

**From:** [Tom Infusino](#)  
**To:** [Don Parker](#); [Hector Lozano](#); [Michelle Plotnik](#); [Timothy Laddish](#)  
**Cc:** [Peter Maurer](#); [Gina Kathan](#); [Julie Moss-Lewis](#); [Annette Huse](#)  
**Subject:** RE: Comments on Extension of Time for Tentative Subdivision Map on your April 11 Agenda  
**Date:** Wednesday, April 10, 2024 4:30:57 PM  
**Attachments:** [Attachment D- Project Check up & Old EIRs.pdf](#)  
[Combined Draft Copper Community Plan 08 11 23 w County edits in pdf.pdf](#)

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Dear Commissioners,

The CPC has three things we would like the Planning Commission to consider regarding the tentative subdivision map extension of time on your April 11 agenda.

**I. Please limit the Flint Trail Road extension to service the specific plan area.**

As a condition of this extension of time, the CPC asks the Commission to direct the applicant to apply for and build the Flint Trail access road to the specific plan area, and NOT extend the road further to the edge of the Tuscany Hills subdivision.

The Flint Trail access road is a necessary part of the project in question. It will serve as an emergency exit for both new project residents and existing residents of the specific plan area. The staff report indicates that approval of the access has been delayed. That delay is part of the reason for the extension requested today. However, one of the reasons that access has been delayed is that the applicant is not satisfied with merely providing the Flint Trail access road to the specific plan area as requested by the Planning Commission. Instead, he has proposed extending it further to another subdivision at Tuscany Hills. (See MVS.com comment letter.)

Let's build the emergency access project we all agree is needed for the residents of the specific plan now and for the future residents of the project in question. There is no need to muddy the waters by involving the outdated Tuscany Hills project that has been controversial since its inception and that has not produced a single new home for anyone during its forlorn 16-plus years of existence.

**II. Please limit the term of the tentative map extension to one year while you complete processing the draft Copperopolis Community Plan text.**

As you know, the people of Copperopolis have been working on a community plan since 1992, over 30 years. Over that time, many new developments have been approved in Copperopolis, and the population has nearly tripled.

In 2006, the CPC asked the Board of Supervisors (BOS) to create a level playing field with regard to planning. There should be one track. Not a fast track for the developers and a slow track for everybody else. In 2006, the BOS indicated that the Community Plans for District 2 should proceed toward adoption at the same time as the plans for Valley Springs and Copperopolis that were already underway. In good faith, with the participation of Planning Staff and the local Supervisor, the people of Copperopolis drafted a Community Plan in 2013. Nevertheless, in accord with the 2015 direction of the Board of Supervisors, the text of that plan was neither reviewed by the Planning Commission nor included in the 2019 General Plan update.

In November of 2019, the Board of Supervisors included community plans for District 2 in the general plan and said that adoption of a community plan for Copperopolis was a priority, second only to adopting a community plan for Valley Springs. However, instead of moving forward on a community plan for Copperopolis, County Planning staff and the Planning Commission spent time processing and approving this 800-unit project in September of 2020.

Now, more than three years later, the people of Copperopolis have worked with the latest local supervisor and the Planning Department on yet another Copperopolis Community Plan text. (See Attached.) However, since August of 2023, that draft plan has not moved forward. That plan cannot move forward until it is reviewed by the Planning Commission and the Commission forwards its

recommendations to the Board of Supervisors. Over the last eight months, the Planning Commission has not reviewed that draft community plan text. Over the last eight months, the Planning Commission has not made recommendations to the Board of Supervisors regarding that draft community plan text. The Copperopolis Community Plan has yet to be reviewed by the Planning Commission, while this same subdivision project gets on the Planning Commission agenda for yet another approval. Four regular meetings of the Planning Commission were cancelled in the past eight months!

We still remember the days when Commissioner Laddish stood on the public side of the dais at the San Andreas Community Hall, advocating for the Sheep Ranch Community Plan. We still remember how upset Commissioner Plotnik was when the Board of Supervisors refused to include the text of more community plans in the same 2019 General Plan Update that mapped those communities, especially Copperopolis, with the expectation of large new developments. Because of these commissioners past concern for community plans, we expect that we are not alone in seeing the glaring inequity in this misallocation of Planning Department resources and Planning Commission time.

Now is the time to make this right with the people of Copperopolis. This Commission needs to make a real commitment to review and make its recommendations to the Board of Supervisors on the Copperopolis Community Plan in 2024. To make sure that everybody has a stake in the plan's prompt approval, please extend the time on this subdivision map for one year only. (After the Community Plan is approved, you can consider extending the tentative map for a longer time.) By doing so, you will convey to the people of Copperopolis that now we are all on a level playing field when it comes to County planning and that we are all in this planning process together. For the love of God, please review the Draft Copperopolis Community Plan and make your recommendations to the Board of Supervisors before the end of 2024.

The Copperopolis Community Plan process began in 1992 and has lingered without a satisfactory conclusion for over three decades. As a result, community controversies remain unresolved and distract people from the real work that needs to be done to make a successful Copperopolis Community now and well into the future.

Lydia Lee's 2021 article in *Alta Journal Online* noted, "For now, Copperopolis feels like a bunch of disparate elements, with glaring disparities in wealth between the new and the old." She called the Castle & Cook created town center "faux-historic," a bastardization of the area's real history which developers exploit in their sales pitch. If Calaveras County really wants Copperopolis to overcome its challenges and attract people to settle there, then the County needs to show prospective residents that local government intends to promptly respond to their needs, not just the needs of developers.

The name Copperopolis comes from a copper mining heyday that has long since passed. But those long passed days need not be the end of the good news for Copperopolis. The best days for Copperopolis can be ahead. The first step on that path begins with approval of the Copperopolis Community Plan. That step begins with you.

- III. **When you get around to updating the County's Subdivision Ordinance, please amend it so that extensions of time are preceded by an assessment of the overall status of the subdivision, any specific plan, and any community plan related to the subdivision in question.**

Lately the Planning Commission has been doing a lot of work updating the zoning ordinance in part to implement the 2019 General Plan Update. We at the CPC hope that you will soon do the same for the subdivision ordinance.

Some of you Commissioners may recall that when we considered the extension of time for the development agreement for the Saddle Creek Specific Plan in 2014, the CPC proposed that such extensions of time be preceded by a sort of health check-up for the project and related plans. (See attached.) It helps to see if there is still validity in the factual bases, presumptions, and mitigation measures relied upon when a project and related plans were approved. It helps to see if we can identify actions to take that will address evolving circumstances before just casually extending projects and development agreements lest the resolutions of festering problems are ignored.

Do any of you Commissioners know the conditions and mitigation measures for the 1993 Saddle Creek Specific Plan? Have any of you checked to see if the assumptions and factual bases for its

approval are still valid? Have any of you asked people who live in Copperopolis if there are any problems stemming from poor implementation of the Specific Plan? If not, can any of you in good conscience approve an extension of a tentative map consistent with that specific plan without first checking if we need to find ways to address some of the problems, update the conditions, or change the mitigation measures?

Let's look at a few examples. When the 1993 Saddle Creek Specific Plan was approved, the County anticipated that regular traffic and emergency evacuation would be relieved in part by a new bridge across Lake Tulloch. Thirty years have passed and that new bridge has not materialized. What can we do to address circulation challenges in Copperopolis today? San Andreas has had not one but two circulation plans done for it since 2006. One Calaveras Public Works Director suggested updating the circulation plan and 2002 basin fee for Copperopolis in 2013, shortly before he resigned. When will it be time to take a serious look at circulation in Copperopolis?

When the 1993 Saddle Creek Specific Plan was approved, the cumulative impacts of development on roads, biological resources, water supply, and wastewater treatment were all anticipated to be less than significant. By 2011, the County's own reports anticipated that all of those cumulative impacts would be significant. When will it be time to take another look at overcoming those challenges?

In June of 2006, the County anticipated that special status species issues in Copperopolis would be resolved through a Habitat Conservation Plan/Natural Resources Conservation Plan (HCP/NCCP). Almost 18-years later, no such plan has been completed, and the lack of a plan continues to complicate development in Copperopolis. When will we start the HCP/NCCP?

Those are just a few of the changes in circumstances that should trigger some serious discussion by this Commission regarding the future of the specific plan formerly known as Saddle Creek and the extension of time for the subdivision in question today.

The only time Copperopolis seems to get the Commission's attention is for the approval of a subdivision, a variance, a use permit, or an extension of time. If that is going to be the case moving forward, then let us use that time to ALSO evaluate the specific plan, the community plan, and other relevant plans that dictate the context and landscape in which the proposed project or use will be implemented. Put the rubber stamp down. Take a deep breath. Listen to the concerns of residents with the level of compassion you would have if the issue was your own home and you own family. We have seen you do it before. We are confident that you can do it again.

Thank you for considering our proposals.

With Gratitude,

Tom Infusino, Facilitator

Calaveras Planning Coalition

6/11/14  
(Submitted by email)

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**RE: Items for discussion at you meeting on 6-12-14, including the Saddle Creek Development Agreement Extension.**

Dear Commissioners:

My name is Tom Infusino, and I am submitting these comments on behalf of the Calaveras Planning Coalition (CPC). I have a planning degree from the University of California, Davis, and a law degree from the University of the Pacific. I have worked on CEQA issues for 25 years.

The CPC is a group of community organizations and individuals who want a healthy and sustainable future for Calaveras County. We believe that public participation is critical to a successful planning process. United behind eleven land use and development principles, we seek to balance the conservation of local agricultural, natural and historic resources, with the need to provide jobs, housing, safety, and services.

**I. The Calaveras County Planning Commission should provide “health check-ups” for development projects.**

Many people make it a practice to get an annual physical and dental check-up from their doctor and dentist. In this way, they hope to catch medical and dental problems in their earliest stages, when they can be addressed with the least pain, the least cost, and the least risk.

Development projects also need regular check-ups. In this way, communities can catch problems early before they fester, hamper effective project implementation, create discord, and risk inspiring opposition to future projects.

Our planning laws and agreements trigger project reviews.

-Regular mitigation monitoring reports are required from public agencies pursuant to every EIR and Mitigated Negative Declaration.

-Whenever the County makes a subsequent discretionary approval for a project (e.g. the next subdivision map in a specific plan area, the extension of development agreement, etc.), the County reviews the project to determine if any changes in the project or its circumstances trigger additional environmental review. This review may involve the preparation of an initial study that considers whether the information in the original EIR remains accurate in the face of new information and changed circumstances.

-Developers file reports regarding their progress on implementing specific plans and/or development agreements.

A wise Planning Commission will take the time to review these mitigation monitoring reports, these initial studies, and these developer reports. It is a good time to invite the other agencies responsible for impact mitigation to explain their progress. (In the words of the great Ronald Reagan, "Trust but verify.") It is also a good opportunity to circulate the documents for public review, and to ask folks in the communities for their perceptions of how the projects are doing. In this way, you can identify project-related problems that arise and prepare to solve them. You may also identify regional or county-wide challenges that need attention.

As Commissioners, what questions do you ask when you are considering these reviews? You ask, what was expected when the EIR was prepared? (Was there a plan to build a school, a park, water supply project, or a road?) You identify which mitigation measures were identified to be carried out, and by what agency. Then you ask if the plans have been implemented and the mitigation performed. If not, why not?

For example, you might ask, "Did the school that was planned get built?" If not, why not? Did the school mitigation fees get collected? Was the money collected enough to build the school? Did the money get spent on something else, or is it sitting in a trust fund waiting to get spent? What are the next steps we should take to get that school built? The same questions apply to water projects, and parks, and roads for the project and the community. On countywide resource issues there are questions to ask as well. Did we adopt the air quality plan that was anticipated? Is it working to improve air quality as anticipated? Is there anything more we can do to improve air quality? What are the first steps to doing that? On the birds and bunny issues there are similar questions. Are the animals doing as well as expected? If not, why not? Does more need to be done for sensitive, threatened or endangered species? If so, what? What are the first steps we need to take to get the solutions started?

These sorts of reviews have many benefits. First, by addressing problems effectively, they improve the quality of life in our communities. Second, by improving the quality of life in our communities, it makes them more attractive to people seeking a place to settle or start a business. Third, by following through on the promises of past projects, the County will reduce public opposition to future projects. Fourth, by demonstrating impact mitigation from past projects, the County reduces the likelihood of a successful legal attack on future projects on the grounds that past projects have failed to implement their mitigation measures.

We note that when there are no project approvals scheduled, Planning Commission meetings are sometimes cancelled. Please do not cancel these meeting. Instead, have the Planning Department Staff bring forth the mitigation monitoring reports on EIRs and MND for your review, for your questions, and for consideration for action. Make those reports available to the public well in advance of the meeting, so people can study them and come prepared with intelligent questions. Consider reviewing the reports from projects by community, and holding the meeting in the community, to make it easier for people to attend. Consider holding a Planning Commission field trip in the community so that Commissioners can see the challenges up close and personal. Through this process, the Planning Commission can help to fulfill its development monitoring function.

Successful projects and successful communities do not happen by accident. They are the product of diligent effort by all of the many people in the public sector and the private sector doing their part. The Planning Commission plays a key role in making sure that important tasks for community success get completed, and do not fall through the cracks and remain incomplete. You have the position and the influence to help your communities. We strongly encourage you to take up your critical development review role to promote successful communities.

## **II. The Planning Commission should identify expectations for the Planning Department when they bring forth project approvals based upon prior-approved EIRs.**

As you know, frequently CEQA allows a discretionary project to be approved under a previously prepared EIR or negative declaration. Sometimes a Staged EIR, or Program EIR, or even a Project EIR, prepared years before, is sufficient to support the current decision. However, sometime they are not. There are many different CEQA procedure involved with different minimum procedural standards for figuring out when a supplemental EIR is needed, and when one is not. As a result, it is difficult for planners, the courts, public officials (like you), and the public to keep them all straight. Some procedures require preparation of an initial study, others do not. Some procedures require circulation of the initial study, some do not. Some local government decisions are judged by the deferential substantial evidence test, and some are judged based upon the very challenging “fair argument test.”

Given all this complexity, we at the CPC encourage the Planning Commission to work with the Planning Department (with County Counsel, and with the CPC and the rest of the public) to

identify some basic procedural expectations for using old EIRs for new project approvals. If we could agree on some basic procedures, we could focus our future energies and attentions on solving the real problems, rather than fighting over the correct paperwork.

We encourage you to include the following steps in the procedure to promote compliance with CEQA and to provide an effective collaborative public participation process.

**1) Step 1 should be a detailed initial study that evaluates if changes in the project, new information, or changed circumstances trigger the need to supplement the original EIR or negative declaration.**

As suggested earlier, it is difficult to come up with generalizations in this area, given the fact that there are so many different minimum procedures. However, in general, the cities and counties that do prepare detailed initial studies that evaluate the adequacy of the prior EIR or negative declaration, and produce detailed findings supported by substantial evidence in the record, are the most successful in defending their decisions in court. This also discourages people from challenging the decisions.

Preparing such an initial study involves investigation of each of the impact areas on the CEQA checklist.

For example, one would review the Mitigation Monitoring Reports to see if mitigation and conditions of approval are working. If the mitigation is not working, then the project may be having more severe impacts than previously anticipated. That would need to be disclosed in an EIR supplement.

For another example, such an investigation involves reviewing available documentation on new information and changed circumstances since the EIR for the project, on all CEQA checklist issues. The documents checked in such an investigation include, General Plan and Community Plan updates, environmental reviews for subsequent projects in the area, updated regional transportation plans, updated air quality standards and plans, greenhouse gas inventories and mitigation measures; new sensitive, threatened, or endangered species lists. These are the sorts of documents that may indicate that the original EIR is out of date and needs to be supplemented.

In project approval, it is important to differentiate between the valid public concerns regarding environmental, health, and safety issues, and the mere opposition to any change at all. My perception of the Board of Supervisors is that they have great sympathy for those with valid concerns, and little patience for those opposed to any change at all. By properly doing these initial studies, and addressing any issues that arise, the County can both address the valid health, safety, and environmental concerns, while also reducing the likelihood of a successful challenge by those simply opposed to change.

**2) Try to identify any new mitigation measures to address the new or more severe impacts.**

If mitigation is failing, if new information or changed circumstances suggest the need for additional mitigation, or if additional community concerns need to be addressed, identify a list of additional mitigation measure, conditions of approval, or terms for the development agreement that could address these. That means looking at how other cities and counties have solved these problems, and trying to figure out a way to solve them in Calaveras County. Do not just claim the impacts are “significant and unavoidable.” Be solution oriented, not defeatist.

**3) Circulate the Initial Study and Proposed Finding for Agency and Public Review.**

While sometimes required by CEQA and sometimes not, circulating the initial study will help you make the right decision. People who live in the neighborhood of the project may have knowledge of its problems that the Planning Department does not have. Expert agencies may have access to new information or be aware of changed circumstances that the Planning Department lacks. Better yet, they may have suggestions for mitigating the new or more severe impacts. The comments of people and expert agencies can help the Planning Commission to make the right decision about preparing or not preparing an EIR supplement. They can help the Planning Commission solve problems.

**4) Planning staff should hold at least one meeting in the community near the project to get input on the initial study and proposed findings.**

These meetings will help people get their input into the process. Consider having the local Planning Commissioner participate in a field trip to the community to see the concerns of people up close and personal. Talk about ways to solve the problems people raise regarding the project.

These sorts of meetings and trips help people feel that their concerns are being seriously considered and not swept under the rug. People are less likely to fight then. People are more inclined to fight when the County appears not to care about them. That is the impression people get when there is no initial study prepared, no initial study circulated for public review, no local meeting or field trip, and no staff report until the Friday before the meeting, and the Planning Commission notice is buried in the classified section of the newspaper. That just makes people feel railroaded and mad.

**5) If the County needs to charge developers a fee for this process, then the Planning Department should update the fee list to do so.**

We understand that financial times are hard, and that money is tight. We also realize that project proponents get economic value from these project approvals. If the County needs to charge project proponents so that the County can more effectively comply with CEQA and improve public perception of the projects, then the County should do so.

I know that the Planning Commissioners care about their communities. Michelle Plotnik served with distinction on the Board of the Community Action Project. Fawn McLaughlin was instrumental in developing the Mokelumne Hill Community Plan update. Kelly Wooster served on the committee that developed the latest draft of the Copperopolis Community Plan.

I know that people respect the Planning Commissioners and project applicants, and want to provide useful input in a timely fashion so that project applicants and the Planning Commission can address important issues. Unfortunately, the current less-than-a-week process makes us all appear less caring and less respectful in a government setting, than we are inclined to be as individuals. Government should strive to do the opposite. Government should design its procedures so that we are more caring and more respectful in the government setting, than we are inclined to be as individuals.

We note that lately there has been a lot written in the press about developing more collaborative processes for addressing controversial issues. Above is our attempt to identify such a collaborative process. Please do not pass up this opportunity. If you do pass up this collaborative opportunity, then you are forcing people to seek justice through more adversarial procedures and forums. That would be a shame.

### **III) CPC comments on the Saddle Creek Development Agreement Extension on your agenda for June 12, 2014.**

#### **A) Is there a Public Facility Finance Plan for this Specific Plan?**

Government Code, Section 65451, indicates that a specific plan needs to include a program with “financing measures” needed to implement “the major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities ... needed to support the land uses described in the plan.” The 1993 EIR includes a fiscal analysis, but that is not the same thing as a public facility finance plan.

The 1993 EIR identifies a number of public facility expansions expected to occur to serve the proposed specific plan. These include expansions of roads, schools, fire protection, water supply, and waste water treatment facilities. A public facility finance plan is a key element to ensure that these infrastructure expansions will be timely completed. For example, sometimes impact mitigation fees are front loaded onto earlier phases of the project to facilitate the timely construction of the infrastructure, and developers are given mitigation credit to use for later phases of the project.

Problems can arise when there is no public facility finance plan. Recently, the County had to deobligate from road expansion grants for projects in the Copperopolis area because it did not have the matching funds. Thus, hundreds of thousands of dollars in state road funds were lost to

the County. (Calaveras County Public Works, Requests to Deobligate CIP Project Power Point, 5/27/14.) This poor financial planning for those public facilities may delay their completion for years to come. Timely public improvements (schools, water, wastewater, roads, etc.) are needed both to support development approvals, and to make the communities attractive to prospective residents and businesses. The success of the community depends upon the infrastructure. The infrastructure depends on good financial planning.

If there is a public facility finance plan for the Saddle Creek Specific Plan, then please post it on the County website so we all can get a look at it. If there are public facility finance plans for other specific plans in the Copperopolis area, please post those on the County website as well.

If there is no public facility finance plan for Saddle Creek, then we encourage the County to seek a provision in the development agreement calling for one to be prepared by June 2016, or as soon as possible thereafter prior to the expiration of the development agreement in 2019.

**B) The CEQA Exemption finding is not supported by rational argument and substantial evidence in the administrative record.**

**1) The Rules**

a) The CEQA exemption claimed for the Development Agreement Extension is Government Code Section 65457. It states that

“Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.”

b) Public Resources Code, Section 21166 states:

“When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) **New information**, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”

c) Public Resources Code Section 21166 is implemented by CEQA Guideline Section 15162. It states:

“(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) **Substantial changes occur with respect to the circumstances** under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) **New information of substantial importance**, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more **significant effects not discussed in the previous EIR** or negative declaration;

(B) **Significant effects previously examined will be substantially more severe** than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency’s role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. **If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project,** if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.”

## 2) The Proposed finding lacks the support of logic and substantial evidence.

The Proposed Finding is a conclusory statement that, “No substantial changes to the project are proposed, no changes in circumstances have occurred, and no new information has become available since the EIR was prepared that would require the preparation of a supplemental EIR pursuant to Section 21166 of the California Public Resources Code.” The reference to evidence to allegedly support this finding obliquely states, “On the basis of the whole record there is no substantial evidence that the project may cause a significant effect on the environment that was not discussed in the Specific Plan EIR.” There is no listing of the documents in the record that were investigated to arrive at this determination. The documents were not posted on the Planning Commission web page. There is no impact-by-impact evaluation of the information in the 1993 Specific Plan EIR relative to the information in the “whole record.”

This finding fails to meet basic CEQA standards. "A conclusory statement 'unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind' not only fails to crystallize issues [citation] but 'affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives.'" (*People v. County of Kern* (5th Dist 1974) 39 Cal.App.3d 830, 841-842 [115 Cal.Rptr. 67], quoting *Silva v. Lynn* (1st Cir. 1973) 482 F.2d 1282, 1285.) A clearly inadequate or unsupported study will be entitled to no judicial deference. (*State Water Resources Control Board Cases* (App. 3 Dist. 2006) 136 Cal.App.4th 674.) An agency must produce rigorous analysis and concrete substantial evidence to support a determination that the project's impacts are insignificant. (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650].) "Argument, speculation, unsubstantiated opinion, or narrative evidence which is clearly erroneous or inaccurate ... does not constitute substantial evidence." (CEQA Guidelines, sec. 15384.)

Implicit in this finding is that the mitigation for the project is being properly and successfully implemented. However, the mitigation monitoring reports that are supposed to have been filed by the many agencies in charge of mitigation over the last two decades have not been posted on the Planning Commission web page. The administrative record must contain substantial evidence supporting the agency's view that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 422 & 409 fn. 12 [253 Cal.Rptr. 426.]). “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 - 1261.)

Also implicit in this finding is that the cumulative impacts of construction of the remaining over 1200 residential units will be as insignificant as anticipated in the 1993 Specific Plan EIR. However, there is no impact-by-impact evaluation of the additional development that has been approved in Copperopolis since 1993, and that now must be included in any cumulative impact analysis. The discussion of cumulative impacts must either "list past, present, and reasonably anticipated

future projects producing related or cumulative impacts" or provide "A summary of projections contained in an adopted general plan or related planning document which described or evaluated regional or areawide conditions." Then it must summarize their "expected environmental effects" and "examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." (CEQA Guidelines, sec. 15130.) "It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them." [Citation.] A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval. [Citation.] An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decisionmaker has in fact fully analyzed and considered the environmental consequences of its action." *Citizens to Preserve Ojai v. County of Ventura* (2d Dist. 1985) 176 Cal.App.3d 421, 431 [222 Cal.Rptr. 247], quoting *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1st Dist. 1984) 151 Cal.App.3d 61, 79 [198 Cal.Rptr. 634].) An adequate cumulative impact analysis would describe related projects and their known impacts on air, traffic, noise, and biological resources in the vicinity, and included the number and distribution of vehicle trips. An EIR which completely ignores cumulative impacts of the project is inadequate under CEQA. (*Fairview Neighbors v. County of Ventura* (1999) 70 Cal.app.4<sup>th</sup> 238.)

In summary, the proposed finding is substandard, and does not support the decision to approve the Development Agreement Extension absent the preparation of a Supplemental EIR.

**C) At this time the evidence in the record supports only the conclusion that a supplementary environmental review is needed.**

Since no Initial Study was prepared for this Development Agreement Extension, and no document investigation was provided, I did my own document review over the last week. It includes rational arguments based upon properly referenced substantial evidence in the record. As noted above, a more thorough investigation is warranted, but the lack of time between the staff report posting (6/6/14) and the Planning Commission hearing prevented this.

**1. Aesthetics**

The 1993 EIR for the Calaveras Country Club Specific Plan (A.K.A. Saddle Creek EIR) indicated the project would have no significant cumulative aesthetic impact. (CCCSP DEIR, pp. 4-68 to 4-71; CCCSP FEIR, p. 2-24; CCCSP Findings of Fact, 12/6/93, p. 15.) However, review of a subsequent EIR for a project in the area indicates more severe cumulative aesthetic impacts will result. (See 2011 Sawmill Lake RDEIR, pp. 18-6 to 18-7.) Thus, a supplemental EIR is needed to disclose this more severe impact. The County may need to seek additional mitigation in the development agreement.

## **2. Biological Resources**

The 1993 EIR for the Specific Plan indicated that impacts to wildlife would be less than significant. (CCCSP FEIR, pp. 2-15 to 2-16; CCCSP Findings of Fact, 12/6/93, p. 20.) Since 1993, two new species of concern have been listed in the area: California Tiger Salamander and California Red-legged frog. (Sawmill Lake Staff Report, 12/13/12, p. 7.) These species were not surveyed for in the original wildlife assessments for the project. (CCCSP FEIR, Appendix 3, Biotic Species List, Zetner & Zetner, Data Report for Plants and Animals, March 1992, pp. 3 to 4, 12 to 15.) Two more recent EIRs on a nearby project indicated that impacts of development in the area may be cumulatively significant. (2006 Tuscany Hills RDEIR, p. 5.0-1; 2011 Sawmill Lake RDEIR, p. 18-21.) In addition, U.S. Fish and Wildlife has indicated that it would like the County to develop an HCP for these species, rather than relying solely on onsite project-specific mitigation. (Sawmill Lake Staff Report, 12/13/12, p. 7.) The County tried to develop an HCP with a grant from the State, but did not complete that project. The prior Planning Director, Rebecca Willis, proposed the creation of a sub-regional HCP for the Copperopolis area, but she was subsequently pressured to resign.

The General Plan Update is currently underway, and anticipated to be complete within the five year life of the Development Agreement Extension. Depending on the terms of the final General Plan and the interpretation of the Development Agreement, the Development Agreement may preclude application of its mitigation measures to future construction in the specific plan area through 2019. (DA, Section 2.5, subd. d, pp. 12-13.) For instance, Section 2.5 of the DA precludes the application of any new enactments that are not “uniformly applied on a County-wide basis to all substantially similar types of uses.” However, since the Board of Supervisors has directed the Planning Department to prepare for 2/3 of the anticipated growth under the new General Plan to occur in Copperopolis, it is very likely that Copperopolis will have unique impact mitigation programs and fees that do not apply County-wide. (Infusino, CPC Letter to Gillarde re Population Projections Identified at the BOS meeting of 5/14/13, 6/27/13, pp. 8, 9, 12.) As noted above, before being pressured into resigning, the previous Planning Director had proposed a sub-regional Habitat Conservation Plan for the Copperopolis area to address U.S. Fish and Wildlife and California Fish and Wildlife concerns about TES species including Tiger salamanders and Red-legged frogs. Section 2.5 of the DA would prohibit the application of such mitigation programs to the over 1200 units yet to be constructed in the Specific Plan Area.

Unless the project proponent is willing to amend or remove Section 2.5 of the Development Agreement, and accept the new mitigation that may come from the General Plan Update, a supplemental EIR is required. (CEQA Guidelines, sec. 15162, subd. (a)(3).)

### **3. Greenhouse Gas Emissions**

The 1993 EIR for the Specific Plan did not evaluate the significance of greenhouse gas emissions from the specific plan. Since 1993, the implementation of international, national, state, regional, and local strategies have failed to stem the increasing concentration of GHGs in the atmosphere. New information regarding the adverse impacts of global climate change suggests that it will have significant impacts on the environment in the State of California and Calaveras County. (Attachment 1, Sierra Nevada Alliance, Sierra Climate Change Toolkit, 2005.) Since 1993, new CEQA protocols for the analysis and mitigation of GHGs have been adopted. (CEQA Guidelines, sections 15125, subd. (d); 15126.4, subd. (c).) Since 1993 new state efforts to mitigate GHGs have been identified. (See Attachment 2, Brown, Addressing Global Warming Impacts at the Local Agency Level, 3/11/08.) Many of these mitigation measures could be applied to new development in the Specific Plan Area without interfering with the vested development density. A Supplemental EIR is needed to evaluate this new impact, and to identify suitable mitigation measures the County could seek to include in the updated Development Agreement.

### **4. Land Use Planning**

The new information and changed circumstance is that the General Plan Update is currently underway, and anticipated to be complete within the five-year life of the Development Agreement Extension. Depending on the terms of the final General Plan and the interpretation of the Development Agreement, the Development Agreement may preclude application of its mitigation measures to future construction in the specific plan area through 2019. (DA, Section 2.5, subd. d, pp. 12-13.) For instance, Section 2.5 of the DA precludes the application of any new enactments that are not “uniformly applied on a County-wide basis to all substantially similar types of uses.” However, since the Board of Supervisors has directed the Planning Department to prepare for 2/3 of the anticipated growth under the new General Plan to occur in Copperopolis, it is very likely that Copperopolis will have unique impact mitigation programs and fees that do not apply County-wide. (Infusino, CPC Letter to Gillarde re Population Projections Identified at the BOS meeting of 5/14/13, 6/27/13, pp. 8, 9, 12.)

For example, before being pressured into resigning, staff at the Public Works Department were working on a Copperopolis Basin Plan for funding the roads needed in that area. Similarly, before being pressured into resigning, the previous Planning Director had proposed a sub-regional Habitat Conservation Plan for the Copperopolis area to address U.S. Fish and Wildlife and California Fish and Wildlife concerns about TES species including Tiger salamanders and

Red-legged frogs. Section 2.5 of the DA would prohibit the application of such mitigation programs to the over 1200 units yet to be constructed in the Specific Plan Area.

Unless the project proponent is willing to amend or remove Section 2.5 of the Development Agreement, and accept the new mitigation that may come from the General Plan Update, a supplemental EIR is required. (CEQA Guidelines, sec. 15162, subd. (a)(3).)

## **5. Transportation/Traffic**

The 1993 EIR for the Specific Plan indicated that there would be no cumulative traffic impacts following the application of the mitigation measures. (CCCSP Findings of Fact, 12/6/93, p. 21.) However, a more recent DEIR for a project in the area indicated that cumulative traffic impacts on State and County Roads would be significant. (2011 Sawmill Lake RDEIR, pp. 18-37 to 18-38.) This new information must be disclosed in a Supplemental EIR for the Development Agreement Extension.

Additional new information (and a changed circumstance) is that the General Plan Update is currently underway. It is anticipated to be complete within the next five years. Depending on the terms of the final General Plan and the interpretation of the Development Agreement, the Development Agreement may preclude application of its mitigation measures to future construction in the specific plan area through 2019. (DA, Section 2.5, subd. d, pp. 12-13.) For instance, Section 2.5 of the DA precludes the application of any new enactments that are not “uniformly applied on a County-wide basis to all substantially similar types of uses.” However, since the Board of Supervisors has directed the Planning Department to prepare for 2/3 of the anticipated growth under the new General Plan to occur in Copperopolis, it is very likely that Copperopolis will have unique impact mitigation programs and fees that do not apply County-wide. (Infusino, CPC Letter to Gillarde re Population Projections Identified at the BOS meeting of 5/14/13, 6/27/13, pp. 8, 9, 12.) For example, before being pressured into resigning, staff at the Public Works Department were working on an updated Copperopolis Basin Plan for funding the roads needed in that area. Section 2.5 of the DA would prohibit the application of such mitigation programs to the over 1200 units yet to be constructed in the Specific Plan Area.

Unless the project proponent is willing to amend or remove Section 2.5 of the Development Agreement, and accept the new mitigation that may come from the General Plan Update, a supplemental EIR is required. (CEQA Guidelines, sec. 15162, subd. (a)(3).)

## 6. Utilities

The 1993 Specific Plan EIR indicated that cumulative water supply impacts would be less than significant impact, since CCWD had plans for improving the infrastructure and increasing the water supply from the Stanislaus River. (CCCSP DEIR, pp. 4-46 to 4-47; CCCSP Findings of Fact, 12/6/93, p. 22.) However, an EIR and a Staff Report for more recently proposed projects in Copperopolis indicate that the cumulative impacts of development in the Copperopolis area on water supply will in fact be significant. (See Tuscany Hills RDEIR, 2006, p. 5.0-2; Sawmill Staff Report, 12/13/12, pp. 8 to 10.) As a result, a Supplemental EIR will be needed to evaluate this impact. The County may need to seek additional mitigation measures in the development agreement to address this impact.

The 1993 Specific Plan EIR indicated that wastewater treatment would not pose a significant impact. (CCCSP DEIR, pp. 4-47 to 4-51; CCCSP Findings of Fact, 12/6/93, p. 22.) However, the more recent Staff Report for the nearby Sawmill Lake Project indicated that the wastewater treatment facility had recently been noticed with a violation of its waste discharge requirements. (Sawmill Lake Staff Report, 12/13/12, p. 10.) Unless the facility has already made the necessary improvements to avoid such incidents in the future, the Supplemental EIR would need to disclose this problem. The County may need to seek to add a mitigation measure the development agreement to avoid prematurely overburdening the treatment system.

Table 1 below summarizes sources of the new information and changed circumstances that reveal new and more severe cumulative impacts since the 1993 EIR for the Saddle Creek Specific Plan.

**Table 1: Evidence of New Information and Changed Circumstances Regarding New and More Severe Cumulative Impacts Triggering a Supplemental EIR for the Saddle Creek Development Agreement Extension.**

	1993	I 2006	I 2011	
	Saddle Creek	I Tuscany	I Sawmill	I Other
	EIR	I RDEIR	I RDEIR	I Report
1) Cumulative Project Plus Roadway Capacity for State & County Roads	LTS	LTS	SIG	SIG (SML Staff Report)
2) Cumulative Visual Resources & Aesthetics	LTS	LTS	SIG	
3) Cumulative Biological Resources	LTS	SIG	SIG	SIG (SML Staff Report)
4) Cumulative Utilities and Services	LTS	SIG	SIG	
A) Water Supply	LTS	SIG	LTS	SIG (SML Staff Report)
B) Waste Water Treatment	LTS	LTS	LTS	SIG (SML Staff Report)
5) Land Use Planning	LTS	LTS	LTS	SIG (This Letter, p. 12.)
6) GHG Emissions	NA			SIG (This Letter, p. 12.)

LTS=Less than significant. SIG=Significant. NA=Not Analyzed.

All of the EIRs and the Staff Report used in the analysis above were prepared for the County, reviewed by the County, distributed to the public by the County, and stored by the County. Yet nobody at the County bothered to do the basic analysis needed to properly evaluate the adequacy of the old Specific Plan EIR to support the proposed CEQA exemption. That is very disturbing. That strongly suggests the need for the Planning Commission to set some clear expectations and clear procedures for the Planning Department to follow when using previously approved EIRs for new project approvals.

#### **IV) The Development Agreement is the broadest vehicle to solve project-related problems.**

When considering the need to do an EIR supplement, one asks if the agency has the jurisdiction, and the proposed decision has the scope, to mitigate any of the new or more severe project impacts. Fortunately, a development agreement has the broadest scope of any vehicle that is used to reduce impacts.

Mitigation measures themselves are limited to avoiding significant impacts of the project on the human environment. Also, mitigation must meet the nexus and rough proportionality tests imposed by constitutional limits on exactions from developers.

County ordinances can be broader than mitigation measures, in that they can address specific public health, safety, and welfare issues, regardless of whether those issues pose a significant impact on the human environment.

Development Agreements are contracts between the County and a developer. These are broader than existing ordinances, since the County can address any public health, safety, or welfare issue within its jurisdiction (i.e. not pre-empted by state or federal law). The contracts are freely entered into (or not) by the parties for their respective benefit. There is no constitutional requirement that the public benefit received involve a nexus to a significant project impact. There is no requirement that a public benefit received be roughly proportional to any specific project impact. For example, if the County wants a golf course and the developer is willing to provide a golf course, then that is a fine development agreement provision, even if there is no nexus to a significant project impact, and the expense is not roughly proportional to mitigation cost.

Because the development agreement is the most versatile of vehicles for addressing the public concerns regarding a project, the County should be very careful in evaluating the adequacy of the agreement, and in modifying it to conform to the current needs of the County and its people. If new issues have arisen (e.g. greenhouse gases, new endangered species, etc.) or if new funding strategies are needed to address old issues (e.g. school construction, or traffic basin fees, etc.) then the development agreement is an excellent place to address these issues.

**V) What are we asking of the Planning Commission?**

A) Direct staff to put on an upcoming Planning Commission agenda the review of mitigation monitoring reports, specific plan reports, and development agreement reports.

B) Direct staff to put on an upcoming Planning Commission agenda the creation and adoption of a protocol for the review of existing EIRs prior to their use to support new decisions.

C) Direct staff to complete a Supplementary EIR for the proposed Saddle Creek Development Agreement Extension. Please seek modifications to the development agreement to mitigate significant impacts identified in the Supplemental EIR.

D) Please drop from the Saddle Creek Development Agreement those provisions that would preclude as prompt and as complete an application of the General Plan Update to subsequently approved development of the site.

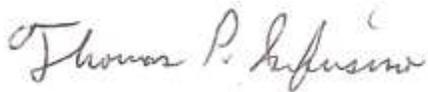
E) Please include in the Saddle Creek Development Agreement provisions for the prompt completion of an effective Public Facility Finance Plan.

F) If all of this is too much to consider at the last minute during a very busy Planning Commission meeting, please continue the hearing on the Saddle Creek Development Agreement Extension so that everybody can give it the attention it deserves.

Rather than addressing these items as a group, we would ask that a Planning Commissioner make these suggestions as separate motions, so that the Planning Commission has an opportunity to vote separately on each item. This gives any item that the Commission finds merit in an opportunity for adoption, regardless of the Commission's feelings regarding the other items.

Thank you for your consideration.

Sincerely,



Thomas P. Infusino, Facilitator

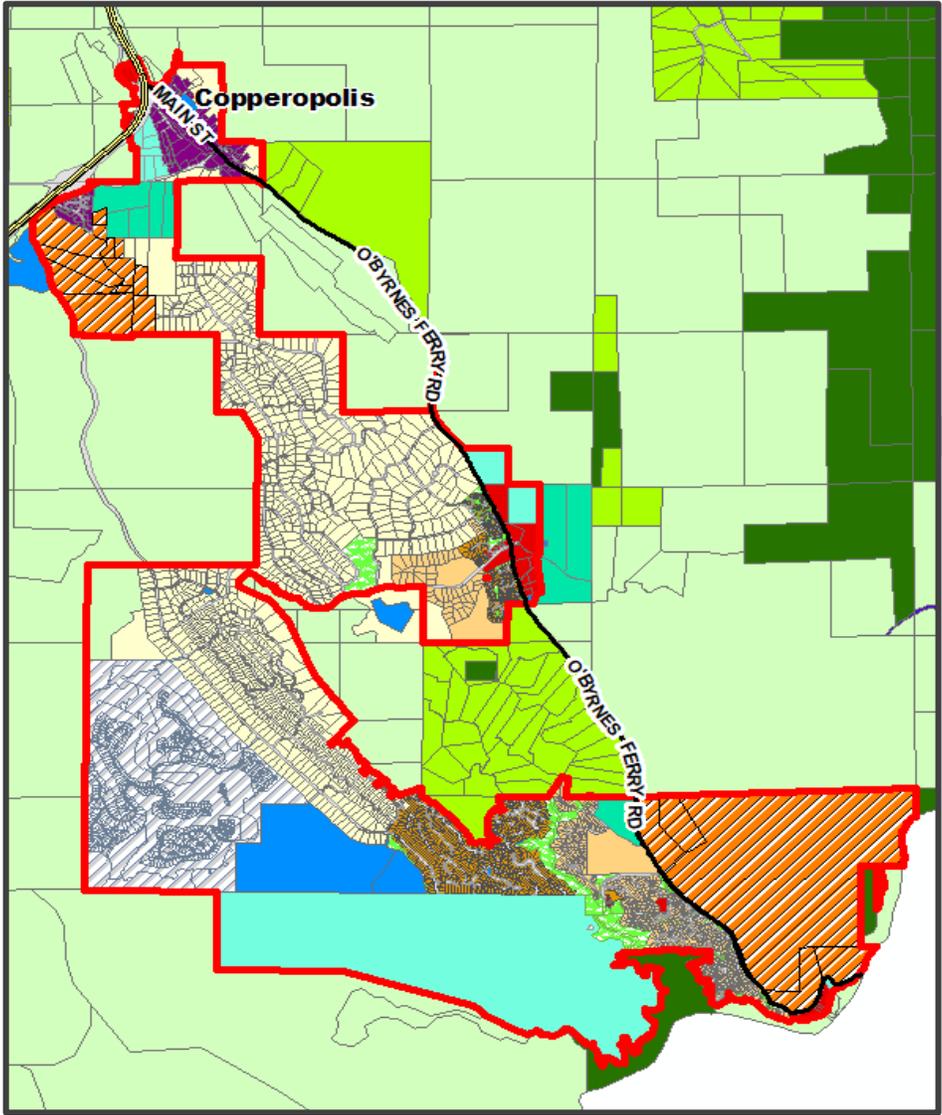
Calaveras Planning Coalition

(Note: Please retain a copy of this communication for the administrative record. The EIRs, the Staff Report, and the other project-related documents referenced above are documents already in the possession of the County Planning Department, and are hereby incorporated by reference into the administrative record for the propose decision. If the County wishes additional copies of any of these documents, please let me know.)

#### List of Attachments

Attachment 1, Sierra Nevada Alliance, Sierra Climate Change Toolkit, 2005.

Attachment 2, Brown, Addressing Global Warming Impacts at the Local Agency Level, 3/11/08.



The Community Plan Areas boundaries were determined by a combination of factors including topography, roads, size of the areas, presence of existing developed subdivisions, gateway corridor issues, location of existing utilities to serve the area, and the use of Townships and Range Section lines.

## Location and Community Description

The Copperopolis Community Plan Area encompasses approximately 39 square miles and is located north of and adjacent to Lake Tulloch with O'Byrnes Ferry Road and Highway 4 serving as the primary transportation routes. The Community Plan Area extends from the Diamond XX Subdivision north of Highway 4, south to the Stanislaus River and the Tuolumne County Line. The Planning Area is located 12 miles south of the City of Angels (Angels Camp) along Highway 4, separated by Bear Mountain, Copperopolis Mountain, Lightner Peak, and numerous ridges with elevations ranging from 1,100 feet to 1,800 feet.

Major water bodies include Lake Tulloch and the Stanislaus River that flows from the dam for New Melones Reservoir. Minor water bodies include Sawmill Lake and Flowers Lake. The Community Plan Area also has several creeks including Black Creek, Loucks Creek, Campbell Creek, Copper Creek, Littlejohns Creek, and Sawmill Creek.

Copperopolis was historically agricultural land primarily used for cattle grazing and certain mining activities prior to the 1950s, when numerous subdivisions near and/or adjacent to Lake Tulloch were approved. The region is classified as the Sierra Foothills ecological region. *Class I and II Prime Farmland is scarce, with less than 5% of the County containing prime soils, which are defined as those suitable to maintain extended production of sustainable crop yields over a prolonged period. Weathered rock is primarily present, with a thin soil mantle of less than 6 inches covering much of the Planning Area.*

*However, ranching still thrives adjacent to Copperopolis. Farmland of Local Importance, as determined in accordance with the state's Farmland Mapping and Monitoring Program, surrounds much of Copperopolis in the form of rangeland. Farmland of Local Importance includes "lands zoned General Agricultural (A1) and/or enrolled in the California Land Conservation Act."*

~~Class I and II Prime Farmland is scarce, with less than 5% of the County containing prime soils. (Prime soils are defined as those suitable to maintain extended production of sustainable crop yields over a prolonged period). Weathered rock is primarily present, with a thin soil mantle of less than 6 inches covering much of the Planning Area.~~ The Copperopolis Community Plan Area was historically mined for copper in the 1860s with gold and silver mines also established during the Gold Rush. Tailing piles, remnant mineshafts, and other structures are present within the area.

## Physical Description of the Planning Area

The Copperopolis Community Boundary is depicted as a broad red line on the map of the Community Plan Area. ~~The map for the Copperopolis Community Plan Area that~~ was adopted as part of the County's 2019 General Plan. ~~The map identifies and identifies the following areas:~~

Historic Copperopolis, near the intersection of Main Street (O'Byrnes Ferry Road) and Highway 4, and existing and proposed residential subdivisions. ~~These subdivisions include Sawmill Lake, Copper Valley Ranch (amended to 88 lots), Copper Valley, Copper Cove, Oak Canyon Ranch (dedicated as permanent open space), the Copperopolis Town Square, Sanguinetti, Diamond XX, Calypso Bay, Tuscany Hills, Bridlewood Estates, Black Creek, Poker Flats, Connor Estates, and Peninsula Estates.~~

## History

During the late prehistoric period, the Copperopolis Community Plan Area was situated within the territory claimed by the Central Sierra Mi-Wuks. Much of the population relocated seasonally to collect foods and economically important resources, which were then stored. The central food staple of the Mi-Wuks subsistence was the acorn, supplemented by a wide variety of other plant and animal foods. Mi-Wuk villages were typically located near water sources, within easy reach of bedrock outcrops where milling stations could be established. Such grinding rock artifacts remain in the Planning Area.

Early European settlers were drawn to the Copperopolis area in response to the discovery of gold in 1849. The discovery of copper in 1860 and the growing demand for copper provided the impetus for the community to grow to more than 2,000 inhabitants, making Copperopolis the principal copper producing community in the Western United States in the 1860s. Copper mined in the area came from several mines including the Union, Empire, and Keystone, as well as smaller mines such as the Table Mountain Top, Scorpion, Kentucky, Index, Inimitable, and Harlem mines.

Reeds Turnpike, a private toll road, was an important feature in the development of Copperopolis since it was considered one of the best roads in the state, and there were good watering places located along its route. During the rainy season, it received practically all the Stockton travel. Teams from Stockton bound for Chinese Camp, Sonora, and Columbia came through Copperopolis by this route, then went on to cross the Stanislaus River on the O'Byrnes Ferry Bridge. On the return route, wagon trains of ore were hauled by oxen and mule teams to Stockton for loading onto riverboats, then taken to San Francisco where the ore was reloaded and sent by sailing ship around the Horn to Atlantic ports and to Swansea, Wales, to be smelted and refined where much of it was used in the manufacture of paint.

The Copperopolis Armory, located at 695 Main Street, was built in 1861. Of brick construction, huge iron doors and barred windows, it survived the 1867 fire. During the Civil War, it was used by the Union Guard as their meeting place for enlisting and training troops. In 1864, the property was sold to the Copperopolis Armory Hall Association and was used during the 1860s and 1870s for Congregational and Methodist Church services, as well as for public meetings, balls, and rallies. In 1874, the property was purchased by the Mineral Lodge, Independent Order of Odd

Fellows (IOOF), and used as their lodge until 1903, when they moved to the Congregational Church which they purchased. In 1939, they merged with Campo Seco Lodge of Jenny Lind, and the following year (1940) sold the hall to the Copperopolis Community Center, which has used it since. The armory was added to the National Register of Historic Places on December 30, 1997.

Other historic structures in Copperopolis include the Gothic Revival Congregational Church, St. Ignatius Catholic Church, the Honigsberger and Reed buildings, and the Old Corner Saloon. On the corner of Main Street (O'Byrnes Ferry Road) and Reeds Turnpike is the Old Corner Saloon. Built in 1862, this establishment boasts of being the second oldest saloon (in continuous operation) in California. Surviving through 142 years of fires, feast, and famine, this popular Copperopolis "watering hole" still offers a thirsty traveler a friendly place to stop and enjoy a cool drink.

After the closure of the copper mines, the development of Copperopolis was greatly influenced by the creation of Lake Tulloch, which has continued to be an important catalyst for bringing newcomers to the area.

**Historic Copperopolis Buildings**

All pictures courtesy of Copperopolis resident Nancy Henderson,

**The Armory**

**The Old Corner Saloon**



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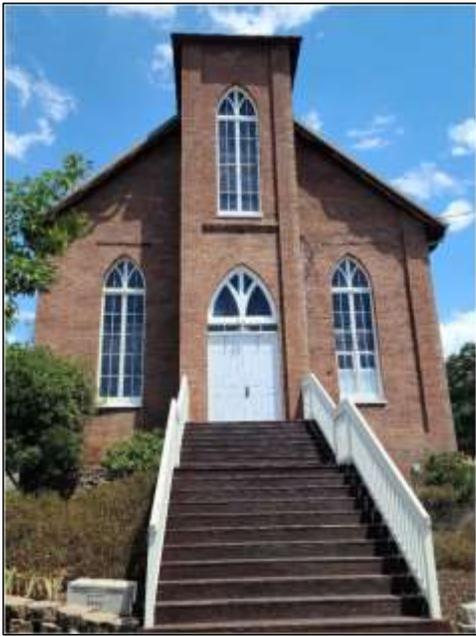
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The Honisberger and Reed Buildings



The Congregational Church



## Lake Tulloch

Lake Tulloch was constructed in the late 1950s and began operation in 1958. Lake Tulloch is a reservoir which is bounded by both Calaveras and Tuolumne counties that has a normal maximum water surface elevation of 510 feet, a surface area of 1,260 acres at full pool, and has gross storage capacity of 66,968 acre-feet. The reservoir has approximately 55 miles of shoreline. Lake Tulloch is subject to fluctuating water levels that occur on a daily and seasonal basis. Reservoir levels are controlled by the United States Bureau of Reclamation and are subject to fluctuation within the limitations of an agreement required by the Federal Energy Regulatory Commission (FERC). The Tulloch Project is a multi-purpose project that stores approximately 66,968 acre-feet of water, and annually generates about 93,000,000 kw/h of electricity. The Oakdale Irrigation District (OID) and the South San Joaquin Irrigation District (SSJID), cooperatively operating as the Tri-DAM Project, are the current owners and operators of the Tulloch Project.

Photo Courtesy of Jack Forkner



## Table Mountain

Table Mountain is a series of flat-topped hills visible from Lake Tulloch that roughly parallels the modern Stanislaus River. These hills are capped by lava which flowed down from the crest of

the Sierra Nevada 10.4 million years ago and hardened into a rock (latite) that is relatively resistant to erosion. The top of Table Mountain is composed of Table Mountain Latite, which formed from potassium-rich lavas erupted from a center of volcanism near modern-day Sonora Pass around 10.4 million years ago.



### New Melones Road

*In 2001, a report called Copperopolis Community Vision 2020 produced in coordination with the Copperopolis Community Plan Advisory Committee, proposed a community boundary, suggested basic land use designations, and mapped possible new roads. One of the outcomes of that report was to “Create the Morrissey Trail to link Copperopolis to New Melones Lake.”*

*In 2005, the Draft Copperopolis Community Plan (CCP) was produced with residential land use designations to accommodate a population of no more than 40,000 people. One criticism was that Lake Tulloch was already overcrowded with boats creating safety problems on weekends and holidays with fewer than 4,000 people living in Copperopolis. What would it be like with 40,000 people living in Copperopolis? The 2005, 2009, or the 2013 versions of the Copperopolis Community Plan were never adopted by the Board of Supervisors. Among the major concerns were the inability of the two-lane roads in the 2005 plan to accommodate the projected traffic, the opposition to increased benefit basin fees to pay for the new roads needed by the 2013 plan, and the need for a new “southern crossing” bridge at the time of the 2019 GPU.)*

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To address the crowded lake criticism and accommodate the recreation demand that would be created by a population of 40,000 people in a lake-centered community, the idea of a road linking Copperopolis to New Melones was promoted. Because New Melones had underperformed in providing the recreational benefits anticipated when it was planned and built, a road from Copperopolis was viewed as a means to serve local residents and help New Melones to increase its annual visitor days. The road may also serve as an additional amenity that would add value to private residential development envisioned in the future, but not yet applied for or planned for on the community plan map.

With the knowledge that the population of Copperopolis will not reach 40,000 people by the year 2040, it is becoming increasingly clear that the road to connect Copperopolis to New Melones will not be a reality.

## **Community Vision**

Copperopolis will retain its small town, rural community identity, preserve its natural beauty, and protect its vast recreational opportunities while embracing diverse housing, commercial, recreational and employment opportunities integrated with the natural resources and open space elements of the community. Lake Tulloch will flourish as a community attraction.

Revitalization efforts have turned “historic” Copperopolis into a vibrant, attractive town center and tourist destination with community events, and neighborhood and tourist-serving opportunities. The Copperopolis Town Square located off Hodson Road, has turned into an attractive tourist destination with a hotel, retail shops, restaurants, and housing, and is hosting community events and providing opportunities to serve residents and tourists.

Copperopolis will remain a nice, prosperous community with long-term residents who care, and new residents who embrace the lifestyle and culture of the area. Copperopolis will also continue to enrich the next generation through participation in groups like 4-H and Future Farmers of America.

Motorized circulation, and non-motorized circulation where appropriate and with the suitable infrastructure, in parts of Copperopolis will provide safe and attractive access to all areas of the community, and residents, young and old, will take advantage of the community’s pedestrian, equestrian, and bicycle pathways that will tie into the community’s business centers and recreational amenities.

The Community will continue to enjoy the golf course and beautiful open space, and parks in Copperopolis.

While the Community Plan seeks harmony of land uses, it will respect the Constitutional rights to life, liberty, and property.

The fervent wish of the community is that people who visit Copperopolis leave with the impression that it is a beautiful place and a friendly town where all are welcome.

## Community Plan Goals, Policies, and Implementation Measures

### 1) Land Use

**GOAL: Aesthetics/Community Character** - Encourage orderly development while retaining a rural mining/ranching town atmosphere with an emphasis on community appearance and character.

#### **Policies & Implementation Measures:**

- CCP 1.1 Ensure that all new development is consistent with the goals and policies of the community plan and the County General Plan. (CP-1B, LU-2G).
- CCP 1.2 Ensure high quality, well-designed development that is compatible with surrounding uses and is integrated with the community and the physical environment in which it is located. (LU-4A).
- CCP 1.3 Protect and retain the historic assets of the community. (LU-4A, LU-4D, LU-4E).
- CCP 1.4 Ensure that new developments within the plan area provide a mix of uses including a wide range of residential, commercial, visitor-serving and job-generating uses that facilitate their development as independent and economically viable projects. (LU-2B, LU-2E, LU-2F, LU-4D, LU-5C).
- CCP 1.5 Design new developments in the plan area to be compatible with the natural, scenic, and historic resources of Calaveras County. (LU-4B, LU-4C).
- CCP 1.6 Preserve and enhance existing buildings and other structures of historic and architectural importance, as reflected in state and federal standards for significance, and that contribute to the historic identity of Calaveras County. (LU-4E).
- CCP 1.7 Establish and identify entryways for the community – through monuments or other methods.
- CCP 1.8 Provide adequate land for schools and parks. (PF-7C, COS-7A).
- CCP 1.9 Preserve the rural character of the area. (COS-1A).
- CCP 1.10 Encourage beautification and enhancement of properties.

- CCP 1.11 Maintain and improve commercial districts within historic Copperopolis.
- CCP 1.12 Encourage attraction of new compatible businesses and industries to the plan area.
- CCP 1.13 Collaborate with Homeowners Associations and others willing to promote public participation in community plan implementation.

**2) Circulation**

**GOAL: Traffic/Circulation** - Improve traffic circulation and provide safe routes for both vehicular and non-vehicular traffic in the Plan Area.

**Policies & Implementation Measures:**

- CCP 2.1 Improve traffic circulation.
- CCP 2.2 Provide a safe intermix of vehicular and non-vehicular traffic. Require a balanced circulation system that provides for the safe and efficient movement of people and goods while maintaining the rural and historic character of the community (C-1A, C-5A).
- CCP 2.3 Improve the safety of O’Byrnes Ferry Road.
- CCP 2.4 Implement measures to reduce travel speeds within community and neighborhood areas to protect the historic character or unique features of the community and to protect public safety.
- CCP 2.5 Ensure that new development is responsible for all off-site circulation improvements necessary to mitigate a project’s transportation impacts (including safety, pedestrian and bicycle mobility, public transit, and level of service-related impacts). (PF-1C, PF-1E, PF-1G).
- CCP 2.6 Where feasible, non-motorized transportation options should be incorporated into transportation and development projects. (C-1C, C-5A, COS-7E).
- CCP 2.7 Increase roadway connectivity to reduce trip lengths, enhance emergency response, and encourage opportunities for trips to be made by walking and bicycling. (C-1A).
- CCP 2.8 Encourage and support a safe, effective, and efficient public transportation service in the plan area that meets the reasonable needs of Calaveras residents. Encourage

the use of public transit, as well as ridesharing, and vanpools. (C-1B, C-1C, C-3C, C-2D).

CCP 2.9 Work with Tri-Dam to reduce boating congestion and improve boating safety on Lake Tulloch.

### **3) Housing**

**GOAL: Affordable Housing** - Provide a varied housing mix to accommodate the needs of future residents in the community.

#### **Policies & Implementation Measures:**

CCP 3.1 New residential construction shall consist of a broad range of new housing types to meet the needs of all residents of Calaveras County. (H-1B, H-1E, H-2A, H-2E, H-2F, H-2G, H-3C, H-3E, H-3F).

CCP 3.2 Develop, construct, and maintain safe, decent, and well-built affordable housing units in the community. (H-1H, H-5A, H-5C).

CCP 3.3 Ensure that all new and existing housing units are equipped with energy-efficient and appropriate weatherization. (H-6A, H-6B, H-6C, H-6D).

CCP 3.4 Control the use of single-family homes for short-term vacation rentals by improving the County-required Administrative Use Permit process. Regulate approval of vacation rental units to ensure that they do not adversely affect the lifestyle of the existing and future community and the County's housing stock.

CCP 3.5 Any new or extended subdivision map that includes four or more single-family residential lots shall be conditioned to address housing needs in the following ways: at least 25% of the units will be and remain 1200 square feet or less, be a single story, and meet ADA accessibility standards.

### **4) Conservation & Open Space**

**GOAL: Natural Resources** - Achieve a harmonious relationship between the developed environment and its surroundings by preserving open space and agriculture/rangelands and protecting and enhancing the natural resources of the Planning Area.

#### **Policies & Implementation Measures:**

- CCP 4.1 Promote tourism by leveraging the region’s natural resources and cultural heritage to attract visitors, generate revenue, and create sustainable jobs.
- CCP 4.2 Provide for the protection of resource production operations and activities and their economic viability. (L-2E, RP-1A, RP-1B, RP-1C, RP-1D, RP-1E, RP-1F, RP-2B, RP-2C).
- CCP 4.3 Ensure that there is adequate water supply and wastewater collection available for existing residents, businesses, and future development in Copperopolis. (PF-2B, PF-2C,PF-2D).
- CCP 4.4 Conserve natural and historic landscapes and important landmarks as scenic resources important to the County’s rural character, scenic beauty, and the tourism component of the economy. (COS-3C, COS-4L, COS-4N, COS-6B.)
- CCP 4.5 Complete and protect a high-quality system of recreational facilities enhancing the quality of life and health of residents and visitors and contributing to the County’s economy. (COS-7A through 7I).
- CCP 4.6 Restore, preserve, and enhance the historic assets of historic Copperopolis.
- CCP 4.7 Apply the County’s Historic Preservation Ordinance to protect the area’s historic resources and in turn promote tourism and economic development. (COS-8G, COS-8H).
- CCP 4.8 Preserve prehistoric, archaeological, cultural, historical, and paleontological resources. (COS-6A, COS-8A through COS-8H).
- CCP 4.9 Identify and protect scenic resources that preserve rural character, quality of life, and tourism-based economic development, while protecting property rights. (COS-6A, COS-6B).
- CCP 4.10 Retain existing mature trees in landscaping for new development, consistent with fire protection needs, to facilitate carbon sequestration. (COS-4D; COS-4J).
- CCP 4.11 Preserve oak woodlands in the plan area in accordance with local and state law. (COS-4D).

- CCP 4.12 Include design features in new development to capture stormwater and recharge groundwater whenever feasible. (PF-2J).
- CCP 4.13 Preserve agricultural uses in the plan area. (L-2E, RP-1A, RP-1B, RP-1C, RP-1D, RP-1E, RP-1F, RP-2B, RP-2C)
- CCP 4.14 Conserve existing mining sites in the plan area for future mineral extractions. (RP-4A).
- CCP 4.15 The County will complete a Natural Communities Conservation Plan prior to the approval of additional development of special status species habitat.

**5) Public Safety**

**GOAL: Public Safety** - Ensure that public safety is maintained and enhanced through fire protection measures, adequate law enforcement, and emergency services.

**Policies & Implementation Measures:**

- CCP 5.1 Protect people, property, economy, and natural resources from the risks of natural and manmade hazards. (PF-4A, PF-4B, PF-4C, PF-5B, PF-6A, S-1A, S-1C, S-1H, S-2A, S-2B, S-2C, S-2D, S-3E, S-3F, S-3G, S-3H, S-3M, S-3O, S-3Q, S-3R, S-3S, S-3V, S-3W).
- CCP 5.2 Apply established standards designed to protect the community from unreasonable risks of death, injuries, property damage and economic and social dislocation resulting from fires. (S-1B, S-3B, S-3C, S-3D, S-3I, S-3N, S-3P.)
- CCP 5.3 Apply established standards designed to protect the community from unreasonable risks of death, injuries, property damage and economic and social dislocation resulting from the use, transport, treatment and disposal of hazardous materials and wastes. (S-5D, S-5E, S-5F).
- CCP 5.4 Prohibit the sale of all types of fireworks in the Plan Area, "safe and sane", or not.
- CCP 5.5 When considering whether or not to approve discretionary permits on agricultural lands in the Community Plan Area the County will minimize wildfire ignitions by limiting permitted activities, and the County will not concentrate people in hard to evacuate areas.

CCP. 5.6 The County will try to cooperate with the local fire district, the fire safe council, the Resource Conservation District, and the Red Cross to:

- establish and maintain a functional system of fuel breaks around Copperopolis.
- notify homeowners of opportunities to make home improvements to harden their homes against wildfire.
- identify, maintain, and sign roads essential for evacuation, and inform residents of their evacuation routes.
- establish effective means of providing the community with notice of emergencies necessitating evacuation (sirens, reverse-911, etc.)
- hold emergency evacuation drills in every even numbered year.

### **6) Public Facilities**

**GOAL: Public/Community Services** - Support the development of additional public facilities with respect to the community's growth.

#### **Policies & Implementation Measures:**

- CCP 6.1 Promote and foster the enhancement of infrastructure that will support economic growth within the community boundary including roads, water systems, sewer systems, and transportation networks. (C-1D, C-2A, C-2D, COS-7F).
- CCP 6.2 Ensure that the design of community-oriented public facilities is compatible with community character. (LU-4A).
- CCP 6.3 Consider the location of a satellite sheriff's station in Copperopolis by 2030.
- CCP 6.4 Provide recreational activities for children and the elderly.
- CCP 6.5 Explore the possibility of building a multi-purpose community center with sports facilities, a playground, dog park, senior citizen activities, swimming, and cooling. (COS-7H, COS-7I).
- CCP 6.6 Cooperate with state and federal officials as needed to facilitate replacement of the O'Byrnes Ferry Road bridge.
- CCP 6.7 Cooperate with federal officials as needed to facilitate additional access to recreation at New Melones Reservoir for Copperopolis residents.

- CCP 6.8 Improve infrastructure to reduce our dependence on propane, enhance the robustness of the power grid, and provide more affordable access to high-speed internet. (PF-3A, PF-3F, PF-7A, COS-2E, COS-5E).
- CCP 6.9 Collaborate with Tri-Dam to promote equitable public access to Lake Tulloch for motorized and non-motorized uses.
- CCP 6.10 Cooperate with a community college district to establish a satellite campus to serve the residents of Copperopolis.

**7) Economic Development**

**GOAL:** Establish, promote, and enhance commercial development designed to complement the character of the appropriate areas within the community boundary.

- CCP 7.1 Promote overnight accommodations that will create jobs and economic benefits to the County which would generate additional Transient Occupancy Tax (TOT).
- CCP 7.2 Promote commercial activity within the community boundary.
- CCP 7.3 Promote jobs in the recreational sector to attract tourists to the region and create long-term economic benefits to the area.
- CCP 7.4 Support opportunities for additional education and job internships for the community’s youth. Invest in education and training programs that will provide residents and young people with the skills and knowledge needed for the jobs of the future. This will help create a more skilled and diverse workforce, which will attract new business and industries to the area. (LU-5E, PF-7B)
- CCP 7.5 Support entrepreneurship through small business and start-ups.