

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

Monday – January 27, 2020 – 6:00 p.m.

**Calaveras County Board of Supervisors Chambers
County Administrative Center
San Andreas**

6:00 PM Regular LAFCo Meeting Items:

1. Call to Order/Pledge of Allegiance/Roll Call

Commissioners

John Lavaroni, Special District Member, Chair

Alvin Broglio, City Member, Vice-Chair

Joseph Oliveira, City Member

Gary Tofanelli, County Member

Merita Callaway, County Member

Tony Tyrrell, Special District Member

Anita Paque, Public Member

Roark Weber, Public Member Alt.

Dennis Mills, County Member Alt.

Jon Dashner, Special Dist. Member Alt.

Amanda Folendorf, City Member Alt

Staff:

John Benoit, Executive Officer

Nancy Mees, LAFCO Clerk

Michael Colantuono, LAFCO Counsel

2. Approval of Agenda (Deletions/Additions)

3. *Consider minutes of November 18, 2019*

a. Approve November 18, 2019 LAFCo Minutes

4. Consent Agenda:

a. Review and Authorize Claims for November and December 2019

5. Correspondence:

Public Hearing:

- 6. Public Hearing regarding the detachment and Sphere of Influence amendment consisting of 81.58-acres more or less on four lots from the Appaloosa Road Community Services District (LAFCo File 2019-0002)**
 - a. Receive Executive Officer's report and conduct public hearing regarding the Detachment and SOI amendment for the Appaloosa Road CSD.*
 - b. Consider LAFCo Resolution 2020-0001 adopting a Sphere of Influence amendment for the Appaloosa Road Community Services District.*
 - c. Consider LAFCo Resolution 2020-0002 approving the 81.58-acre detachment from the Appaloosa Road Community Services District.*
- 7. Workshop #3 regarding draft updated Policies, Standards and Procedures**

(continue workshop until city commissioners are able to be present)
 - a. Continued Workshop regarding Policies, Standards and Procedures and conduct third workshop.*
- 8. Continued discussion of proposed encroachment onto Hallas Road and whether or not annexation to CSA 12 (Golden Hills) would be required.**
 - a. Provide Determination and Direction to staff*
- 9. Authorize Staff to attend the annual Calafco Staff Workshop in Orange County on March 24-March 27.**
 - a. Authorize staff to attend the Calafco Annual Staff Workshop.*
- 10. Discussion regarding contents of LAFCo Application Forms – notification of landowners and registered voters**
 - a. Hold discussion and provide direction to staff*
- 11. Executive Officer' s report**
 - a. Lawsuit notice: Calaveras Planning Coalition v. Calaveras Co. Board of Supervisors.*
 - b. 700 Forms Due April 1st 2020*
 - c. 2020-2021 LAFCo Budget Process*
 - d. Valley Springs PUD MSR and SOI Update*

12. Commissioners Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

13. Public Comment

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that were on

Calaveras LAFCO

the agenda, public comment was heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony. The Chair reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

14. NEXT LAFCO MEETING IS: March 16, 2020 - 6:00 PM in San Andreas

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to a specified time. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda will be available on the Calaveras LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting.

Accessibility

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Calaveras LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff at (209) 754-6511

LAFCO Webpage: www.calaveraslafco.org

Email LAFCO at: j.benoit4@icloud.com

Calaveras Local Agency Formation Commission

Regular Meeting Minutes – Monday, November 18, 2019

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Lavaroni at 6:03 p.m., on Monday, November 18, 2019, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

Commissioners Present

John Lavaroni, Chair, Special Dist. Mem.
 Alvin Broglio, Vice Chair, City Member
 Merita Callaway, County Member
 Joseph Oliveira, City Member
 Tony Tyrrell, Special Dist. Member
 Anita Paque, Public Member
 Jon Dashner, Special Dist. Mem. Alt.
 Roark Weber, Public Member Alt.

Commissioners Absent

Gary Tofanelli, County Member
 Dennis Mills, County Member Alt.
 Amanda Folendorf, City Member Alt.

Staff Present

John Benoit, Executive Officer
 Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

MOTION by Commissioner Paque to approve the Agenda, second by Commissioner Broglio. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

3. **Consider Minutes of the September 16, 2019, LAFCo meeting:**

MOTION by Commissioner Tyrrell to approve the Minutes as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

4. **Consent Agenda:**

Review and authorize claims for September and October 2019.

Executive Officer Benoit stated that a revised Claims had been distributed at the dais which now included the charges for the state LAFCo Conference.

MOTION by Commissioner Tyrrell to approve the Consent Agenda and revised Claims for September and October 2019 as presented, second by Commissioner Callaway. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

5. Correspondence:

Executive Officer Benoit reported that he had received a letter from the State Controller's Office requesting Calaveras LAFCo to dissolve specific inactive districts, but that these districts have already been dissolved.

Mr. Benoit also briefly discussed a letter copied from the *Sacramento Bee* regarding fire taxes that he had included in the packet.

6. Public Hearing regarding the Service Review (MSR) and Sphere of Influence (SOI) update for the Calaveras Public Utility District (CPUD):

- a. *Receive Executive Officer's report and conduct public hearing regarding the MSR and SOI for the CPUD.*

Executive Officer Benoit explained that the final goal of an MSR is to use it to adopt an SOI. He reported that CPUD performed a study and determined that the district is a Disadvantaged Unincorporated Community (DUC), which opens the door for it to be able to receive certain grant funding. The district kept him up to date on all financials, and they look to be in good shape. Mr. Benoit recommended that the Commission adopt the MSR and the Coterminous SOI.

Chair Lavaroni opened the public hearing. There was no public comment, so he closed the hearing.

- b. *Consider LAFCo Resolution 2019-0007 adopting a Municipal Service Review for the Calaveras Public Utility District.*

Commissioner Callaway commented that on page 32 of the MSR it states that the district will be able to supply water to additional customers, and she wished to know how many customers that might be. Donna Leatherman, CPUD Manager, responded from the audience that there is not a lot of growth planned, but that the capacity of their system could possibly serve another 100 parcels.

MOTION by Commissioner Tyrrell to approve Resolution 2019-0007 adopting the Municipal Service Review for CPUD as presented, second by Commissioner Oliveira. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

- c. *Consider LAFCo Resolution 2019-0008 adopting a Sphere of Influence for the Calaveras Public Utility District.*

MOTION by Commissioner Tyrrell to approved Resolution 2019-0008 adopting the Coterminous Sphere of Influence for CPUD as presented, second by Commissioner Broglio. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

7. Workshop #2 regarding draft updated Policies, Standards and Procedures:

Continued workshop on revised Policies, Standards and Procedures.

Executive Officer Benoit began the workshop at Section 2.14 of the Draft Policies, Standards and Procedures. This section deals with Open Space Land Conservation, and Mr. Benoit pointed out that an important task assigned to LAFCOs is to always be mindful of preserving prime agricultural land, the definition of which is fairly strict under LAFCo law. He added that often it is necessary to talk with the county Agricultural Commission to determine whether particular land is prime ag land. When prime ag land is involved, LAFCo can request alternative sites be found, or it can impose mitigation measures on the project. The three types of mitigation generally are (1) requesting “in lieu” land, (2) requesting buffers exterior to the sphere boundary, and/or (3) requesting a right-to-farm ordinance be adopted.

Mr. Benoit briefly discussed Section 2.14(f) regarding Williamson Act Contract Lands and Section (h) regarding exterior buffers. He added that mitigation measures imposed by LAFCo must be followed by the county or city, and that mitigation measures can be imposed either in the CEQA process or through the use of terms and conditions. Commissioner Callaway commented that the County is currently reviewing Williamson Act Contracts and entering into some new ones, and wanted to know whether LAFCo should be involved in that. Executive Officer Benoit said LAFCo should at least be notified so it can review any new contracts, and Commissioner Callaway replied that she would make sure LAFCo received the necessary information. There was then some brief discussion concerning tribal lands.

Executive Officer Benoit then briefly reviewed Sections 2.15-2.18, noting that any policies adopted by LAFCo had to then be followed by the Commission. Mr. Benoit explained that Section 2.19 regarding DUCs had been added into the Policies at a later time as this law came about after the adoption of the initial Policies. He added that a new law has been passed that seems to expand the area of possible DUCs around a city or district which have to be included into any annexation that takes place. He will do some further research to determine whether this section of the Policies may need to be amended.

Commissioner Oliveira asked if there is a time limit on adopting these Draft Policies, and Mr. Benoit replied that there is not, but that the Commission should not take too many meetings to go through them before they vote on adopting the Draft Policies.

Mr. Benoit then moved on to Section 3 regarding Spheres of Influence. There are various factors that must be reviewed and determinations made in determining a sphere, and the purpose of the MSR is, among other things, to review those factors. Thus an updated MSR should precede any sphere update or amendment, and updated plans are encouraged. He added that only LAFCo can set spheres, and that they generally do not include land that is not likely to be developed.

As part of a sphere adoption or update, there must be a sphere map and the sphere plan must be consistent with the MSR. Further, when the sphere involves a city, there must be an agreement between the city and county with respect to the sphere boundaries.

Any district may have more than one sphere if it provides more than one type of service. Finally, while sphere updates are generally comprehensive and follow an updated MSR, a sphere amendment can take place in conjunction with a specific project. There was then some discussion regarding the last sphere update for Angels Camp and when it should be reviewed.

Executive Officer Benoit finished the workshop with Section 3.8 regarding abbreviated MSRs for agencies and districts providing non-growth inducing services. The Commission will continue with the workshop at the next meeting, starting with Section 4.

8. Discussion of proposed encroachment onto Hallas Road and whether or not annexation to CSA 12 (Golden Hills) would be required:

Commissioner Weber spoke from the audience, explaining that the purpose of the encroachment in question is to provide secondary access to a parcel outside the boundary of CSA 12. He introduced Richard Smith, who is representing the Longs (the owners of the parcel). Mr. Smith provided some maps and documents to the Commission and stated that based on these documents, he believes Hallas Road is a public road maintained by CSA 12. Executive Officer Benoit added that he had spoken with public works, and the roads in Unit 1 of Golden Hills are, in fact, public roads.

Ms. Leatherman from CPUD stated that their concern was that they needed proof that the Longs have permission from CSA 12 to cross Hallas Road with a waterline to their property, and are concerned with what future use of this road as a secondary access road would do to its condition and who would pay for the increased wear on it. Commissioner Weber replied that the Longs have stated they are willing to pay the CSA 12 annual assessment fee for road maintenance, but do not want to annex into the district. He added that, as the roads are asphalt and not built to county standards, heavy traffic would deteriorate them, but that the Longs do not intend to use the road that heavily. Executive Officer Benoit added that if that parcel were ever subdivided, annexation would become necessary. Commissioner Weber also added that if CPUD is concerned about the road and crossing it with a waterline, they could request that the Longs enter into a mainline extension agreement as a condition of receiving the waterline.

Commissioner Callaway stated that she would like a confirmation of what was agreed upon at the meeting between the Longs and CSA 12. She feels that if there is an agreement between the two parties, then it is not a LAFCo matter. Commissioner Oliveira suggested the question of whether or not there should be an annexation be reviewed by legal counsel.

Commissioner Broglio stated that unless the Longs plan to further develop the property or

subdivide it, it does not appear an annexation should be necessary under these circumstances. Commissioner Paque added that she was not prepared to make a decision until she had further time to review the maps and documents just received, and that perhaps Executive Officer Benoit should do some further investigation into the issue. Commissioner Callaway said she would research the meeting that had occurred between the Longs and CSA 12 and would forward that information to Mr. Benoit. No action was taken on this item at this meeting.

9. Discussion and information regarding the CALAFCo Annual Conference in Sacramento (October 29-November 1, 2019):

Commissioner Tyrrell commented that it had been an excellent conference, and he commended Commissioners Paque and Callaway for their session at the conference.

Executive Officer Benoit reported that the new CALAFCo dues schedule had been adopted at the business session by about 80-90%. He added that SB 200 will provide financial aid to ailing water districts.

Commissioner Dashner reported that he found the sessions on affordable housing and on water issues to be very informative. Commissioner Paque commented that the state is putting more impact fees and building requirements on housing, and that makes it more difficult for counties to provide affordable housing. She also added that the SWRB is looking at ways to go around LAFCo with respect to consolidating water districts, so this may need to be something that is addressed when conducting MSRs.

Mr. Benoit reported that the proposed funding for LAFCos to meet new state requirements is still in the works. He finished by saying he won the "Old Timers Award." Commissioner Paque said it was really a lifetime achievement award, as Mr. Benoit has been Executive Officer for numerous LAFCos for many years, and that, in her opinion, he is as good an EO as those in the larger counties who work fulltime and have a large staff to help them, and that Calaveras LAFCo is fortunate to have him as their EO. In fact, one of the projects Calaveras LAFCo oversaw won an award as Best Project of the Year.

10. Set regular meeting schedule for 2020:

Executive Officer Benoit stated that the meeting schedule for 2020 had been sent out with the packet. It was pointed out that the January meeting is the fourth week rather than the third due to the Martin Luther King holiday.

MOTION by Commissioner Callaway to approve the 2020 LAFCo meeting schedule as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

11. Executive Officer's Report:

Saddle Creek CSD is now Copper Valley CSD.

12. Commissioner Reports

Commissioner Paque commented that the CALAFCo conference had gone very well, and commended Commissioner Callaway on the session she presented. Commissioner Callaway reported that the County approved the General Plan last Tuesday. Commissioner Oliveira reported that Angels Camp had successfully put their TOT through the ballot process and that their clerk/treasurer position is now appointed rather than elected. Commissioner Tyrrell reported that Commissioner Paque had been re-elected to the CALAFCo board at the conference.

13. Public Comment:

Commissioner Weber complimented the County Board of Supervisors on the General Plan that was approved. He also commented that, in answer to his question at the September meeting, he had received a copy of AB 1628 which defines environmental justice. For the Commission's information, he read that portion of the bill to them. His understanding of the bill was that LAFCo must keep the public involved in the decisions it makes, and he believes Calaveras LAFCo is already doing a good job of that.

14. Adjournment:

Meeting was adjourned at 8:00 p.m. The next regular meeting will be Monday, January 27, 2020, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

John Lavaroni, Chair, or Alvin Broglio,
Vice Chair, Calaveras Local Agency
Formation

#4

CALAVERAS LAFCO

LAFCO CLAIM AUTHORIZATION FORM

for

November and December 2019

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2019-2020 Expenses:		
Nov 18, 2019	Commission meeting stipends	\$ 450.00
Dec 1, 2019	Staff Svcs and Expenses Nov 19	\$ 4,905.81
January, 2020	Staff Svcs and Expenses Dec 19	\$ 3,548.28
Dec 16, 2019	Valley Springs News App Road CSD	\$ 15.96
Dec 1, 2019	Calafco Conference Reimburse J. Dashner	\$ 371.00

TOTAL: \$ 10,505.07

DATED: January 27, 2020

APPROVED: January 27, 2020

John Lavaroni, Chair or Alvin Broglio, Vice-Chair
Calaveras Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	GenOfficeExp	Postage	copies	MSR	SOI	Ex. OFF. Svcs	City Fin Chrg
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060
Total Budgeted		\$ 3,300.00	\$ 1,807.05	\$ 800.00	\$ 1,078.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 45,000.00	\$ 3,600.00
Calafco dues 19-20					\$ 1,075.00							
SDRMA Insurance 19-20			\$ (1,380.00)									
Staff Svcs July 2019				\$ (40.64)		\$ (15.00)	\$ (10.05)	\$ (96.35)			\$ (4,400.00)	
Calafco Conf. registrations				\$ (40.58)						\$ (2,100.00)	\$ (2,000.00)	
Staff Svcs Aug 2019												
July 15, 2019 Comm Meeting Stipends		(450.00)										
Staff Svcs September 2019				\$ (47.28)		\$ (15.00)	\$ (15.30)	\$ (228.90)	\$ (2,000.00)	\$ (2,475.00)		
Valley Springs News MSR-SOI CPUD												
Sept 16, 2019 comm meeting stipends		(400.00)										
Staff Svcs October 2019				\$ (47.28)				\$ (1.00)	\$ (1,500.00)		\$ (2,000.00)	
Merita C CALAFCO conf exp												
Tony T Calafco Conf Exp												
John D conf reimb												
Anita P Conf reimb												
19-02 Appoloosa Road CSD Detach			\$ (500.00)									
CSDA Membership Dues 2020												
Payroll November 18, 2019		(450.00)										
Jon Dashner Conf. Reimb 2019												
Staff Svcs November 2019				\$ (40.48)			\$ (0.50)	\$ (5.00)	\$ (2,000.00)	\$ (1,500.00)	\$ (3,550.00)	
Staff Svcs December 2019				\$ (40.93)					\$ (1,500.00)		\$ (950.00)	
Valley Spgs News App Road Detach												
TOTAL EXPENDED		\$ (1,300.00)	\$ (1,880.00)	\$ (257.19)	\$ 1,075.00	\$ (30.00)	\$ (25.85)	\$ (331.25)	\$ (7,000.00)	\$ (3,600.00)	\$ (15,375.00)	\$ -
TOTAL REMAINING		\$ 2,000.00	\$ (72.95)	\$ 542.81	\$ 2,153.00	\$ 320.00	\$ 474.15	\$ 1,168.75	\$ 18,000.00	\$ 16,400.00	\$ 29,625.00	\$ 3,600.00

1/17/20

1 THOMAS P. INFUSINO (SBN 137598)
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2 Pine Grove, CA 95665
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3 Email: tomi@volcano.net
Attorney for Petitioner
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6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF CALAVERAS
10

11 CALAVERAS PLANNING
12 COALITION,

13 Petitioner and Plaintiff,

14 v.

15 CALAVERAS COUNTY BOARD OF
16 SUPERVISORS, COUNTY OF
CALAVERAS, and
17 DOES 1-20,

18 Defendants and Respondents,
19

AND DOES 21-40,

20 Real Parties in Interest.
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CASE NO. 19CV44471

**NOTICE TO RESPONSIBLE AGENCIES AND
AGENCIES WITH NATURAL RESOURCE
JURISDICTION OF PETITION FILED
PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA).**
(Pub. Resources Code 21000, et seq.)

Assigned for all purposes to:
Hon. TBD

Petition Filed:	December 9, 2019
Served:	December 9, 2019
Hearing Date:	TBD
Time:	TBD

1 **TO RESPONSIBLE AGENCIES AND AGENCIES WITH NATURAL RESOURCE**
2 **JURISDICTION:**

3 **A) PLEASE TAKE NOTICE**, under Public Resources Code Section 21167.7, and Code of
4 Civil Procedure Section 388, that on December 9, 2019, the CALAVERAS PLANNING
5 COALITION filed a petition for writ of mandate and complaint against the CALAVERAS
6 COUNTY BOARD OF SUPERVISORS (Board), and the COUNTY OF CALAVERAS in
7 Calaveras County Superior Court. The petition alleges that the Board violated the California
8 Environmental Quality Act (CEQA) in connection with the approval of the 2019 General Plan
9 Update (GPU) and related planning documents. The petition alleges that the Board violated
10 CEQA by
11
12 (1) failing to adequately analyze, adopt, and implement mitigation measures, (2) failing to
13 analyze policy alternatives, (3) inadequately responding to public comments on the draft
14 environmental impact report (DEIR), and (4) failing to make proper findings of fact. The petition
15 also alleges that the Respondents violated land use law, by approving a general plan that is neither
16 comprehensive nor internally inconsistent. The petition also alleges that the Respondents are
17 unlawfully withholding a public record. A copy of the petition is available for review by clicking
18 on the icon at [http://calaverascap.com/12-8-19-petition-for-gpu-writ-of-mandate/editing-petition-](http://calaverascap.com/12-8-19-petition-for-gpu-writ-of-mandate/editing-petition-for-gpu-writ-draft-12-8-19-1/)
19 [for-gpu-writ-draft-12-8-19-1/](http://calaverascap.com/12-8-19-petition-for-gpu-writ-of-mandate/editing-petition-for-gpu-writ-draft-12-8-19-1/).
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21
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23 **B) THE ATTORNEY GENERAL SHOULD ACTIVELY PARTICIPATE IN THIS CASE**
24 **BECAUSE THE INTERESTS PROTECTED BY STATE AND LOCAL AGENCIES ARE**
25 **AT RISK.**

26 **1) FIRE SAFETY**

27 This case is also about saving the lives of Californians.
28

1
2 The **Board of Forestry and Fire Protection** reviewed the Draft Safety Element, and made
3 specific recommendations for improvements to meet the state's interest in fire safety. In part
4 because these recommendations were not taken seriously by the Board, the GPU threatens lives.

5
6 Indefinitely deferring fire safety efforts, delaying emergency response funding, and making fire
7 safety measures in new development optional threatens lives. Exempting commercial, industrial,
8 and residential development for tourists from fire safety reviews and fire safety mitigation
9 measures threatens lives. Allowing residential development by right on parcels no matter how
10 dry, how fuel-laden, how windswept, and how isolated from emergency services threatens lives.
11 All of these threats are all part of the 2019 Calaveras County General Plan Update. All of these
12 combine to create unreasonable risks of loss of life.
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16 It is true that there is a class of people in Calaveras County who have the money and ability to
17 live and work where ever they wish. They can afford to choose to reduce and avoid the worst fire
18 risks, or to bear those risks for the sake of solitude and a view. However, most of the people in
19 Calaveras County have to take the jobs they can get, and live in the homes they can afford, where
20 ever those may be, regardless of the risks. Often these people are parents living with young
21 children. It is especially for the health and safety of these families that the County must establish
22 a foundation of fire safe building and zoning codes, upon which all legitimate development is
23 based. This is more than a matter of public safety, it is a matter of human decency. These people
24 depend on the County to protect them from unnecessary catastrophe in accord with land use law.
25 Calaveras County saw tens of thousands of acres burn in the Butte Fire in 2015. The State's own
26 studies indicate that a major risk of climate change in the region is an **increase** in wildfires. The
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1 Board of Forestry and Fire Protection identified what Calaveras County needed to do address
2 wildfire safety, but the County chose to defer those efforts indefinitely.

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4 How many more fires must scorch California communities, and how many more lives must be
5 lost, before the Attorney General will take action? If not here, where? If not now, when?
6

7 8 **2) AGRICULTURAL LAND CONSERVATION.**

9 In comments on the DEIR, both the **Calaveras County Local Agency Formation Commission**,
10 and the **California Department of Conservation** called for specific and enforceable mitigation
11 of the impacts from agricultural land conversions through the use of conservation easements. In
12 response to those comments, County planning staff and consultants proposed changing the GPU
13 to include specific mitigation ratios to be implemented immediately upon adoption of the GPU.
14 Unfortunately, the specific conservation easement requirements were not included in the GPU.
15 Instead, the County deferred indefinitely the adoption of a long-term mitigation program for
16 agricultural land conversion impacts. In addition, the GPU does not identify priority land for
17 conservation, and does not include objectives for the long-term protection of agriculture. These
18 are required by Government Code, Section 65565. Implementation of the GPU is expected to
19 have significant impacts from the conversion of agricultural lands.
20
21

22 23 **3) FISH AND WILDLIFE HABITAT PROTECTOIN.**

24 In comments on the DEIR, the **California Department of Fish and Wildlife** expressed concern
25 for special status species. The Department asked for mitigation measures that are “specific,
26 enforceable, and feasible actions.” The Department noted that “Mitigation measures should
27 establish performance standards” and describe when mitigation measures will be implemented,
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1 and explain why the measure is feasible.” Unfortunately, the GPU’s implementation measures to
2 address riparian setback standards and biological resources impacts, do not set interim
3 performance standards, and do not indicate when the County will get around to developing
4 performance standards for long-term application. Similarly, the GPU’s implementation measures
5 to conserve tiger salamander habitat, to conserve red-legged frog habitat, and protect migration
6 corridors do not indicate when the County intends to begin its efforts. This is a critical problem,
7 as there roughly 120 implementation programs in the GPU with no schedule for their
8 implementation. While development under the GPU will begin immediately, God only knows
9 when the impact mitigation programs will be put in place.
10

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12 **4) GPU IMPLIMENTATION IS EXPECTED TO SIGNIFICANTLY IMPACT**
13 **TRAFFIC, AIR QUALITY, AND CULTURAL REOURCES.**
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16 Implementation of the GPU is expected to have significant impacts on traffic, air quality and
17 cultural resources. The Petitioner hopes that the **City of Angels Camp, Caltrans, the Air**
18 **Resources Board, the Office of Historic Preservation, and the Native American Heritage**
19 **Commission** take note of this. . T
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22 **C) THE ATTORNEY GENERAL SHOULD ACTIVVELY PARTICIPATE IN THIS**
23 **CASE BECAUSE RESOURCES OF THE STATE OF CALIFORNIA ARE AT RISK.**

24 The Attorney General is empowered by law to guard the natural resources of the State of
25 California against unlawful waste and destruction. The refusal to mitigate impacts noted above
26 would justify immediate action by the Attorney General **anywhere** they were perpetrated in
27 California. But, Calaveras County is not just “anywhere.” Calaveras County is blessed with a
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1 wealth of natural resources. It has tens of thousands of acres of productive farm and rangelands.
2 It has tens of thousands of acres of productive forest lands, in both public and private holdings.
3 These lands provide habitat for the State's fish and game, and for dozens of special status species
4 in need of careful management. Flowing through watersheds in Calaveras County, are the mighty
5 Mokelumne River, the vibrant Calaveras River, and the turbulent Stanislaus Rivers, which
6 provide water and power to distant farms and to urban developments in the San Joaquin Valley
7 and in the East Bay.


8
9 Rather than conserving natural resources and preserving open space lands, implementation of
10 the Calaveras County 2019 General Plan Update is expected to have significant unmitigated
11 impacts including the conversion of farmland, the destruction of oak woodlands, and the loss of
12 habitat. This is because the County rejected measures to mitigate these impacts that are routinely
13 applied in other jurisdictions throughout California.
14

15
16 **D) PLEASE ENCOURAGE THE ATTORNEY GENERAL TO ACTIVELY**
17 **PARTICIPATE IN THIS CASE.**

18 The Petitioner respectfully requests that the recipient of this notice follow procedures to
19 promptly alert the highest authorities at the state's Attorney General's Office of the importance
20 of this case, so that office can begin to actively participate in this case as soon as possible.
21

22
23 Dated: 1/7/20

Respectfully submitted:

24
25 

26 Thomas P. Infusino

27 Attorney for Petitioner

28 Calaveras Planning Coalition

PROOF OF SERVICE BY MAIL

Thomas P. Infusino certifies and declares as follows:

I am over the age of 18 years, and not a party to this action.

My address is P.O. Box 792
Pine Grove, CA 95665

which is located in the county where the mailing described below took place.

on JANUARY 7, 2020, I deposited in the mail at Pine Grove, California, a copy of the attached document entitled Notice to Responsible Agencies of Filed CEQA Petition

with postage fully prepaid, addressed to: See Attached list.

I certify and declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on 1/7/20, by : Thomas P. Infusino

1 John Benoit, Executive Officer

2 Calaveras County Local Agency Formation Commission

3 P.O. Box 2694

4 Granite Bay, CA 95746

5
6 Calaveras County Air Pollution Control District

7 891 Mountain Ranch Road,

8 San Andreas, CA 95249

9
10 Calaveras County Water District

11 Post Office Box 846

12 San Andreas, California 95249

13 City of Angels

14 P.O. Box 667

15 Angels Camp, CA 95222

16
17 California Department of Fish and Wildlife, Region 2

18 Habitat Conservation Program

19 1701 Nimbus Road, Suite A

20 Rancho Cordova, CA 95670

21
22 California Department of Food and Agriculture

23 1220 N Street, Room 400

24 Sacramento, CA 95814

1 California Department of Forestry and Fire Protection
2 1416 Ninth Street, Mail Stop A45
3 Sacramento, CA 95814
4

5 California Department of Parks and Recreation
6 P.O. Box 942896
7 Sacramento, CA 94296-0001
8

9 Caltrans, District 10
10 1976 Dr. Martin Luther King Jr. Blvd
11 P.O. Box 2048
12 Stockton, CA 95201
13

14 California Department of Conservation
15 801 K Street, MS-14-15
16 Sacramento, CA 95814
17

18 California Office of Historic Preservation
19 P.O. Box 942896
20 Sacramento, CA 94296-0001
21

22 California State Water Resources Control Board
23 Division of Water Quality
24 P.O. Box 806
25 Sacramento, CA 95812-4025
26
27
28

1 State Water Resources Control Board
2 Division of Drinking Water
3 1001 I Street, 24th Floor
4 Sacramento, CA 95814
5
6 California State Lands Commission
7 100 Howe Avenue, Suite 100-S
8 Sacramento, CA 95825
9
10 Central Valley Regional
11 Water Quality Control Board; Region 5
12 11020 Sun Center Drive, #200
13 Rancho Cordova, CA 95670-6114
14
15 California Native American Heritage Commission
16 1550 Harbor Blvd., Suite 100
17 West Sacramento, CA 95691
18
19 California Air Resources Board
20 Transportation Projects
21 1001 "I" Street
22 Sacramento, CA 95814
23
24 California Office of Emergency Services
25 3650 Schriever Avenue
26 Mather, CA 95655-4203
27
28