

COMMENT LETTERS  
RECEIVED ON ALTERNATIVES  
REPORT

SUBMITTED FOR  
JOINT STUDY SESSION  
APRIL 20, 2010

ON  
ALTERNATIVES WORKSHOPS  
SUMMARY REPORT



# Calaveras County

## General Plan Update

### ALTERNATIVES REPORT AND WORKSHOP SCHEDULE

#### SCHEDULE

- 3/8 Murphys – District 4  
Native Sons Hall  
389 Main Street  
6:30 p.m. – 8:30 p.m.
- 3/12 San Andreas – District 1  
Town Hall  
24 Churchill Road  
6:30 p.m. – 8:30 p.m.
- 3/13 Railroad Flat – District 2  
Railroad Flat Community Hall  
215 N. Railroad Flat  
11:00 a.m. – 1:00 p.m.
- 3/15 Mokelumne Hill – District 2  
Town Hall  
Main Street  
6:30 p.m. – 8:30 p.m.
- 3/17 Copperopolis – District 5  
Armory  
695 O'Byrnes Ferry Road  
6:30 p.m. – 8:30 p.m.
- 3/18 Valley Springs – District 1  
Valley Springs School Auditorium  
240 Pine Street  
6:30 p.m. – 8:30 p.m.
- 3/22 Arnold – District 3  
Independence Hall  
1445 Blagen Road  
6:30 p.m. – 8:30 p.m.
- 4/20 Board of Supervisors/Planning  
Commission Joint Study Session  
Town Hall  
24 Churchill Road  
San Andreas  
9:00 a.m.

The Alternatives Report for the Calaveras County General Plan Update is now available for review and comment. The report explains the purpose and content of three possible land use scenarios for the County land use map.

The alternative scenarios are based upon input received during the community outreach phase of the General Plan Update program, existing and updated community plans, community vision plans, background data identifying community issues and challenges, and direction received from the Board of Supervisors during study sessions on the General Plan. The alternatives represent the starting point for discussing and formulating the desired future land uses for the entire county that will guide development to 2035.

A series of community workshops on the Alternatives Report will be held throughout the County (see schedule to the left). Residents are strongly encouraged to attend a meeting to learn about the alternatives and provide input on this critical phase of the General Plan Update.

After the series of workshops, there will be a joint study session with the Board of Supervisors and the Planning Commission (BOS/PC). The community is also invited and encouraged to attend the study session as there will be ample opportunity for public comment. The BOS/PC will consider the input gathered during the community workshops, hear additional input from community members, and will then provide direction to staff on a preferred land use alternative.

Hard and digital copies of the report are available for review at the County Planning Department, 891 Mountain Ranch Road, San Andreas and at the County Library, 1299 Gold Hunter Road, San Andreas, (209) 754-6510. Copies are also available at each of the satellite County libraries. The report is also posted on the County's website at: <http://www.co.calaveras.ca.us/cc/Departments/PlanningDepartment.aspx>

#### CONTACT INFORMATION

Calaveras County Planning Department

[gpupdate@co.calaveras.ca.us](mailto:gpupdate@co.calaveras.ca.us)

209-754-6394

March 5, 2010

Mr. George White, Calaveras County Planning Director  
Ms. Brenda Gillarde, Calaveras County General Plan Coordinator

RE: General Plan Update – Alternatives Report & the Mokelumne Hill Community Plan

On behalf of the Mokelumne Hill Community Plan Task Force, I want to thank you for considering all of the hard work that went into preparing our update to the Mokelumne Hill Community Plan (MHCP) and for incorporating some of these thoughts and recommendations into the Alternatives Report. I also want to thank you for the opportunity to review and comment on the County Alternatives Report.

The Mokelumne Hill Community Plan Task Force met to discuss the County's Alternatives Report on February 24<sup>th</sup> and again on March 3<sup>rd</sup>. The following is a list of our concerns, issues, and recommended actions for the Mokelumne Hill Community Planning Area and for the county as a whole. Our questions/comments are listed below by subject area. Note: Not listed in order of priority.

1. **Mokelumne Hill Community Plan Boundaries (as shown in Alternatives A,B,C)**

**Community Plan Boundaries:** Mokelumne Hill's boundary as shown on all of the Alternative maps is an intermittent brown line designating a "draft community vision/plan boundary." Mokelumne Hill has an established Community Plan Boundary and therefore should be shown on the maps as a solid tan line, with the minor exception of the small area along Highway 26 at the bottom left corner of the map that is proposed to be added to the Community Planning boundary (which should be shown as an intermittent tan line). See the attached map for clarification.

2. **Population and Job Projections**

We are concerned that the population projections for Mokelumne Hill are nearly double the projections for the county's other communities. As per the tables provided (beginning with page 25), the percentage increase in DU's projected for Mokelumne Hill ranges from 96% (Alt. A) to 170% (Alt. B) to 242% (Alt. C) for the planning horizon. This compares with 95% to 109% to 116% for San Andreas and 100% to 110% to 131% for Valley Springs.

Mokelumne Hill is committed to accommodating its fair share of population growth but this projection of tripling our number of houses is unreasonable. This is particularly evident when considering that the county projects such dismal job growth for Mokelumne Hill. Considering the narrow roads, steep slopes and the community's desire to maintain its historic and cultural assets and rural flavor, we believe that our existing Community Plan -- which allows for nearly doubling the DUs -- is appropriate for our town and a fair and reasonable guide for the future. We are not, therefore, in favor of any increased density. We are however, in favor of flexible development tools (like mixed use and clustering) that can result in more compact development, more affordable housing and more businesses and jobs.

### 3. Land Use Designations

- a. **Rural Residential ½ Acre:** We are dismayed by the fact that the county did not list (Alternatives Report page 10) the complete elimination of the RR ½ land use designation from our planning area. This is a very significant change, with tremendous impacts, and should have been noted as a county-initiated change like the other county-initiated changes are listed. Perhaps this contributed to the unrealistic dwelling unit projections noted above by establishing an erroneous baseline?

As shown on the MHCP Land Use Map, and in the County's Baseline Report, there are 298 acres of land designated RR ½ (20,000 sf/parcel). The Alternatives Report (in all scenarios – A,B,C) does not have a RR ½ land use designation and shows all of the lands currently designated RR ½ as Residential – Low Density (1-6/DU/ac), which is a much higher density designation. The RR ½ designation was a hard fought-for land use designation that makes sense for our community. The areas, currently designated RR ½, were established so due to limited infrastructure, steep slopes, and permitting animal husbandry as an allowed use. These lands are not suitable for 1-6 DU's per acre and therefore we respectfully request that the RR ½ (or similar) designation remain.

- b. **Land Use Designation Change Requests:** Some of the requests for a land use change were not accurately captured in the County's Alternative Report and since the draft update of the Community Plan was submitted in December 2008, several new property change requests (mostly for mixed use designation) have been added. In addition, there are several parcels that are currently within the sanitary district that may be suitable for a higher use residential designation. We would like to investigate these areas further with the property owner(s). Please refer to the attached map and legend for the specific requests/corrections.
- c. **Mixed Use Designations:** As you know, the existing MHCP (1983) contains a mixed use land designation and our proposed revisions to the 1983 MHCP as submitted in December 2008 continues to offer a mixed use land designation. We are pleased to see that the Alternatives Report contains three mixed use land use designations. We are excited about the potential these designations hold to support our economic development efforts to increase the number of businesses and jobs in the community.

However, based on the descriptions provided for these classifications it is very difficult to determine which mixed use is more appropriate for which property that has requested or currently has a mixed use designation. This is particularly true for the Community Center Historic and the Community Center Local designations. Prior to final designation of properties that currently have (or have requested) a mixed use designation, we will need to fully understand the intent, intensities and allowable uses for these designations. When do you expect that this information will be available?

- d. **Use of the Word Historic to Describe a Land Use Designation:** In environmental studies for both CEQA and NEPA compliance, the term "historic" is used in reference to cultural resource properties which have been determined eligible to either the California Register of Historical Resources or the National Register of Historic Places. To use this term in our General Plan for describing a past-use of a property (an "historic" use) will be potentially confusing, particularly as the General Plan also includes Historic Districts and Designated Historic Buildings. Describing past use as a "traditional use" (or finding some other phrase) would be preferable.

**4. Other Questions Pertaining to Mokelumne Hill**

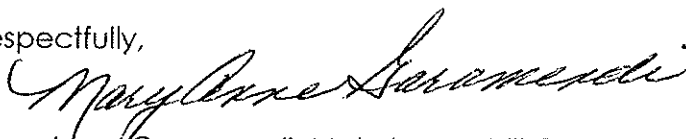
- a. What happens to the rest of the MHCP – the vision, policies, history, and list of historic structures in the GPU?
- b. How will Mokelumne Hill's Design Review Districts (Historic and Gateways) be acknowledged on the land use map and folded into the GPU?
- c. What happens to our "safe routes to school" alignment along designated roads?

**5. Questions/Comments Related to the Alternatives Report**

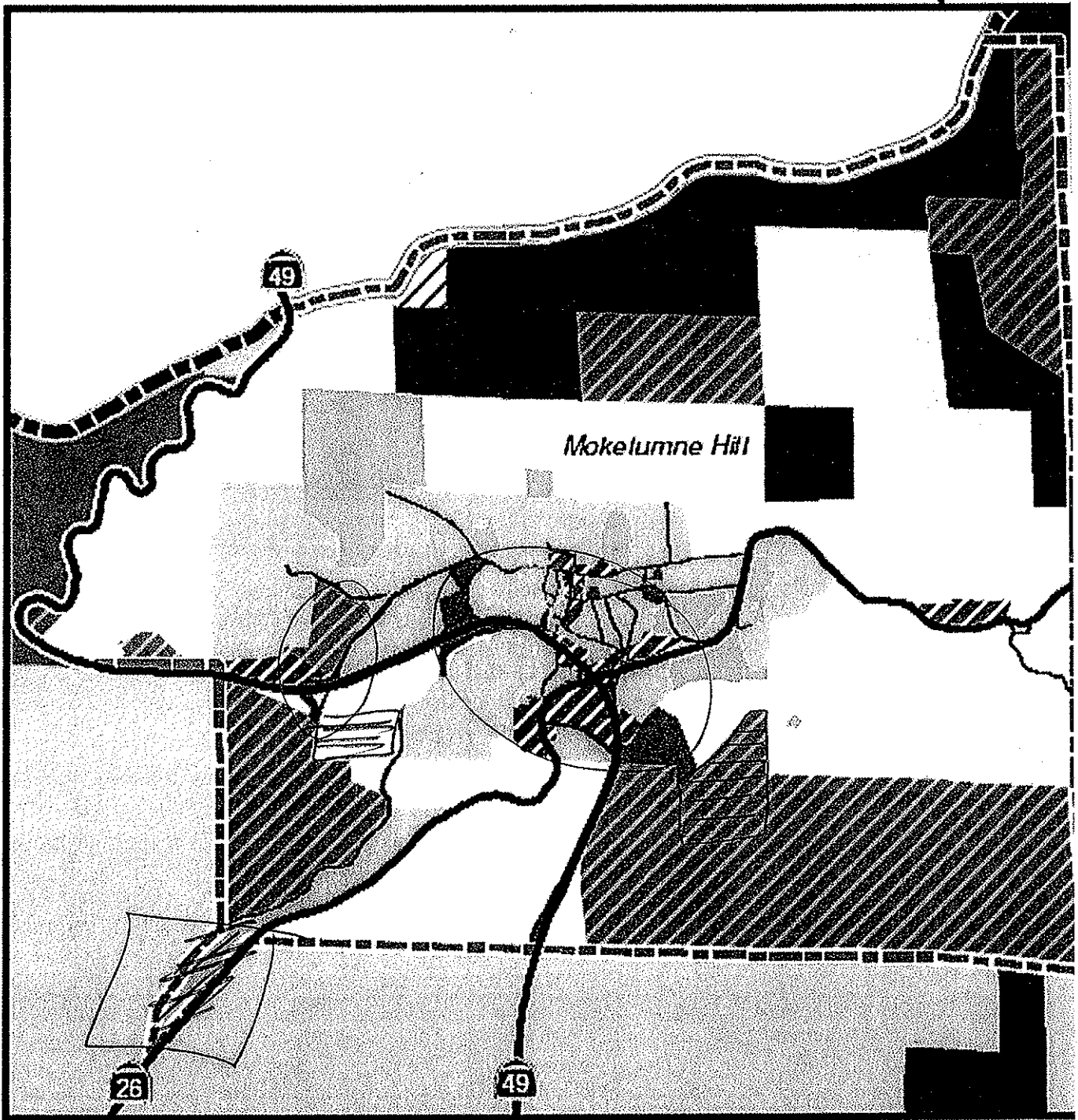
- a. With changing land use designations inherent with the update of the General Plan, how will the county handle existing non-conforming land uses and zoning? Will existing uses be grandfathered in?
- b. How will the existing 20,000 to 32,000 undeveloped parcels (and the attendant population growth) be addressed in this process? How many DUs do these parcels represent and how are they being accounted for in the growth and density scenarios?
- c. How will "clustering" be integrated into the GP update to encourage compact development and retention of open space?
- d. Will there be a land use designation or process to allow residential development on parcels less than 7,000 square feet? Many communities in the county have old parcels of small size that could accommodate a small (affordable) house.
- e. We are concerned that the Mineral Land Use Designation has been removed. What was the intent and how will these resources be identified in the General Plan?

Thank you for your consideration. Should you have any questions, or need clarification, please contact me. I would also like to offer the opportunity to meet with you prior to the March 15<sup>th</sup> meeting to discuss these issues/ideas in further detail and to provide clarification.

Respectfully,



Mary Anne Garamendi, Mokelumne Hill Community Plan Task Force (contact person)  
cc: Supervisor Steve Wilensky



LAND USE DESIGNATIONS  
 SUPERVISORIAL DISTRICT 2  
 ALTERNATIVES B & C

- EXISTING AND PROPOSED MIXED-USE AREAS
- ▨ EXPANSION OF COMMUNITY PLAN BOUNDARY
- ▧ RESIDENTIAL WITHIN SANITARY DISTRICT

## Brenda Gillarde

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**From:** Brenda Gillarde  
**Sent:** Friday, March 19, 2010 10:22 AM  
**To:** Mary Anne Garamendi  
**Subject:** Mokelumne Hill Comment Letter of 3/5/10

Hello Mary Anne,

It was very nice meeting and I look forward to future exchanges! I've provided responses to your questions which are keyed to the numbered items in your letter of 3/5/2010. As was discussed at the workshop last evening after the alternatives phase, staff will conduct 'one-on-one' meetings with community representatives to go over specific questions relative to community boundaries and land use designations within individual community plans. We have not yet set the schedule for those meetings but they will start up sometime after April 20.

BTW in the future if you could submit comments via email it would facilitate preparation of responses.  
THANKS Mary Anne!

### Responses to Letter from Mary Anne Garamendi, Mokelumne Hill Community Plan Task Force, March 5, 2010

#### 1. Community Plan Boundaries

As the legend indicates the dashed line represents draft or amended community plans. It is well known that Mokelumne Hill has an adopted plan boundary but the plan has been amended with your 2008 submission. We wanted to indicate those communities that are amending their plans so it would be clear to the Board of Supervisors and Planning Commission (BOS/PC). That is the reasoning behind using the 'dashed brown line.' The amended plan boundary will become formal once the General Plan is adopted. At that point it will appear as a solid line on the new countywide General Plan land use map.

#### 2. Population and Job Projections

The questions you raise about the projections in various areas of the county are good ones and have been raised by others. The answer lies in how the modeling was conducted for the alternatives. In crafting the projections for the alternatives three separate but integrated models were used – one for land use, one for transportation and one for air quality.

The land use model we used is called UPLAN and is based upon attractions and discouragements for development. Areas with favorable attractions are viewed by the model as places where development is most likely to be accommodated; areas with a high number of discouragements are seen as less desirable for development. With respect to your questions regarding the DU projections in Mokelumne Hill versus Valley Springs and San Andreas, Mokelumne Hill is located at the junction of two state highways and has water and sewer service. San Andreas ranked lower as it only has one state highway access and Valley Springs ranked lower because of biological sensitivities.

There are several concepts to remember regarding the modeling. First, it is not a perfect science and every model has its pluses and minuses. But it provides a good countywide estimate of what buildout might look like with each of the three alternatives in the report. Second, the primary purpose of modeling the alternatives was to show relative differences between them for discussion purposes. It was not meant to project the actual buildout in any specific area but rather to project an overall scenario for the county as a whole. The numbers shown for the alternatives are not being carried forward into any subsequent phases of the General Plan Update. Once the Board provides direction on a preferred alternative we will be conducting one more model run for purposes of the EIR analysis. That model will be more finely tuned to local constraints.



### 3. Land Use Designations

#### a. Rural Residential ½ Acre

The ½ acre size lot would be allowed in the Residential –Low Density general plan land use category (1-6 du/ac). The underlying zoning will specify which parcels are suitable for this designation based on service availability and community desires.

#### b. Land Use Designation Change Requests

We incorporated all the changes that we were aware of and reviewed them with Fawn. However if there are changes that still need to be made, and it sounds like you have some since the 2008 submittal, we will accommodate those changes. As you know, we will be coming out to each community to meet with the local representative (s) to discuss these types of issues. If you want to give us a heads up on the ones that are not reflected in the currently configured community plan area let us know so we can be better prepared to address them when we next meet.

#### c. Mixed Use Designations

We are still in the process of flushing out the definitions for Community Center Historic and Community Center Local land use designations. Zoning will also play a part in how these two categories are applied, but we will not address zoning specifically until after the General Plan is adopted. If you have suggestions for what should be in/out of these two designations, we would welcome the input.

#### d. Use of the Word Historic

You are correct that the term ‘historic’ has specific meaning in the context of CEQA and NEPA documents. However it is also a term that most people associate with a past use that has cultural or local significance. Most people do not associate the term with the CEQA and NEPA environmental review process. I’m not sure your comment is recommending that the term ‘historic’ not be used in the general plan except in reference to local or state designated historic districts or structures and when related to the environmental review process. If that is the case it will be very difficult to formulate goals and policies. It would also be very difficult to accurately describe many of the features within Mokelumne Hill and other communities that are historic. I note the term ‘historic’ is used extensively throughout the MHCP. How would we deal with that? Let’s discuss this further when we meet with your group on the community plan.

### 4. Other Questions Pertaining to Mokelumne Hill

#### a. What Happens to Rest of MHCP?

Each community plan will have a separate section in the General Plan. The community plan land use map, goals, policies, vision statement, list of historic structures and the rest of the MHCP will be part of that section in the General Plan document.

#### b. How Will Design Review District/Gateways be acknowledged in GPU?

See response to a.

#### c. What Happens to the Safe Routes?

See response to a.

### 5. Questions/Comments Related to the Alternatives Report

#### a. Non-conforming land uses

Existing uses will be grandfathered in to the General Plan. Those uses can continue to exist on the properties unless and until the use is discontinued.

b. Inclusion of undeveloped parcels

Every parcel has been assigned a land use and included in the modeling for the alternatives. Developed parcels were excluded from being able to accept new growth in the model. So the model run that was conducted reflects the potential buildout of currently undeveloped parcels in the county.

c. Clustering

Clustering will likely be handled through general plan policies but we are not yet to that phase of the update process.

d. Allow development on 7,000 sq. ft. parcels?

The 7,000 sq.ft. lot would fall under the Residential Low Density general plan land use category (1-6 du/ac). Zoning and the availability of services will determine how those lots could develop.

e. Mineral Land Use designation

We understand the community's concern regarding how mineral resource lands are designated. Based on the comments received thus far in our workshops we may need to rethink our current approach to mineral resources but in response to your question, let me explain that approach. We can then discuss further.

Our initial thinking was to not call them out as a general plan land use category for several reasons: 1) they are regulated by the state and local jurisdictions have no authority over how or what occurs on those lands; and 2) it is an activity rather than a land use. Under the existing general plan mineral resources could be on parcels as small as 5 acres. This appears to set the potential for inherent conflicts between mineral resource extraction areas and residential areas. The current thinking was to include mineral resources within ag or timber resource areas where the minimum parcel size is 40 acres. We would include a separate map that overlays mineral resource areas on the general plan land use map. Alternatively we could use a dashed line to outline mineral resource areas on the general plan map. However, we are open to other options including adding it back in as a land use.

The existing policies regarding mineral resources and the maps in the current general plan would be updated to reflect current conditions and the law, and eventually inserted into the resource section of the new draft general plan. As mentioned during our presentation, the draft general plan goals and policies will be reviewed and commented on by community members at a another series of public workshops.

# CALAVERAS COUNTY TAXPAYERS ASSOCIATION

Al Segalla, President  
Bob Mulvany, Vice President  
Bruce Tallakson, Treasurer

4889 Kiva Drive Copperopolis, CA 95228 (209) 785-1491  
www.calaverastaxpayers.org

Cory Burnell, Director  
Bill Mason, Director  
Kyrin Enzi, Secretary  
Steve Fairchild, Director

PRESS RELEASE

Contact: Al Segalla, 785-1491  
IMMEDIATE RELEASE  
March 5, 2010, Copperopolis

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CALAVERAS COUNTY  
BOARD OF SUPERVISORS

## Taxpayers Question General Plan

The Calaveras County Taxpayers Association is advocating deep revisions to the proposed General Plan Update according to Al Segalla, President. The major concern is protecting the constitutional liberties and property rights of county citizens and protecting our local economy. The group itemized 10 specific suggestions:

### TEN PRINCIPLES FOR A SOUND GENERAL PLAN

**FIRST:** The document shall use only common words with precise meaning.. The General Plan is not a "blueprint" It is an ordinance with the force of law and, to be effective, it must be clear, generally understood and accepted by the public and easily enforced. Words such as "*sustainability*," "*visioning statement*" and "*rural character*" are vague, subject to many interpretations *and* therefore unsuitable in legal text.

**SECOND:** Land use regulations should be cumulative such that any use permitted in a more protected zone be permitted in a less protected zone, thus allowing mixed-use development.

**THIRD:** Any use not expressly permitted in a particular zone shall be deemed a conditional use subject to the customary approval process. (This will allow flexibility allowing for special or unforeseen situations.)

**FOURTH:** All existing land uses on a parcel at the time the GPU is adopted shall be deemed permitted uses in perpetuity unless changed under the terms of the General Plan.

**FIFTH:** Existing residential neighborhoods shall not be re-zoned to accommodate higher densities and/or development limits (Smart Growth) except by a two thirds affirmative vote of the property owners in said neighborhood.

**SIXTH;** Variances or amendments to the General Plan may be made:

A. Upon application by a property owner and approval by the customary process, interested parties may appeal the decision of the Planning Commission to the Board of Supervisors within thirty days after commission action.

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Community Development Agency  
 Building  Planning  OSS

**B.** When initiated by the county or a public agency and after notice has been posted on the county website for 60 consecutive days, an affirmative vote of not less than four Supervisors including the Supervisor(s) representing the affected district(s) shall be required for passage.

**SEVENTH:** Zoning and variance permits shall automatically take effect within 180 days of application unless denied by the county for clear, well-defined reasons expressed in the General Plan. This is practiced successfully in Oregon. Placing the burden of stopping a particular land use on the government eliminates unreasonably long delays.

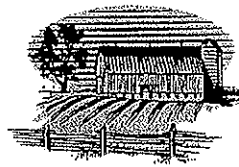
**EIGHTH:** Zoning and conditional use application fees shall be reasonable and shall not exceed the reasonable direct cost of process.

**NINTH:** To eliminate duplicity, all zoning and land use ordinances and regulations shall be consolidated within the General Plan which shall become the sole ordinance governing land use in Calaveras County.

**TENTH:** The permit application and approval process shall be simplified, streamlined, clearly defined and included in the General Plan document.

More information about the taxpayer group is available at [CalaverasTaxpayers.org](http://CalaverasTaxpayers.org)

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## Calaveras County Agriculture Coalition

Post Office Box 2101  
San Andreas, CA 95249-2101  
209 754-6477

March 10, 2010

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TO: George White, Calaveras County Planning Director  
Brenda Gillarde, Calaveras County General Plan Coordinator

RE: Follow-up to the Meeting with Ag Coalition on March 4, 2010

FROM: Calaveras County Agriculture Coalition

MAR 12 2010

Calaveras County  
Community Development Agency  
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The Ag Coalition would like to thank you for the opportunity to discuss the GPU Alternatives Report, as well as a few of our general thoughts concerning the GPU process. Cooperation and continued communications between the agriculture community and county planning will go a long ways towards having a successful GPU process and end product. Below is a summary of the issues discussed at the above referenced meeting. The Ag Coalition looks forward to a continued dialog with you and your staff as the GPU process advances.

- The Ag Coalition remains concerned about the GPU process placing the land use designations ahead of the development of the land use goals, policies and implementation measures. Property owners are being asked to have their land placed in a particular land use designation without knowing the actual ramifications/restrictions that will accompany such a designation. To proceed under this GPU framework and process, the Ag Coalition will assume that the goals, policies and implementation measures contain in the draft agriculture and forestry element that was submitted to the Board of Supervisors in July 2009 will be reflected in the final document. As we explained at our meeting, the Ag Coalition is committed to retaining the current agriculture zoning code. This agriculture zoning code is extremely vital for the long term viability of agriculture in Calaveras County. The GPU must echo this reality and not jeopardize the future viability of agriculture in Calaveras County.
- The GPU Baseline Report indicates there are 24,231 existing "unimproved" parcels throughout the county "encompassing a wide variety of underlying property uses such as agriculture, rangeland, and private forest land." This same Report shows an additional 8,099 parcels as "unclassified", many of which are unimproved. These two categories represent 75% of the county's total acreage. The GPU Alternatives Report does not adequately account for these "unimproved private lands" in any of the development projections found in Alternative A, B, or C. Maps and lists indicating the status, sizes and distribution of these existing unimproved parcels are critical to our ability to assess the implications of the proposed land use designations and corresponding minimum parcel sizes. This information is very important.
- An important issue related to the status of the thousands of existing parcels is how the GPU will address the legally existing nonconforming land uses and zoning. The Ag Coalition believes that the GPU should retain a "Savings Clause" or "Grandfather Clause" similar as to the one contained in the current GP. Such GPU language should adequately address our concern for maintaining the viability and use of these legally existing nonconforming land uses and zoning.

- What is the justification or rationalization behind the 40ac. to 80ac. minimum parcel size within the agricultural land use designation? The Ag Coalition is concerned as to how this minimum parcel size will address the demand from the small-scale and personal-scale farming sector.
- Calaveras County is very fortunate to have an abundance of natural resources; agricultural lands, rangelands, forest lands, lakes, rivers and mineral resources. The Alternatives Report (Alternatives B and C) suggests that mineral resources will be addressed in policies and programs within the body of the GPU. The fact that mineral resources are not one of the Land Use Designations within Alternative B or C is problematic. How can the County expect to effectively plan for and protect mineral resources from encroachment of incompatible uses if these resources are not indentified and clearly shown within the Natural Resource Land Use Designation? Mineral resources should be addressed in the same manner as the other Natural Resource Land designation such as agricultural lands, timber resource lands, biological resource lands, water bodies and park lands.
- As reflected in the draft Agriculture and Forestry Element, the Ag Coalition strongly believes that a need exists for the placement of the Residential Agriculture (RA) land use designation within Natural Resource Lands. The RA land use designation will provide for a clear and unambiguous land use within the Natural Resource Lands that will address the needs and concerns of the small-scale and personal-scale farming and ranching sector.
- Clustered development or density transfer can play a major role in the maintenance of larger tracts of agricultural lands and open space. The Ag Coalition has included the use of this planning tool within the draft Agriculture and Forestry Element. Attached is a list containing a number of considerations for clustered development on Natural Resource Lands.

As the General Plan Update process moves ahead, the Ag Coalition will no doubt have additional concerns, questions and comments. We hope to continue to have the opportunity for input into this very important process. Thank you.

### Clustered Development on Natural Resource Lands

- Allow and encourage clustering/density transfer of single family residential lots in Natural Resource Land designation.
- Retain appropriate agricultural, timber and/or mineral use zoning on that land from which the density was transferred.
- Provide density bonus (up to 20%) as an incentive when clustering is an appropriate development option.
- When a clustered development is approved on lands designated as Natural Resources Lands, a 2 to 5 acre minimum parcel size shall be permitted.
- Utilization of the Residential Agriculture Zone (RA) shall be restricted to use, 1) as a buffer/transition zone between other agricultural lands and residential /community plan areas, 2) when a clustered development is approved on Natural Resource Lands, 3) when a need is demonstrated in providing farm family home sites, 4) on parcels currently zoned RA, 5) existing, individually owned, parcels in the Natural Resource Land use designation ranging from 5 ac. to 40 ac. that are outside of an established subdivision.
- Levels of Service A, B, C, shall be required for newly created parcels less than 40 acres in size in lands designated Natural Resource.
- Public water shall be required for newly created parcels less than 40 acres in size in lands designated Natural Resource. (Western County only?)
- Design clustered development to minimize the number of residential agriculture parcels adjoining Natural Resource Lands.
- Design residential ag parcels (size and shape) to provide for the required buffer and/or setbacks from adjoining Natural Resource Lands as set forth in Ag/Forestry Element, Appendix A.
- The appropriate scale (number of DUs) and the specific placement of any clustered development on Natural Resource Lands shall be key considerations in approving such a development.
- Other factors to be considered when determining the appropriate placement of a clustered development/density transfer: soils, slope, view sheds, wildlife corridors, sensitive biological resource areas, proximity to waterways, lakes or reservoirs, compatibility with adjoining land uses.
- If the full allowable density is utilized for a clustered development, any additional subdividing of the remainder parcel shall require a General Plan Amendment and meet all the requirements set forth the County General Plan.

## Brenda Gillarde

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**From:** Brenda Gillarde  
**Sent:** Thursday, March 25, 2010 2:25 PM  
**To:** 'Scott Klann'  
**Cc:** George White; 'Jessica C. Law'; Larry Mintier  
**Subject:** Ag Coalition - Responses to 3/10/2010 letter

Hello Scott,

I wasn't sure who to direct these responses to as the 3/10 letter did not have a contact person, but trust you will forward to the group as appropriate.

The responses below address issues raised in a letter from the Calaveras County Agriculture Coalition dated March 10, 2010. For future reference if you could send an electronic version of any correspondence warranting a response, it will make responding easier. I've paraphrased each of the bullet points in the letter followed by a response.

1. Policies and implementation measures should precede development of land use designations. Property owners are being asked to have their land in a particular land use designation without knowing actual ramifications/restrictions.

Although we are not to the actual goals and policies phase of the general plan, an overall vision statement and guiding principles were developed earlier in the process. This policy direction guided formulation of the land use alternatives so in effect we are following a policy direction that was endorsed by the Board in June 2008. The overall vision statement and guiding principles are in the Alternatives Report (pp. 4-5) but are copied below for your reference. In summary they support community centered growth and retention of outlying areas in larger acreages for resource production and habitat protection.

### Vision Statement

*The historical character of the county's communities, the value of its productive resources, and the distinction of its physical beauty will continue to create a high quality of life for residents and a remarkable and memorable experience for visitors to the county.*

### Guiding Principles

- *The history of the Gold Rush era will be alive in the culture of distinctive communities that provide a high quality of life for generations of residents.*
- *Open space, wildlife habitat, scenic vistas, agricultural lands, forests, rivers, and lakes will be protected and maintained for wildlife habitat, productive grazing and agricultural lands, and recreation.*
- *Communities will have clear boundaries and be separated from one another by working landscapes, greenbelts, or parks.*
- *Communities will have distinct centers where shopping, medical services, childcare, schools, jobs, and infrastructure are available. They will provide a range of housing types and affordability so people of all income levels can live in the same community.*



- *Businesses will thrive in a strong local economy based on sustainable natural resources and innovative industries. New opportunities for economic development will capitalize on advanced technology and catalyze growth and innovation.*
- *Visitors from around the state will be attracted to Calaveras County's historic communities, local businesses, recreation areas, and wineries. Tourism will play a major role in the local economy and protection of natural and scenic resources.*
- *Development will not outpace the ability of County government to provide adequate services and infrastructure or reduce the level of service provided to existing communities.*
- *Highways and streets will be well-maintained and well-connected. Public transit and bike and pedestrian facilities will provide choices for travel within communities and to major destinations.*
- *Water quality and water rights will be protected to ensure that they are sustained for future generations.*
- *The risks of flooding, fire hazards, and climate change will be mitigated to the greatest extent possible to protect residents.*
- *Residents will have access to medical and emergency services, and opportunities for life-long learning and enrichment at educational institutions.*
- *Government services will be efficient and effective with measurable results. Through community involvement and volunteerism, residents will be active participants in guiding Calaveras County towards a common vision for the future.*

2. There are 24,231 unimproved parcels in the county. The Alternatives Report does not adequately account for these unimproved private lands.

While the alternatives report does not contain a list of unimproved parcels by size, location and status, every parcel is assigned a land use designation in each of the three alternatives and the modeling for the alternatives included potential buildout, over the general plan planning horizon, based on these parcel designations. Under separate cover the Planning Department provided the Ag Coalition additional information on the location and status of unimproved parcels within specified land use designations.

3. The GPU should include a grandfather clause to address concerns for the use of legally nonconforming parcels.

If a developed parcel receives a land use designation that is different from what is on the ground, the current use can continue to exist as a legal nonconforming use. If an unimproved parcel receives a residential land use designation that is different from the residential designation allowed by the current general plan, if the parcel is a legal lot, at least one residence could be constructed on the parcel. If the parcel is over an acre in size, an accessory dwelling unit could be built in addition to the primary residence. It is likely that the current general plan policy will be carried forward into the new general plan, but this language is more appropriately relegated to the zoning code.

4. What is the justification for the 40-80 acre minimum in the agricultural land use designation?

To improve the clarity and functionality of the new general plan, the 126 land use categories in the current general plan were consolidated into 26 designations. The proposed Agricultural Lands (AG) category has a 40-80 acre range. In coming up with that range, we considered the following existing designations that are located in the County General Plan and local community plans: Ag Preserve (20-50 acre minimum) and Ag/Grazing (50 acre minimum). Given the intent of the Vision Statement and

Guiding Principles (see response to #1 above) it was important to create a lot size that clearly protected the viability of agricultural practices throughout the county and to avoid overlap with any of the other land use designations. Maintaining a larger lot size for agricultural purposes also minimizes potential conflicts with adjacent residential uses, which is another key concern expressed by farmers and ranchers. Finally the interim policy adopted by the Board in 2007 (Resolution 07-242) stipulates that a parcel without public sewer and water cannot be subdivided into less than 40 acre minimum lots, unless only one additional lot is being created. If the Ag Coalition has justifications for a different minimum lot size in the Agricultural Lands category, we are open to discussing them.

5. Mineral resources should be addressed in the same manner as the other natural resource designations.

Our initial thinking was to not designate mineral resources as a general plan land use category for several reasons: 1) they are regulated by the state and local jurisdictions have no authority over how or what occurs on those lands; and 2) it is an activity rather than a land use. Under the existing general plan mineral resources could be on parcels as small as 5 acres. This appears to set the potential for inherent conflicts between mineral resource extraction areas and residential areas. The current thinking was to include mineral resources as a permitted use within ag or timber resource areas where the minimum parcel size is 40 acres. We would include a separate map that overlays mineral resource areas on the general plan land use map. Alternatively we would use a dashed line to outline mineral resource areas on the general plan map. However, we are open to other options including adding it back in as a separate land use category.

The existing policies regarding mineral resources and the maps in the current general plan would be updated to reflect current conditions and the law, and included in the resource section of the new draft general plan. So the policy basis for minerals resource operation and maintenance would not be changed but would be carried forward into the new general plan.

6. The Residential Agricultural (RA) land use designation should be located within Natural Resource Lands to address the needs of small-scale farming and ranching.

The Natural Resource Lands category of land use designations responds to the concerns expressed by many residents during the first and 2<sup>nd</sup> round of community workshops. The top assets in the County and in local communities identified by workshop participants included natural resources, rural/open space, tourism and recreation and history. They identified a need for working landscapes, protection of wildlife corridors, and maintaining a rural atmosphere.

The land use categories under Natural Resource Lands include Agricultural (40-80 acre minimum), Public Lands (40 acre minimum), Biological Resources (40 acre minimum), Timber Resources (40 acre minimum), Timber Production Zone (160 acre minimum), Parks and Rec (no minimum), and Water Body (no minimum).

The proposed RA category falls under the Residential category of land uses and would allow 5-40 acre minimums. The purpose of this category is to provide rural residential and smaller-scale agricultural uses. Alternatives B & C in the Alternatives Report show these areas at the fringes of existing community centers with a few exceptions which reflect existing built subdivisions.

From a policy perspective, including RA within the Natural Resource Lands category would send mixed messages about the overall direction for resource production/natural resource areas. On the one hand

it would say 'preserve, promote, protect' and on the other hand it would say 'it's permitted to subdivide down to 5-acre lots.' This would continue the current pattern of dispersed rural development which is Alternative A in the Alternatives Report. In light of Resolution 07-242 (see response to #4), this is not the direction the Board desires for the new general plan.

7. Clustering development can play a major role in maintaining larger tracts of ag and open space lands.

We are open to discussing this concept in relation to resource lands as we continue to move through the general plan update process.

In light of the data Dave Pastizzo from our department recently provided the Coalition regarding the number of smaller parcels in an ag designation, a mechanism to preserve the open character of ag/natural resource areas will be extremely important. In reviewing that data there are 1,912 undeveloped parcels (less than 30K in improvements) in Natural Resource Lands under Alternative B. In the Agricultural Lands designation under Alternative B there are 1,161 undeveloped parcels (less than 30K in improvements).

As we've stated before any legal parcel would still be able to build one residence and if over an acre in size one accessory unit in addition to the primary residence. So it seems there is tremendous capacity already existing in ag-designated or natural resource-designated areas for smaller lot development. If the policy directive to stem dispersed rural development continues forward into the preferred land use alternative, a mechanism for maintaining the open rural character of the county will definitely be needed.

*Brenda*

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## Brenda Gillarde

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**From:** Brenda Gillarde  
**Sent:** Wednesday, March 10, 2010 1:58 PM  
**To:** 'Holly Mines'  
**Cc:** George White; Davé Pastizzo; 'Jessica C. Law'; Larry Mintier  
**Subject:** Response to Holly - community plans -  
**Attachments:** Comm\_Plan\_RRF&Glencoe.pdf

**Importance:** High

Hello Holly,

Thanks very much for requesting our input on your questions prior to the March 13 meeting. While your questions are specific to the Glencoe-RRF Community Plan, the purpose of the meeting on 3/13 is to discuss the land use designations for the countywide plan. We will not be focusing on individual community plan areas; that discussion will follow the alternatives phase of the General Plan Update (GPU). After the alternatives phase, we will be conducting one-on-one meetings with community representatives to go over any specific questions relative to individual community plans.

However, in the interest of facilitating your group meeting on 3/11 I've responded to your specific questions below in blue text.

*Brenda*

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**From:** Holly Mines [mailto:hymines@yahoo.com]  
**Sent:** Friday, March 05, 2010 2:56 PM  
**To:** Brenda Gillarde  
**Subject:** Re: community plans

Hi Brenda,

I'd like to discuss the Glencoe-RRF Community Plan with you in preparation for our Mar. 13 meeting. In fact, I'm calling a local meeting on Thurs., Mar. 11 to discuss the differences in the maps from our Community Plan and the Alternatives Report. I do not want to see the Saturday meeting turn into conflict and complaining, so I thought advance discussion might help. I'm writing this email before we talk so you can look at both my comments and the maps before we talk. I'd like to hear from you as soon as possible so I can prepare for the meeting, but Monday would be fine. I'm attaching an electronic copy of the RRF-Glencoe Plan so you can call up the map easily, and the text too.

A question I have about the LU tables and the maps: I see no color on the map to identify AG land and no description of AG, Public Lands, Biological Resource, Timber Resource, Timber Production Zone, Parks and Rec., or Right of Way as Land Use Categories. Can you explain that?

**Ag lands are depicted as a very light green on the various figures in the Alternatives report. Page 47 of the report provides a detailed description of each land use category. Given space limitations on the individual maps, we could not include the full descriptions. Note that the ROW land use designation will likely not be carried forward on the selected preferred alternative as it is not really a land use per se but rather a legal description of rights over particular land areas.**

FIRST RRF:

1. You will notice that the outline of our Community Plan Town Center matches the one shown in Figure 2.1, Land Use Designations, Sup. Dist. 2, Alternatives B & C. However, as is logical from a planning point of view, the Alternatives map identifies the whole area as "CCL-Community Center Local (1-12 DU per acre)" The large square at the top of our Town Center is a huge ag field (I think currently under the Williamson Act) being used to raise buffalo. I had hoped to show it to you on Thurs., but neither time nor weather conditions permitted. It is quite a landmark in the community, quite beautiful, and contains the very run-down but historic old store (can't remember it's name), a historic marker AND the much disputed ball field and rec area that had been used by the

community when Tom Taylor was Supervisor. He sold the property to the (evil) Dale Buller, who has refused to let the people use the property. I was not in favor of including it in the Town Center, but the town's "old timers" insisted that that was an important part of the "town of RRF." Thus, they won. I know that there is not one person (except Dale Buller) who would like to see that property developed into a subdivision. Currently it has no water or sewer, but it would probably be possible for CPUD (Calaveras Pub. Util. Distr., which provides ONLY water, no sewer) to provide water there. MY QUESTION IS: Would you recommend that we remove that portion from the Town Center, or can the town center include ag land?

**While we understand the unique nature of the property in question, as you know one of the guiding principles of this general plan update is to concentrate development within identified community centers. If the RRF community does not wish to facilitate future development of the property, it should be removed from the Community Center area and given a Timber Resource designation which is the designation surrounding the Town Center. The historic character of the area could be addressed via policies in the RRF Community Plan and possibly reinforced via the underlying zoning.**

2. To the SE of our Town Center, you will note RR-Rural Residential (form current Land Use Designations) identified. This is a subdivision that has mostly been built out. I don't think removing this from the map and including it in a Timber Resource designation would be a big area of argument, since whatever is there stays (I believe) even if a parcel has no house on it. Jim Cutler, who helped us create this map, made a tour of the area with me and he showed that subdivision as well as the one to the north of the Town Center, because they are already there and established. If you can assure me that anyone who has a small parcel within those areas (or anywhere around the town for that matter) would be able to build a house on it I could calm a lot of people down.

**Under this General Plan Update (GPU) any undeveloped parcels that are smaller than the parameters specified by a general plan land use designation would still be able to have at least one unit per parcel. If the parcel is 1 acre or more in size, one accessory dwelling unit could also be built. However the parcels could not be further subdivided below what the new general plan designation stipulated. In the case of the RR area you refer to, changing it to Timber Resource would set 40 acres as the minimum parcel size. However the smaller existing undeveloped parcels in that area would still be able to construct one single-family residence. But newly created parcels could not be smaller than 40 acres.**

3. The area that is going to cause the greatest amount of angst is that long "tail" that juts out to the west of RRF along Ridge Road. The entire area is already served by CPUD, but has no sewer. It is unlikely (according to conversations I've had with the Genl. Mngr. of CPUD) that there will ever be sewer there because they tell me that they have no plans to provide sewer within their areas of control. The properties included in this (ugly, I must admit) tail are all those that touch Ridge Rd. along the road to the west of the Town Center. The person who fought hardest for it is Ken Cowan whose property is the last one, the farthest west.
  - a) Is there anything we can do about that tail to satisfy the residents there?

**As you know, failing septic systems are one of the major causes of degraded water quality and this will continue to be an issue for the county. The overall premise for determining densities was based on the Board's 07-242 resolution that stipulated no parcel smaller than 40 acres can be created unless it is serviced by sewer and water. Carrying forward the RR designation (1-5 acre parcels) into the new general plan for the 'tail' area would conflict with the Board's directive and the general plan's overall vision to concentrate development within defined community center areas. As stated in Response #2 above, existing undeveloped lots within the 'tail' area would still be able to develop one residence per parcel under the Timber Resource designation but it would recognize the area as being unsuitable for more intense development given lack of key services (in this case sewer.)**

**If your community wishes to pursue an RR designation for the 'tail' area, you can submit written comments addressed to the Board describing the reasons and rationale for why RR should be allowed in an area that currently is not served by sewer and has little potential to be served in the foreseeable future. This communication would be included in the packet for the April 20<sup>th</sup> joint**

