it needs to leverage state and federal grants, so that money that was taxed out our communities can come back to be spent on the things we need, rather than shipped to big cities and spent there.

- The County's planning staff will benefit because project applications will be easier to process.

- Neighborhood advocacy groups will benefit because their concerns regarding all these community issues will be mitigated.

- The Planning Commission and the Board of Supervisors will benefit because they will have the factual foundations they need to approve the housing and business developments they want to approve.

Proceeding in this manner will get the County more bang for its General Plan Update buck.

We at the CPC thank the groups who worked on the Ag., Forestry and Mineral Element, the Water Element, and the Energy Element, because they helped to identify the kinds of standards needed to address those issues.

We thank the many communities who prepared community plans, because they helped to identify the unique issues and particular standards that are needed to advance their communities.

These efforts were not anchors that slowed the process. They have been sails that moved it along in the right direction.

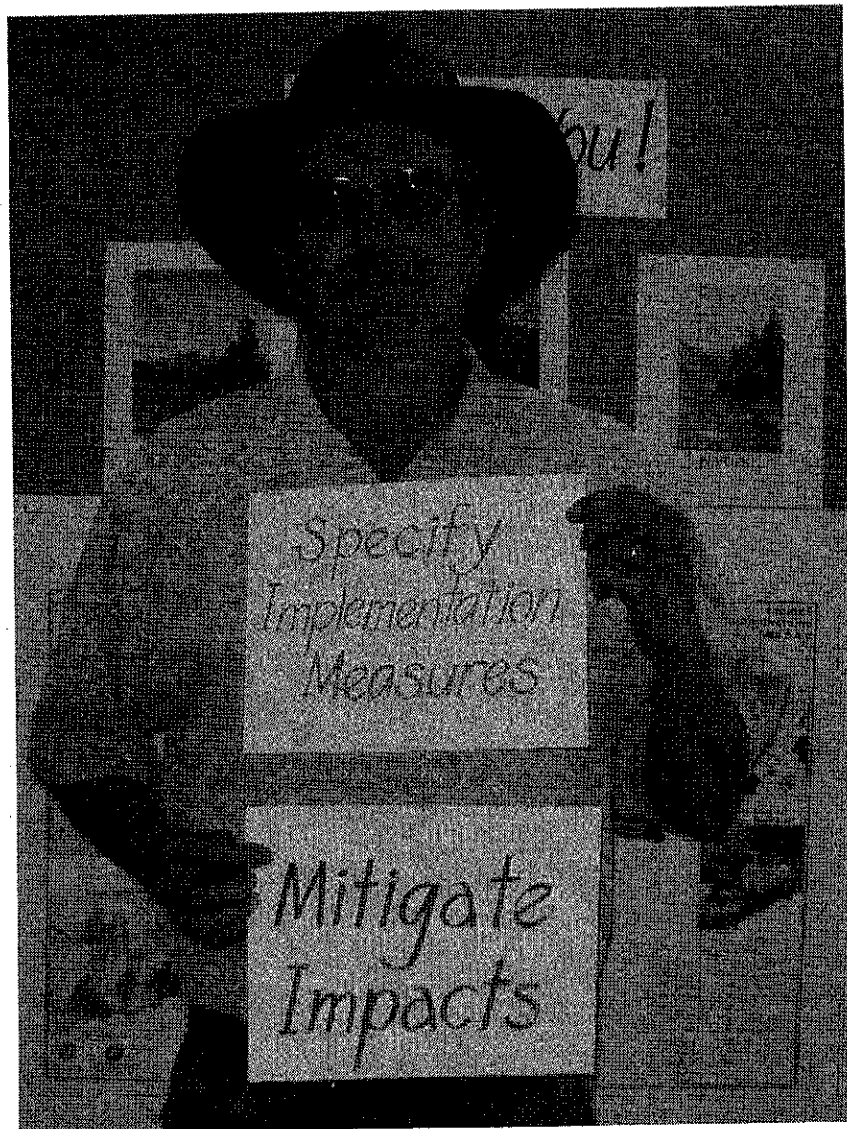
It is no longer enough to simply skim over these issues in the General Plan. Perhaps a better analogy as we approach the Superbowl, it is no longer enough to punt on the details of these issues, and submit project applicants and the public to the uncertain gauntlet of project review.

It does not cost more money to do a plan right the first time. It does require thoughtful and courageous leadership from you.

In conclusion, I am sure that today, next Tuesday, and on the campaign trail to follow, you will hear from people who look out on the vacant homes and store fronts and see only the darkness in our communities. They will look for something and somebody to blame. Unable to see their way out of the darkness, they will panic, and they will want to change course. Like the brave captains of old, wise leaders like you know that it is against the darkest skies that the stars shine the brightest. As did the wise leaders of the past, we encourage you to follow those stars. Please complete a general plan update that will help to float everyone's boat.

Thank you and God bless.

Any questions?



**Section 2: Integrate into the General Plan Update county-wide mitigation programs for development impacts.**

The CEQA Guidelines encourage local governments to integrate their CEQA environmental review process with their land use development review process. Unfortunately, Calaveras County's current CEQA and project review procedures are not integrated in a way that facilitates early public involvement, results in feasible impact mitigation, and that processes project efficiently.

**A) The clumsy integration of CEQA and project review procedures unnecessarily delays project approvals, frustrates project applicants, needlessly angers concerned members of the public, empowers project opponents to legally challenge projects, and discourages development investment in the County.**

There are a number of problems with the current procedure. The GPU should direct the Planning Department to address these issues. The GPU should direct the Planning Department to implement impact mitigation programs. The GPU should put in place some interim mitigation standards pending the development of long-term mitigation programs.

**B) The County lacks standard programs to mitigate basic project impacts.**

CEQA requires that the County mitigate the potentially significant direct impact of projects it approves, and to mitigate the project impacts that substantially contribute to cumulatively significant impacts. The first problem we note is that the County lacks standard programs to mitigate some of the most basic and frequent development impacts. (See Attachment 4, CEQA Initial Study Checklist.) These include impacts on aesthetics like light and glare impacts, viewshed impacts, and ridgetop development impacts. These include impacts to air quality, including emissions of ozone precursors from project-generated vehicle trips. These include impacts to agricultural lands from conversion to developed uses. These include affordable housing impacts. These include impacts to the human environment associated with declining public services including law enforcement. The list goes on.

Because there are no such mitigation programs, the County does not make an effort to mitigate most of these impacts of smaller projects, on a project by project basis. (For example, see Attachment 11, Letter on Ventana Project.) This results in cumulatively significant impacts from multiple development projects. This angers members of the public who depend upon the County to mitigate the impacts of development projects. This also discourages development investors, who likewise depend upon the county to mitigate future project impacts to protect their investments.

The GPU should direct the Planning Department to develop these impact mitigation programs. The GPU should establish interim impact mitigation standards to apply pending the Planning Department's completion of permanent mitigation programs. The County has zoning codes to address other health, safety, and wellbeing issues. These efforts are well within the County's police powers. After over 40 years since the passage of CEQA, it is time for the County to really implement CEQA, and to integrate it seamlessly into the development review process.



**C) The County does not include the public early in the project and environmental review process.**

The second problem is that, despite the fact that these projects may take years to get to the Planning Commission, the review of these smaller projects remains closed to the public until the negative declaration notice is issued shortly before the Planning Commission hearing on project approval or denial. The County has not included in its project review procedures any public participation option prior to the Planning Commission hearing near the end of the project approval process. Thus, instead of the public having the opportunity to raise concerns early in the planning process when the developer may have the time to address the issue constructively, the public is excluded from the process until it is too late for the developer to address their concerns.

**D) The County's Negative Declarations put investments in legal jeopardy.**

The third problem is that the County issues Negative Declarations for these smaller projects without substantial evidence in the record to support the findings of no significant impact. This puts all of these smaller project approvals in legal jeopardy. Because CEQA favors the completion of an EIR rather than reliance on a negative declaration, the standards for proving a negative declaration invalid in court are not difficult to meet. By approving easily challenged negative declarations, the County empowers project opponents who may seek to get project approvals withdrawn in court. This situation is evident to those who consider investing in local development. Thus, the County drives away those development investors who are unwilling to take the risk

associated with an easily challenged project approval. The developers who are willing to invest in the County are those who seek to take advantage of the County's lack of desire to mitigate impacts. As a result, the projects that get proposed in the County are too frequently flawed, and too often controversial.

**E) Larger projects get unfair advantages.**

The fourth problem is that the process gives a competitive advantage to larger projects that provide better impact mitigation. Larger development projects that prepare Environmental Impact Reports often promise detailed impact mitigation measures. As a result, some Supervisors often favor these larger projects. Another result is that some smaller projects lack the amenities that would enhance their acceptability to nearby residents.

**F) Project review is needlessly delayed.**

The fifth problem with not having standard mitigation programs for frequently occurring impacts is that each project is treated as a custom project with unique impact challenges. This results in unnecessary delays in project processing. This discourages investment and upset project applicants.

**G) The GPU can improve development review for both the public and developers.**

Some commenters before the Board of Supervisors have suggested that the County will improve its economy if it reduces its requirements on new developments. We disagree. If the County wants to improve its economy, it should clearly identify up front what is expected of development projects. It should ensure that development approvals can withstand legal challenge. It should establish a development and CEQA review procedure that is efficient. It should create a project review process that provides the time and opportunity to resolve community concerns. Unless the GPU addresses the fundamental flaws in the County's CEQA and project review processes, the GPU will fail to advance both the impact mitigation interests of existing residents, and the project approval interests of the development community.