

Valley Springs Community Plan Update – The Long & Winding Road Takes a Detour

(Background & Commentary from the July 2010 CAP/CPC Newsletter)

No community in Calaveras County felt the impact of the housing bubble of 2005-2008 more than Valley Springs.

As rapid growth continued in the area, problems with traffic, water, wastewater, public safety, and environmental protection worsened, leading many citizens in the area to fear that the contented, rural community that they invested in was disappearing before their eyes. Accordingly, the citizens looked at updating the 30-year old Valley Springs Community Plan to better manage the growth that was threatening to overwhelm their community and threaten their chosen way of life.

What they found was alarming. Valley Springs was growing without an effective, up-to-date, community plan, and at build-out the potential population for the area could be substantially higher. The infrastructure and environmental issues in Valley Springs were not being addressed by anybody, and they obviously were not going to get better by themselves.

In response, a group of citizens calling themselves MyValleySprings.com began exploring ways to find the resources to do a comprehensive update of the Community Plan that reflected the vision and goals of the Valley Springs community.

Those efforts were rewarded in September 2008, when the Calaveras Council of Governments (CCOG) was awarded a Cal-Trans Community-Based Transportation Planning Grant to update the Valley Springs Community Plan. The \$204,000 grant, along with a \$50,000 match from the CCOG, was awarded for the preparation of a Community Plan in Valley Springs. The Grant is administered by the CCOG, and the project partners include MyValleySprings.com (MVS.com) the Local Government Commission, and, importantly, Calaveras County. MVS.com and the LGC wrote the grant proposal with input from the County. MVS.com is a member of the Planning Coalition.

The project got under way in January of 2009. Along the way, after a series of highly publicized citizen meetings, six alternative maps of the prospective footprint of the draft Valley Springs Community Plan were presented to the public in another highly publicized community meeting held in late summer of 2009. At this meeting, a slim majority of those attending indicated that they preferred a planning footprint that *included* the large Rancho Calaveras planned development located south of Valley Springs.

Soon thereafter, some residents of Rancho Calaveras expressed dismay at the prospect of their subdivision being included in the Valley Springs Community Plan. Despite assurances that their various fears were groundless, these citizens persisted in objecting to being included in the planning process, and ultimately produced a petition, reportedly with 500 signatures, demanding to be excluded. The issue was finally resolved in late February 2010 when another well-publicized community meeting produced a clear majority that wanted Rancho Calaveras *excluded* from the Valley Springs Community Plan.

But, a very few citizens involved in the Rancho Calaveras issue, but not necessarily from Rancho Calaveras, decided to expand their criticisms to include a rejection of community planning itself on what they refer to as “Constitutional” grounds. Taking inspiration from libertarian ideology, these citizens began to demand that the work that had been done to date on the Valley Springs Community Plan be abandoned because it failed to reflect their libertarian beliefs regarding the primacy of property rights.

They denied the validity of the admittedly democratic processes that produced the Valley Spring Community Plan update because the United States was not (or wasn’t supposed to be) a democracy. Finally, they claimed the process of updating the Valley Springs Community Plan, which was paid for by a grant from Cal-Trans, administered by the Calaveras Council of Governments, and included Calaveras County as a Project Partner, was a threat to national security because MVS.com, and the Planning Coalition were part of a United Nations conspiracy to take away property rights and institute a one-world government.

These views evidently found a sympathetic ear in the person of 1st District Supervisor Gary Tofanelli.

Tofanelli, who had won election less than two years earlier on a simple and unexplained five-bullet point platform of “Business Development, Job Creation, Public Safety, Community College for Higher Education, and Parks for Our Children,” effectively withdrew County support from the existing process in which the County was itself a partner.

It seems clear that Supervisor Tofanelli, in mid-May, 2010, decided that the existing County-approved effort to update the VS Community Plan was so flawed it was necessary to convene his own hand-picked group to draw their own map of the VS Community Plan area. In addition, this mostly anonymous handpicked group also felt empowered to produce Vision and Goals statements on behalf of the community of Valley Springs.

For their part, MVS.com declined an invitation to attend a second meeting of the group, saying in a press release “After attending ... the May 17 meeting (we) believe there is a conflict of interest having a small, handpicked group working behind closed doors ... (W)e are unwilling to ignore and abandon over a year of existing public input and direction.”

On June 1, 2010, the new Map and documents, labeled the May 27 map, came before the Board of Supervisors and were approved 4 to 1 as the “Preferred Alternative.” However the Supervisors decided that the community consensus map, and other planning documents to be produced by the open process, could, depending on schedule, be accepted by the Planning Department as a “non-preferred” alternative.

Afterwards, Supervisor Tofanelli told the Valley Springs News, “What we came up with was well represented by the community people involved who were representing certain community groups and the people at large.”

Although who was invited to participate in the meetings that produced the VS Community Plan’s Preferred Alternative is not part of the public record, one of the participants identified herself as the author of a “Minority Report” that was published shortly after the last meeting of Tofanelli’s committee. Of course, a “Minority Report”

suggests there was a corresponding “majority” that carried the day in these meetings. However, since the meetings were closed and by invitation only, the public has no idea who this “majority” is that is deciding the future of Valley Springs.

In their June 16 “Open Letter” to residents, property owners, and business owners in Valley Springs, the CCOG, administrators of the Planning Grant, reviewed the facts about the Supervisor’s actions and laid out plans to go forward. The CCOG’s Open Letter asked for the Valley Springs community to remain involved, solicited citizen input for the Community Plan update, and announced that their next Community Meeting was scheduled for August, 2010.

What it means to not be the Preferred Alternative is significant beyond the indication of Supervisorial preference, because the Planning Department has indicated that it will not perform the same kind of thorough analysis on the non-preferred alternative as it will on the Preferred, relying on a simple “more or less” comparison between the Preferred and all other alternatives. However, California law requires a comparative *and* quantitative evaluation of Community and General Plan alternatives under CEQA, not one or the other. The courts have indicated that those impacts that *can* be quantitatively evaluated *must* be, reasoning that the inability to evaluate alternatives on an even basis reduces the process of preparing alternatives to a largely symbolic exercise, and this is not the intent of the law.

At its June 27th meeting, the Calaveras Planning Coalition discussed the ramifications of the County’s decision to limit evaluation of non-preferred planning alternatives for both the Valley Springs Community Plan and the General Plan, and the item was scheduled for further discussion and possible future action.

Mr. Tofanelli’s Map

CAP has stressed the importance of a comprehensive update to the General Plan that is informed and guided by open, public, and community-driven processes.

This emphasis is not just because democracy is an important value in its own right, but also because experience has shown that planning processes that are not open and fair will produce plans that don’t work and benefit only a favored few at the expense of others.

In the story of the Valley Springs Community Plan update, we see further confirmation of this: bad processes produce bad results.

Among the things that the VS Community Plan update could do to improve conditions for the residents of Valley Springs is to plan for growth that will not result in higher taxes, increased traffic, and other impacts to existing residents. But the Tofanelli map (there is no more precise description of it) clearly fails to do this.

Supervisor Tofanelli, in seeking to invalidate the efforts of the Council of Governments, community groups like MyValleySprings.com, and literally hundreds of citizens who have taken part in the open process to update the Valley Springs Community Plan, has done more than show his contempt for democracy. This isn’t the first time a Calaveras County Supervisor has essentially thrown the planning work of their own constituents in the garbage. Both the existing Arnold Community Plan and the pending Copperopolis Community Plan have a similar provenance. But in both those cases it can at least be

argued that the process that supplanted the original was open and produced a viable plan that reflected some community input.

Not so the Tofanelli map. The Tofanelli map fails to do anything to address the issues that prompted the citizen's planning efforts in the first place.

First, Tofanelli's map converts approximately 600 acres of existing Agricultural land to Mixed Commercial and Residential land use, far more than can be justified by any educated estimate of future economic growth in Valley Springs. The map produced via the open process overseen by the Council of Governments (CCOG) was optimistic enough in proposing 106 acres of mixed use development, but noteworthy is that all 106 acres are located in the existing town center, and not on what is currently agricultural land.

Secondly, The Tofanelli map does nothing to alleviate the traffic bottleneck that plagues Valley Springs at the intersection of Hwys 12 and 26. Although the Tofanelli map does have a new road going around the intersection, it goes through land that is designated on his map to be changed from agricultural to mixed use development. By using this new route as infrastructure for new development, rather than as a pressure-relieving by-pass, traffic at the intersection could actually get worse because of the additional number of residents and cars on the road. And there would still be a need for a by-pass, since no rational truck driver is going to leave the State highway and take a route through a developed area that only increases his travel time.

But even more curious is this: the additional mixed use commercial and residential growth called out in the Toffanelli map is in areas that have *no* infrastructure (pipes in the ground), while nearby areas *with* infrastructure are left outside the boundary.

These bad decisions, and the confusion and division they are creating in the community, are unnecessary. Why are the residents of Valley Springs being forced to go accept this?

Why, after the open and democratically organized meeting where the Rancho Calaveras development was removed from the VS Community Plan footprint, did Supervisor Tofanelli find the need to organize his own separate, secret process? Obviously, the open process, in which the County was itself a partner, was working; Rancho Calaveras was removed from the map.

The press reports that Supervisor Tofanelli says he torpedoed the community-based process because he had heard from District One constituents who didn't like it, or perhaps just didn't like some of the people involved. But if these alleged legions of "District One constituents" were so concerned, why didn't the Supervisor encourage them to participate in the existing process and, utilizing the democratic process make the changes they desired, just as the residents of Rancho Calaveras did?

At the end of the day, what, or who, benefited from Supervisor Tofanelli's actions? What, or who, benefits from the Tofanelli map that did not benefit from the community consensus map? Calaveras citizens who value open, honest government, democratic processes, and healthy sustainable communities should demand answers.

We know from experience that the original community-based planning effort will deliver a data driven Community Plan that is the result of a long, open, public,

democratic process. Unfortunately, we cannot say the same thing about Supervisor Tofanelli's Preferred Alternative.