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Calaveras County Taxpayers Association  
4889 Kiva Drive  
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Dear Sirs,

I would like to take a moment to introduce you to a more formal presentation for Alternative D.

During the recent General Plan Update workshops, many people felt that the alternatives presented fell short of the Constitutional requirement that Government's primary responsibility is to protect our rights. Protecting property rights and creating a General Plan are not mutually exclusive goals; in fact they should be one in the same goal.

Alternative D will not lead to some sort of development free-for-all, or provide unlimited license for "selfish and irresponsible behavior". Alternative D proposes a common sense compromise that is fair to the property owner and provides a framework for future development.

Zoning has been in place for a very long time and most parcels have a zone that was declared to the buyer upon purchase. There are policies and procedures already in place that govern how zoning gets changed. Alternative D recognizes that changes to a parcel not only apply to that parcel but affect those around it and therefore changes should not be easy. Developers both large and small should realize that they have the most liberty when they respect the rights of others.

Both the Mintier Harnish and Planning Department's workshop reports contain a quote from what was written on the workshop posters. "It's better to have no plan at all and have our property rights than to have a detailed plan and lose our rights." This may be taken out of context. Let me be clear, this is not a call to end planning, but to place a perspective on the relative importance of having a plan verses the intrinsic value of property rights.

The Mintier Harnish workshop report also contains a misquote: "The alternative would be in the best interest of the property owner, not the county." Alternative D proposes that when the County acts to change a parcels zoning, they do so with either the approval of the property owner or provide just compensation that would be in the best interest of the property owner, not the county. Additionally the County may not take property for private use. The County's lack of finances is no excuse for the county to condemn land and take it at below market value.

Let me interject a note here: In all practical ways, Land Use Designations and Zoning Designations are functionally the same - they affect future property value and usefulness. Only planners and politicians try to split hairs.

Mintier Harnish represented Alternative A as: "Continue the existing General Plan policy direction and regulatory environment as expressed by County actions over the last decade." This makes Alternative A and Alternative D seem very similar, and in some respects they are, but there are some very important differences. Major differences include the Land Use Designations and Vision Statements.

Alternative A incorporates the new "unified set of land use designations". These new designations were created without complete fidelity to current zoning. Alternative D is supportive of simplifying the number of zoning designations, but the only way to be completely fair is to evaluate every parcel. Therefore it would be easier and cheaper to make the Land Use Designations match the current Zoning Designations, this would avoid the duplicity and confusion apparent today.

Alternative D does not support the vision and stated goals for the General Plan. While words like open space, scenic vistas, distinct centers, rural character, and so forth may have specific meaning to planners, they can be vague and confusing to the general public even with a glossary. Most importantly achieving these goals without the approval of the property owners will violate their rights. Proponents will argue that the Vision was created by the "public input process". The fact that the public was requested to attend and participate in a meeting does not in itself prove that the opinions of those present reflect the views of the larger constituency.

Sense of community is not based on buildings, but the dreams of property owners, that when naturally meshed together creates a sense of belonging which comes from the strengths inherent with the values that pride of ownership brings.

Proponents for Alternative B assert that government must act to enforce the vision and goals because property owners will not. This is false. During the community plan meetings in Valley Springs, I was able to meet with several of the actual property owners affected. They expressed they were not 100% against the proposals as they realize there is value in scenic vistas. They were upset in the fact that they were not asked to become part of the solution. Today's market is far more sensitive to the needs of the community than ever before.

#### **Top reasons for selecting Alternative D:**

- **Protects property rights.** This is not only the right thing to do, but if the County actively protects property rights, Alternative D has the potential to limit court cases brought by property owners.
- **Promotes market based solutions to today's and tomorrow's problems.** The flexibility inherent when starting with the current zoning and not a preconceived plan will provide our children and grandchildren with the tools to adapt to future needs. The main problem with Alternative B is that it ensnarls the government into correctly predicting the future. For example: Government mandated unwanted housing creates vacancies and causes the developer to lose money. Then capital becomes scarce for the types of housing that the market really wants - effectively

creating demand that drives up the overall cost of housing. The market will choose the correct mix of housing densities more effectively than those dictated by the government.

- **Promotes a stable environment for business planning.**
- **Promotes simplifying and streamlining the regulations and procedures for development.** This will save the County and developers' time and money.
- **Alternative D would tend to change direction of land use planning.** Alternative D would change planning from government choice to that of the free market. This would change the nature of public forums on development projects to consideration of the rights of neighbors and the public, rather than public approval which is so political and frequently violates the property rights.

#### **Facts about Alternative D:**

- **Public Safety:** It is disingenuous to assert that it is more expensive and requires greater response times to provide public safety to a dispersed population. That dispersed population already exists and the County is already obligated to provide public safety to all of its citizens. Using the projections from Alternative A, as the dispersed population grows the cost per capita and average response times will fall.
- **Public Infrastructure:** There is no basis upon which to limit development based on infrastructure requirements. Public infrastructure at the county level includes: Roads, Water, and Sewer. Alternative D promotes that Water and Sewer services should be the responsibility of the property owner. I have found two California court cases that affirm that the county does not own the aquifer nor are they responsible for its quality. There are laws on the books - complete with fines - which govern septic systems. In addition small multi-family treatment systems are also available. As for roads, there are already programs on the books such as RIM fees that should recoup public costs from those that develop. To be sure - and RIM is a good example - the programs should be simplified and streamlined to save both the county and developer time and money.
- **Alternative D Provides the best expression for economic growth:** Given figures from the Mintier Harnish report (TABLE D-2 2005-2035 PROJECTIONS) the computer model shows that Alternative A and Alternative B have the same job growth. (Note: Since we do not have access to the computer software, Alternative D figures would most likely resemble Alternative A's.) If you have the same job growth, you will have the same economic base. But, given the flexibility of a market based (not plan based) approach to development - entrepreneurs both large and small will find better, more efficient ways to provide goods and services where and when the public (market) actually needs them. Industries will have more choices to locate and expand in the county. Alternative D has more of an upside potential than Alternative B.
  - Alternative B enables the county to pick winners and losers. "This" industry gets subsidized help, "this" area of the county (urban centers and only the property owners

there) gets subsidized help, "this" developer gets subsidized help. Crony collectivism is as bad as crony capitalism! There is nothing in Alternative B to prevent cronyism.

- Alternative B also assumes that the County knows best. This assumes the County knows what we need and when we need it. This assumes the County knows the future. What Alternative B fails to realize is that the Darwinian forces in the free market have proven time and time again to be the best road to a vibrant economy.
- **Alternative D does not increase sprawl:** According to the Mintier Harnish GPU Alternatives report "... the GPU can have the most impact on the two-thirds of county land that is currently classified as "unimproved" by the County assessor, meaning it is used for ranching, agriculture, forestry, or mining. About half of this is currently designated for 5- to 40-acre single family residential uses, the majority of which is undeveloped but has significant potential for low density residential development." This is hardly a prophecy for "unlimited" sprawl. Many if not most of the people moving to the County are not looking to exchange one urban center for another. They are looking for their dream space. Alternative B & C's low rural growth policy takes property rights from current property owners and infringes on the dreams (rights) of future families.
- **Alternative D assigns the risk from natural hazards such as wildfires and flooding to property owners:** Such risks are currently disclosed in the real estate documents. The County is not responsible to property owners for Acts of God.
- **Alternative D is complementary to traditional towns and distinct communities:** Current zoning has developed along with the current communities and provides the flexibility to meet the needs of the future. Alternative B forces future growth into today's communities without consideration of the future.
- **Alternative D matches or betters Alternative B for traffic volume and GHG emissions:** With similar population growths, Alternative D and Alternative B are likely to have similar vehicle miles driven, unless there is a dramatic change in lifestyle patterns. For Alternative B to make a significant traffic pattern difference, the walkable communities would have to provide a 100% of the goods and services to its citizens to make them abandon their automobiles. In a county with a population as small as Calaveras', this is not likely.

In the next phase of the General Plan Update the Board of Supervisors and the Planning Commission are being asked to create a Goals and Policies document that will set the tone for the future of Calaveras County. The County should reject the Vision and the Land Use Alternatives A, B and C. The County should take a step back from the directive given at the workshops, "...to select the one [Alternative] which most closely fit[s] their vision for the County," and the underlying agendas of "Smart Growth", and move to protect property rights.

Sincerely,

Mike Dausend