

New General Plan update faces legal challenge

The Valley Springs News / December 4, 2019

The Calaveras Planning Coalition has notified the Calaveras County Board of Supervisors the group intends to file a law suit against the recently adopted General Plan Update.

Any group seeking to challenge a project under the California Environmental Quality Act must send a notice to the lead agency in advance and the Nov. 30 letter from coalition attorney Tom Infusino identified three reasons for the legal action.

One purpose of the lawsuit, according to the coalition, is to protect the people of Calaveras County from the harm that would result from the county's approval of an incomplete general plan. According to the letter, the General Plan Update indefinitely defers addressing missing community plans, improving emergency response times, pedestrian safety, and agricultural land conservation. In 2008, the county identified each of these issues as critical to address in the General Plan Update.

"Unfortunately, it was too easy for our local government to put off until tomorrow what it must do today," Infusino wrote.

A second reason for the lawsuit, according to the coalition, is to avoid the economic harm that will result from the General Plan Update. This is because the General Plan Update defers indefinitely work needed to fund the infrastructure and service expansion needed to accommodate new development.

As the letter explained, "After spending 13 years waiting for the county to complete a general plan, we do not have the time for further delay."

The third purpose of the lawsuit is to protect the natural resources of Calaveras County, according to the coalition. The environmental impact report for the General Plan Update indicated it would have 25 significant impacts including the increased risk of loss, injury, or death due to wildfire. To make matters worse, the county indefinitely deferred adopting the mitigation measures that are supposed to reduce such impacts, according to the coalition, and the county rescinded several community plans that had mitigated many of these impacts for years.

The letter states, "Although the end of the GPU process included plenty of public hearings and comments, the Supervisors failed to listen intently and to act responsibly."

On behalf of the Calaveras Planning Coalition, Infusino expressed appreciation to all who tried to work with the county to prepare a lawful and comprehensive General Plan Update.

As Infusino wrote, "If the county had simply done its job over the 13 years it took to finish a general plan, then the CPC would not have to file suit to protect the safety of our people, the vibrancy of our economy, the value of our resource production lands, and the vitality of our fish and wildlife."

Through their attorney, the coalition challenged the Board of Supervisors to immediately take steps to complete the deferred parts of the General Plan Update.

At the Nov. 12 meeting where supervisors adopted the General Plan Update, Supervisor Merita Callaway wanted to include Planning Coalition volunteer Joyce Techel as an "honored name associated with the General Plan," but Techel's immediate and emphatic response from the gallery was, "No, thank you." So while there was clear recognition that the coalition has played a major role in the update, there was also a deliberate misunderstanding of the coalition's opinion of the newly adopted general plan.