

Conservation group sues Tuolumne County over its newly approved “pro-development” General Plan

With a deadline looming next week on February 4th for the filing of a legal challenge to the newly approved Tuolumne County General Plan, attorneys representing the Central Sierra Environmental Resource Center (CSERC) took action by filing litigation yesterday. The lawsuit lists numerous reasons why the new General Plan is flawed.

CSERC is a non-profit conservation organization located in Twain Harte that has engaged in land planning, water, wildlife, and forest issues for the past three decades. **Back on January 3rd, the Tuolumne County Board of Supervisors approved major policy and planning changes in the County’s General Plan that will set planning direction for the County for the next 20 years.** Despite a number of issues of concern that were raised by members of the public at the hearing, the Plan was unanimously approved by three current supervisors and two out-going supervisors who were leaving the Board.

Prior to the County’s approval, numerous citizens spoke in opposition to the new General Plan at a public hearing before the Planning Commission on December 19th and then again at the Board hearing on January 3rd. **County residents pointed out that the new Plan would re-designate thousands of acres of agricultural land to commercial or residential development uses - which would encourage sprawling development into rural areas. Critics also expressed alarm at the weakening or elimination of environmental protection measures that had been effective for more than 20 years in the previous County General Plan.**

One key issue identified in the CSERC lawsuit is the failure of the new General Plan to spell out how new development will be required to mitigate for creating additional GHG emissions that the State has identified as a contributing cause of climate change. The combination of a warming climate, longer fire seasons, severe wind events, and increasing drought have been blamed by fire agencies as reasons for the devastating firestorms that engulfed communities in California over the past few years.

Instead of identifying how climate change mitigation would be required for new projects to reduce their GHG emissions, the General Plan simply proposes the creation of a future mitigation plan. CSERC staff pointed out in written comments that some past plans that were promised by the County never got completed after decades of waiting. Thus, there is no assurance that a not-yet created climate mitigation plan can be relied upon to be effective.

The lawsuit also focuses on the failure of the new General Plan to provide policies that would actually reduce Vehicle Miles Traveled (VMT) in the County or comply with State VMT goals. Other important lawsuit issues include internal inconsistencies within the General Plan, the failure by the County to evaluate a reasonable range of alternatives for consideration, and a number of other deficiencies.

John Buckley, CSERC executive director, stated: “I am personally disappointed that there is no other path forward than having to sue. Our Center bent over backwards to let County officials know that there could be litigation if key flaws in the revised General Plan were not corrected. But the County showed no interest in compromise or middle ground on any of the issues.”

Buckley noted: “The priority focus of the new Plan is to “Promote Development” rather than to promote policies to boost tourism, protect scenic values, support agriculture, and retain the rural quality of life that most residents of the County value.”

He also shared: “Building affordable housing and more housing for seniors are objectives that almost everyone endorses. But instead of focusing on those true community needs, this Plan instead weakens conservation policies in an attempt to make all development more profitable – including inappropriate commercial and sprawling residential projects in rural areas where there is no public water or sewer.”

Any outcome for this litigation may not be known for some time. Lawsuits often take two years or longer to work through the legal system.

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