

*Submitted
at 12/2/14
Joint meeting*

Hearing on DEIR for the General Plan 12/2/14

I am well aware that this overly detailed process is required by the state and that the mistaken choice of AECOM as the consultant was made before all or almost all of the present supervisors and planning commissioners took office. One look at AECOM's web page makes it clear that they are the implementation cadre of Agenda 21 and the new world order. Their disregard for us ordinary people is blatantly apparent. Affordable housing outside of compacted cities or centers and employment opportunities determined by supply and demand seem outside their vision.

However, I live in the real world and am fully aware of the time and money spent on this and the related documents. Therefore I understand that aside from some few feasible modifications we all may have to live with this. But putting that and the state requirements aside, I find the General Plan and the Draft EIR to be abominations. As I've reviewed the document I have posted my comments on both Facebook and on my blog, Outside the Ivory Tower. It will all be submitted to the Planning Department by the deadline.

1

But I wish to take this time to note two factors. First is the assumption that underlies all the reasoning of the DEIR. They believe that humanity is an intrusion upon the natural world and not an intrinsic part of it. The so called natural world is partly the result of human tinkering for possibly a million years. We have been, and are, in symbiosis with the environment. These are not opposing forces. I would also like to add that many in our community would consider this assumption as atheistic.

The other factor is the copious lists of mitigation measures. While the consultants are just doing their job and it is clear that the final trade off decisions rest primarily with the Board of Supervisors, I find this to be a potential laundry list for future litigants. They could simply say it was recommended to you and you didn't do it. Our present outbreak of litigation fever may even be causing a paralysis of far greater danger than an overly restrictive General Plan.

Mark Bennett, Pine Grove
mlbennett@volcano.net

Bennett1-1

The comment provides various personal opinions regarding the General Plan, DEIR, and consultant team. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

redesign at 1/20/15 meeting
BENNETT2

Joint Hearing of the Amador County Board of Supervisors and Planning Commission on the Draft Environmental Impact for the General Plan, 1/20/15

Remarks of Mark Bennett, Pine Grove

My comments on the DEIR have been posted on my blog, Outside the Ivory Tower on Amador Community News, and also linked to Facebook. They will all be submitted in writing to the Planning Department by the 1/30 deadline. I would like to take these few minutes to discuss a few possible inconsistencies in the plans and have prepared a packet that I hope makes this easier for all concerned.

1

Page 3-6 of the DEIR states "Enhance and maintain separate and distinct community areas within the Country." This is followed through, on the next page, with an Agricultural Transition Zone between Sutter Creek and Amador City with a sliver of a Mineral Resource Zone. Yet page 51, the Land Inventory of the already approved Housing Element, shows potential housing sites there. Perhaps some grandfathered homes are creating this anomaly, I do not know.

These home sites sit atop the mother lode according to the Mineral Resource Zones map on page 15 of the Conservation Element of the proposed General Plan. Yet the Economic Element of the proposed General Plan states, on page E-29, "Ensure extraction and processing of mineral resources and aggregate deposits may continue. Encourage extraction and processing of mineral and aggregate resources." This theme continues in the DEIR on page 2-29 that says "Loss of Availability of Known Mineral Resources. Buildout of the Draft General Plan could result in construction of new residential dwellings or non-residential uses in areas near existing or potential future mineral resources. This impact would be significant."

2

Isn't this entire planning effort to prevent problems such as this? Aren't the mineral resource designations due to the Jamestown mine fiasco in Tuolumne County?

Despite the mapping of large areas of mineral resources the DEIR only shows "Expected Development" of 10,622 acres with no expected increase by 2030 on page 3-9. This appears to coincide with the Economic Development Opportunity Sites map on page E-9 of the proposed General Plan. But page 3-10 of DEIR document requires a 40-acre minimum parcel size for mineral extraction. While that parcel size may include desirable buffer zones it may also be too restrictive for some mineral deposits. Also the issue of mining underneath other land uses, where the mineral rights are already owned, is not discussed unless I have not read far enough through these voluminous pages. }

3

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Perhaps there is something I have missed in these plans or perhaps something is askew. Or perhaps we have, in reality, an anti-mining General Plan and DEIR? So I am asking, on behalf of our economic future, for clarification of what appear to be anomalies in these documents.

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3.6.1 LAND USE ELEMENT

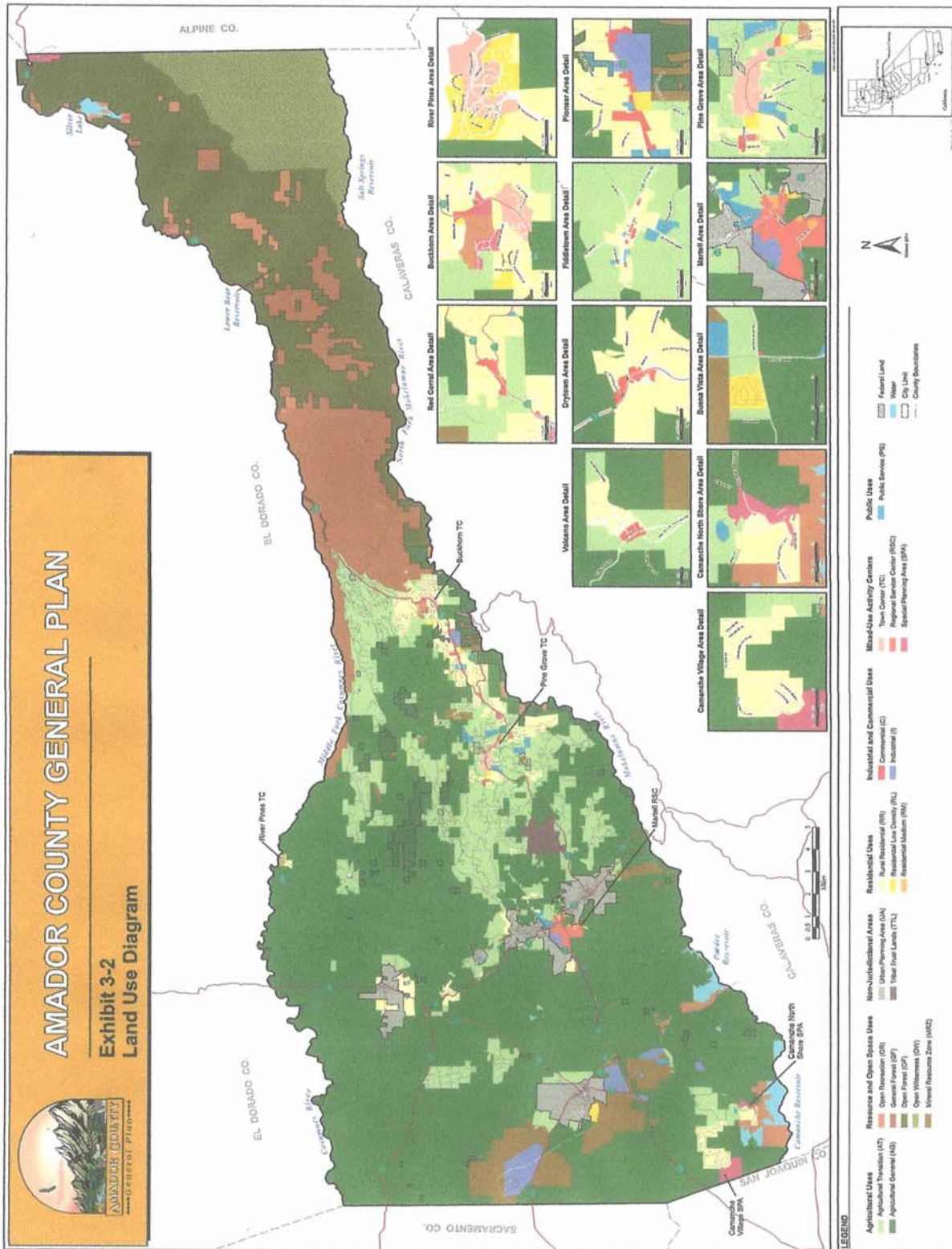
The Land Use Element describes the economic, social, physical, and cultural aspects of the planning area. Determining the future location, type, and intensity of land uses, and establishing the desired mix and relationship between land uses are the primary objectives of the element. The proposed land use designations identify the types and nature of development permitted throughout the planning area.

Pursuant to state law, the Land Use Element includes a land use diagram, depicting the types, locations, and intensities of current and future land uses within the planning area. The planning area includes the unincorporated portion of Amador County as illustrated in Exhibit 3-2, "Draft Land Use Diagram." Table 3-1, "Expected Development under the Draft General Plan" compares the expected development resulting from long-term implementation of General Plan policy to existing (2009) land use conditions. The expected development presented in Table 3-1 assumes a population of 25,241 in the unincorporated area of the County in 2030, based on Department of Finance projections for the County as a whole. The existing General Plan development capacity is compared to the development capacity of the proposed project within the discussion of Alternative 1 in Chapter 5, "Alternatives." Although the data presented in Table 3-1 capture the vast majority of the physical changes under the Draft General Plan that could cause environmental impacts, other changes, including improvements to roadways, utilities, and public facilities and infrastructure, could also occur and are considered in the EIR impact analysis.

Land Use Element goals consist of the following. The Draft General Plan includes a set of policies for each goal.

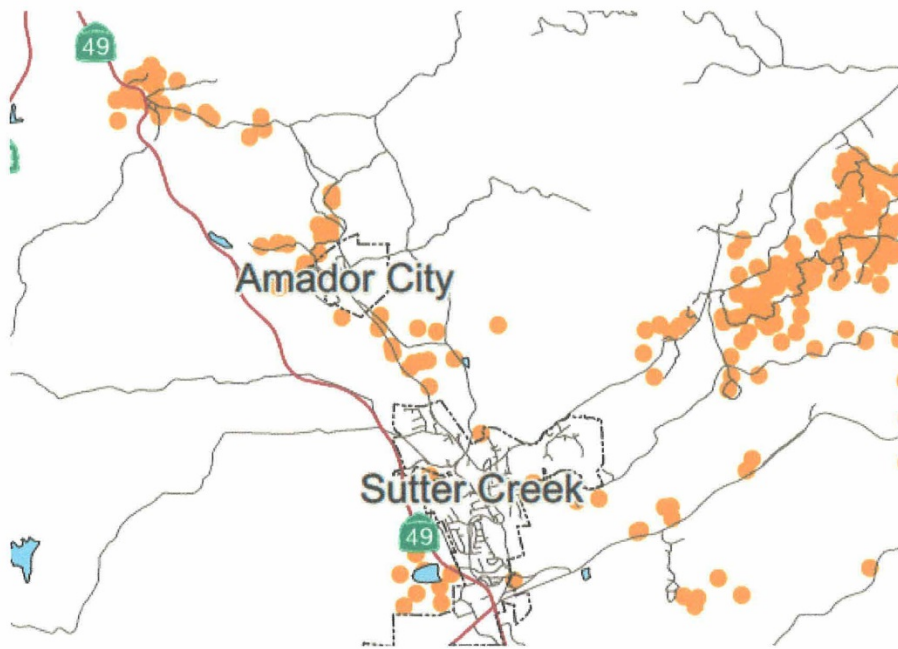
- ▶ Attain a diverse and integrated mix of residential, commercial, agricultural, industrial, recreational, public, and open space land uses.
- ▶ Enhance and maintain separate and distinct community areas within the County.
- ▶ Ensure the provision of effective law enforcement, fire, emergency medical services, and animal control throughout the County.
- ▶ Ensure adequate wastewater treatment, storage, and disposal capacity exists to serve the County's current and future demand.
- ▶ Maintain efficient solid waste service.
- ▶ Ensure that adequate water supply, wastewater disposal, and public services are available prior to development.
- ▶ Ensure the provision of accessible health care services.
- ▶ Maintain high quality child care facilities, schools and libraries.
- ▶ Ensure that land is available for future cemetery use
- ▶ Guide future residential and local commercial uses into established cities and unincorporated Town Centers.
- ▶ Focus services that cater to a regional market in Martell.
- ▶ Reduce fire risks to existing and future structures.
- ▶ Maintain compatible land uses in the vicinity of Westover Field.

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cont.



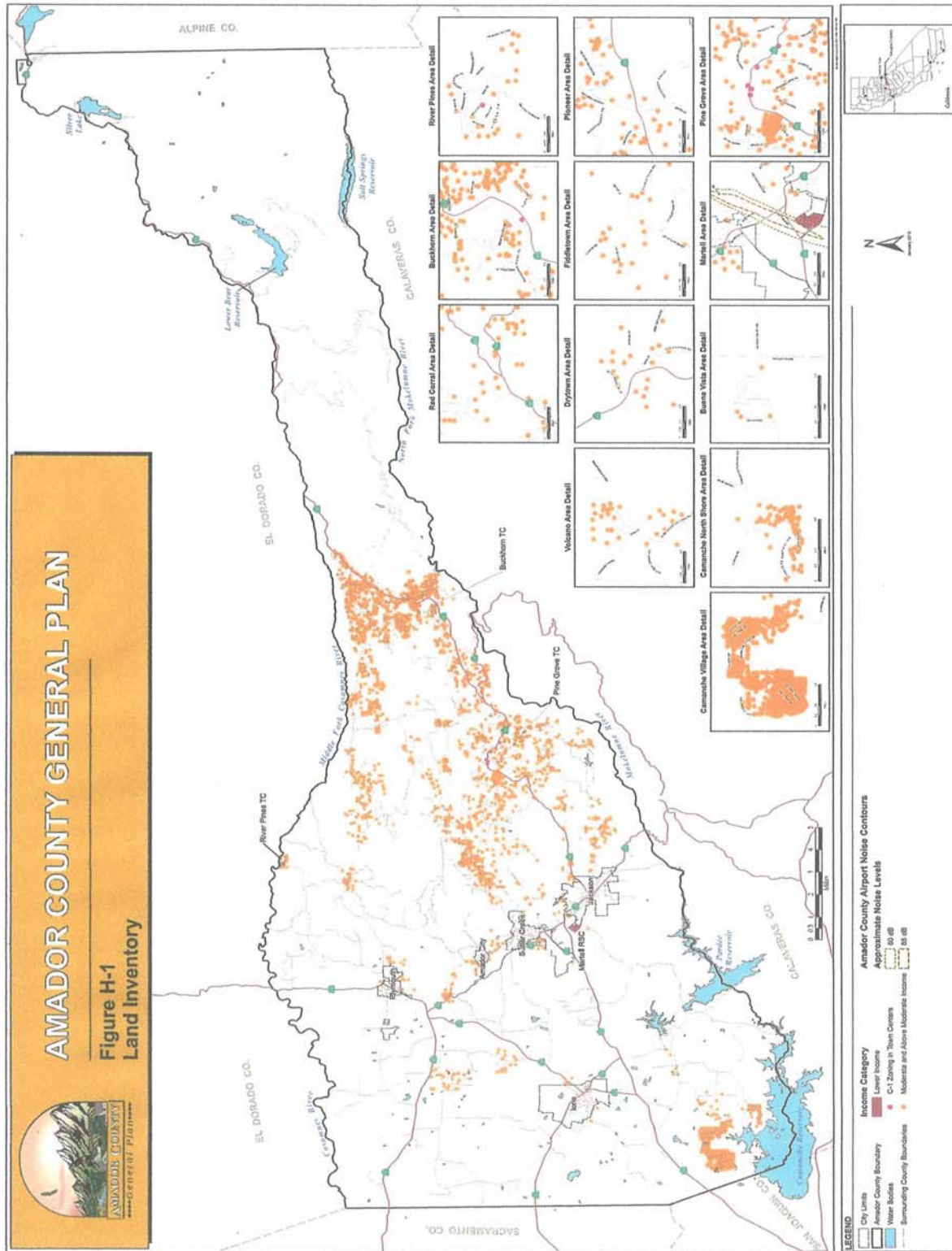
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BENNETT2

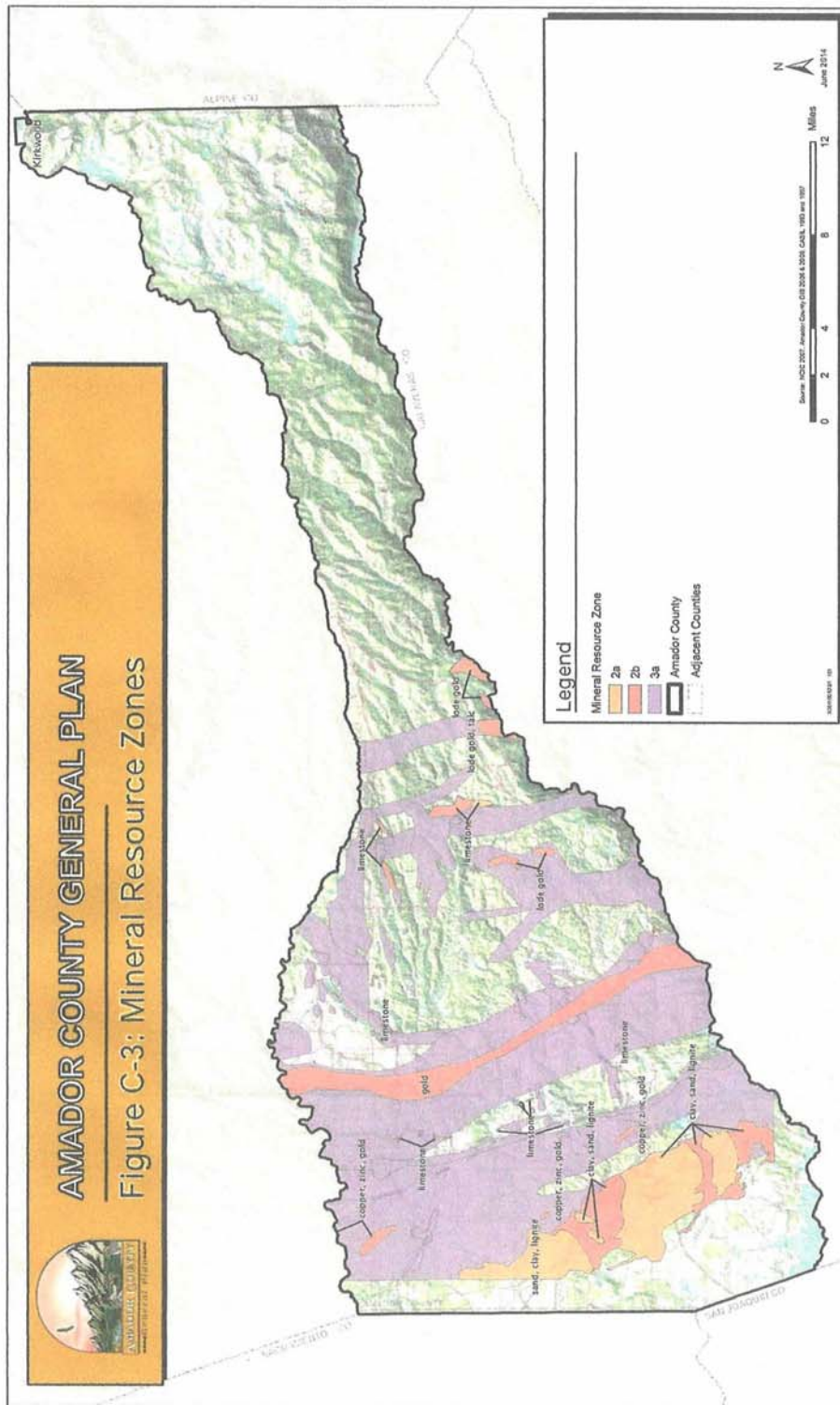


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- Policy E-12.2: Maintain Timber Production Zone (TPZ) areas as a renewable source of timber and wood products.
- Policy E-12.3: Encourage value-added activities (such as sawmills, cogeneration plants, timber-based manufacturing, and other uses) which contribute to the economic viability of timber production.
- Policy E-12.4: Protect timber resource areas from encroaching incompatible uses.

Comment [DWS22]: Text edit for clarity proposed by Staff.

Mineral Resources

Mineral production has been an important part of Amador County's economy and culture since the County's founding. Goal C-4 ("Maintain the viability of mineral and aggregate resources and production in the County") and associated policies in the Conservation Element are intended to protect the continued economic viability of mineral resource production. Amador County's mineral resources include (among others) clay, sand, gravel, aggregate, quartz sand, copper, silver, gold, soapstone, marble, slate, greenstone, river rip rap, road base, limestone, sandstone, zinc, chromite, talc, lignite, and diamonds.

Goal E-13: Maintain the viability of mineral and aggregate resources and encourage mineral and aggregate resource production in the county.

Policy E-13.1: Ensure extraction and processing of mineral resources and aggregate deposits may continue. Encourage extraction and processing of mineral and aggregate resources.

Comment [DWS23]: Text of policy edited to simplify.

Policy E-13.2: Promote the expansion or greater utilization of Amador County's mineral and aggregate resources.

Policy E-13.3: Promote value-added manufacturing and processing of Amador County's minerals.

Policy E-13.4: Guide development away from areas where mineral and aggregate extraction is currently occurring and where resources are known to exist. Consider the location of known resources when approving new development.

Policy E-12-5: Develop standards for exploration, development, and reclamation activities associated with mineral extraction projects.

Comment [EGB24]: Moved policy to programs

Industrial Development

Industrial uses in Amador County range in size and type from machine shops to major natural resource processing facilities. Because of this range, the County has identified broad intentions and general priorities for industrial development.

Comment [DWS25]: Existing Industrial Development Policy added with slight modifications.

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cont.

**Table 2-2
Summary of Environmental Impacts and Mitigation Measures**

| Impacts | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>4.6-6: Construction in Areas with Expansive Soils. Implementation of the Draft General Plan would result in construction of occupied structures in areas with expansive soils, but existing County regulations and the CBC would reduce effects. This impact would be less than significant.</p> | LTS | No mitigation measures are required. | LTS |
| <p>4.6-7: Construction in Areas with Soils with Poor Septic Suitability. Residential dwellings and non-residential uses implementing the Draft General Plan could result in construction of occupied structures in areas with soils poorly suited to septic systems. Should septic systems be used in these areas, implementation of existing regulations would require use of best practices for septic systems. This impact would be less than significant.</p> | LTS | No mitigation measures are required. | LTS |
| <p>4.6-8: Loss of Availability of Known Mineral Resources. Buildout of the Draft General Plan could result in construction of new residential dwellings or non-residential uses in areas near existing or potential future mineral resource development, potentially affecting the availability of mineral resources. This impact would be significant.</p> | S | <p>Mitigation Measure 4.6-8a: Implement P Program P-9, Mineral Resource Management</p> <p>In order to ensure extraction and processing of mineral resources and aggregate deposits may continue, the County will regulate land uses in Mineral Resource Zone 2 areas to ensure compatibility between mineral extraction, and surrounding existing and planned uses.</p> <p>Mitigation Measure 4.6-8b: Implement Program D-1a(13), Development Project Evaluation</p> <p>The County will review proposed projects for consistency with goals, policies, and implementation programs of this general plan.</p> <ul style="list-style-type: none"> ▶ Evaluation criteria for discretionary development proposals include: <ol style="list-style-type: none"> 1. The County will evaluate development proposals for compatibility with nearby mineral extraction activities and mapped resources to reduce or avoid the loss of mineral resource availability. | LTS |

Amador County General Plan DEIR
County of Amador

2-29

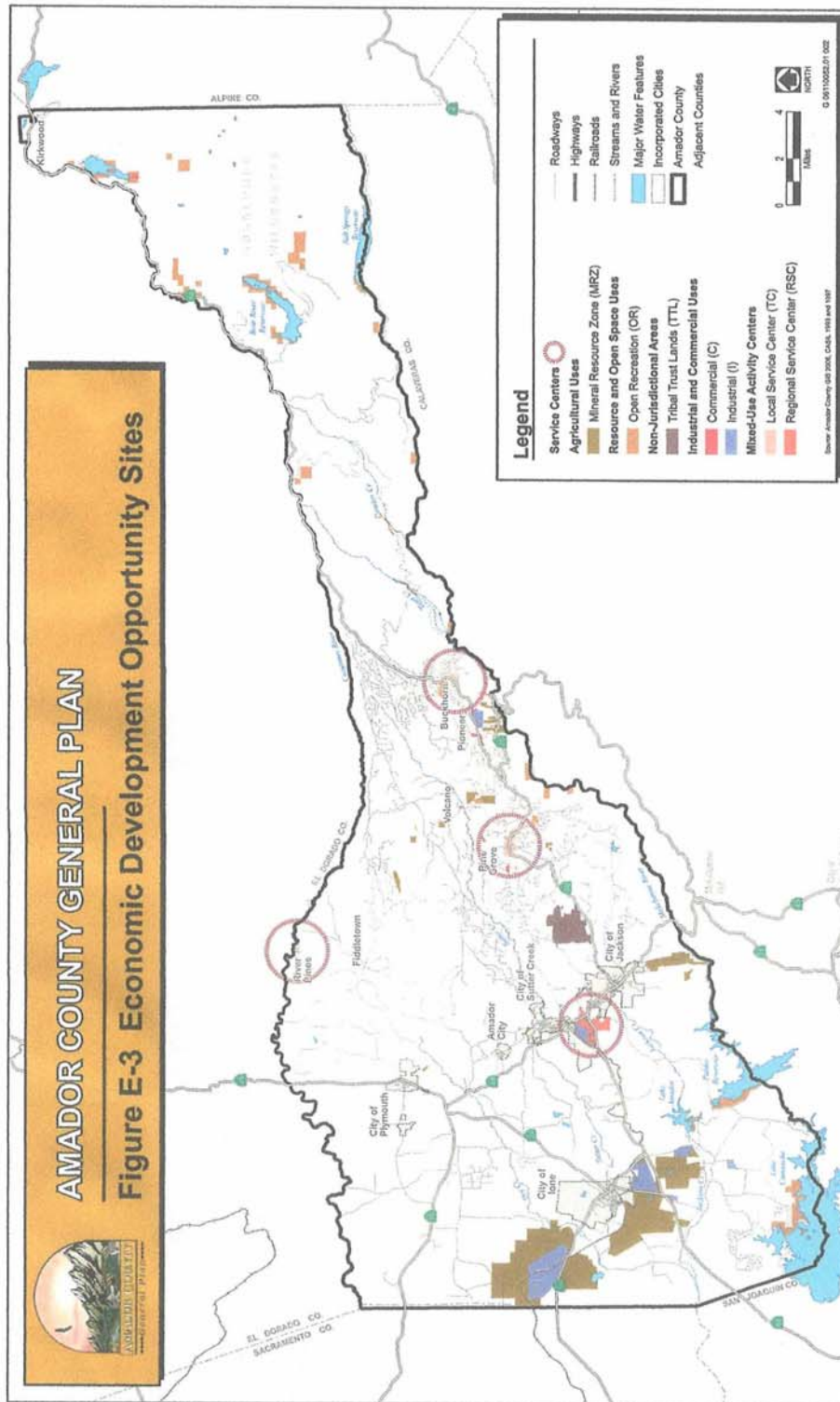
AECOM
Executive Summary

NI = No Impact LTS = Less than Significant S = Significant PS = Potentially Significant SU = Significant and Unavoidable

**Table 3-1
Expected Development under the Draft General Plan**

| | Acres | Minimum du/ac | Maximum du/ac | Expected du/ac | FAR | Average FAR | Existing Units | Existing Square Feet | 2030 Units | 2030 Square Feet | Change from Existing |
|------------------------------|---------------|---------------|---------------|----------------|-----|-------------|----------------|----------------------|------------|------------------|------------------------------|
| Agricultural General | 191,328 | | 0.025 | 0.015 | | | 1,921 | | 2,019 | | 98 units |
| Agricultural Transition | 39,799 | 0.05 | 0.2 | 0.15 | | | 3,720 | | 3,854 | | 134 units |
| Commercial | 311 | | | | 0.5 | 0.09 | | 368,750 | | 570,000 | 201,250 sq ft |
| General Forest | 29,850 | | 0.025 | 0.002 | | | 50 | | 50 | | -- |
| Industrial | 2,971 | | | | 0.4 | 0.015 | | 500,000 | | 1,500,000 | 1,000,000 sq ft |
| Mineral Resource Zone | 10,622 | | 0.025 | 0.005 | | | 24 | | 24 | | -- |
| Open Forest | 56,205 | | | | | | | | | | |
| Open Recreation | 6,099 | | 0.2 | 0.01 | | | 50 | | 52 | | 2 units |
| Open Wilderness | 22,238 | | | | | | | | | | |
| Public Service | 1,051 | | | | | | | | | | |
| Residential Low Density | 461 | 0.21 | 7 | 3.5 | | | 1,385 | | 1,426 | | 41 units |
| Residential Medium | 61 | 7 | 25 | 18 | | | | | 71 | | 71 units |
| Rural Residential | 9,499 | 0.2 | 1 | 0.5 | | | 3,600 | | 3,741 | | 141 units |
| Regional Service Center | 679 | 7.1 | 18 | | | | 15 | 1,080,000 | 450 | 3,500,000 | 2,420,000 sq ft, 435 units |
| Special Planning Area | 1,106 | 0.2 | 18 | 7 | | | 509 | 18,550 | 974 | 30,000 | 11,450 sq ft, 465 units |
| Town Center | 540 | 0.21 | 7 | 4 | | | 405 | 314,000 | 703 | 585,000 | 271,000 sq ft, 298 units |
| Tribal Trust Lands | 1,384 | | | | | | | | | | |
| Urban Planning Area | 7,458 | | | | | | | | | | |
| Water | 2,899 | | | | | | | | | | |
| Right-of-Way | 3,313 | | | | | | | | | | |
| Grand Total | 387,874 | | | | | | 11,679 | 2,281,300 | 13,364 | 6,185,000 | 3,903,700 sq ft, 1,685 units |
| Population | | | | | | | 22,123 | | 25,241 | | 3,118 |

Notes: du/ac=dwelling units per acre; FAR=floor area ratio
 Projected dwelling units for 2030 are based on the projected population of 25,241 (DOF 2013), 2,274 people/household (DOF 2009); and 16.94% vacancy rate (DOF 2009).



5 cont.

LAND USE DESIGNATIONS

Each General Plan land use designation generally describes the intended land uses and establishes a permitted range of density or intensity of development. Amendments to the County zoning ordinance following General Plan approval will specify the permitted uses for each category as well as the applicable development standards. The maximum allowable density or intensity on any individual parcel may be affected by such factors as the physical characteristics of a parcel, access and infrastructure issues, and compatibility considerations. Dwelling unit (du) per acre (du/acre) densities are established for residential, agricultural, and open space designations, and floor area ratio (FAR) intensity ranges are identified for Commercial and Industrial designations. For Town Center and Regional Service Center designations, both densities (du/acre) and intensities (FAR) are established. In cases where a range is established, the minimum value represents the least intense land use permitted within the area, while the maximum value represents the most intense land use permitted.

Agricultural land use designations include:

AG Agricultural General (1 unit per 40 acre minimum parcel size)

AT Agricultural Transition (1 unit per 5 acre to 1 unit per 20 acre minimum parcel size, depending on zoning)

Residential land use designations include:

RR Residential-Rural (0.20-1 unit/acre [1-acre minimum, 5-acre minimum parcel size required in areas lacking public water service])

RL Residential-Low Density (1 unit per 5 acres to 7 units/acre)

RM Residential-Medium Density (7-25 units/acre)

Mixed-use activity center designations include:

TC Town Center (1 unit per 5 acres to 7 units/acre, 0.2 FAR; unit and square foot caps specific to each TC; 10 to 18 units/acre permitted for units meeting certain income restrictions)

RSC Regional Service Center (7-18 units/acre, 0.5 FAR; cap of 3,000 units and 3.5 million square feet)

SPA Special Planning Area (1 unit per 5 acres to 18 units/acre, 0.5 FAR; unit and square foot caps specific to each SPA)

Commercial and Industrial designations:

C Commercial (0.5 FAR)

I Industrial (0.4 FAR)

Open space and resource designations:

OR Open Recreation (5-acre minimum parcel size)

GF General Forest (40-acre minimum parcel size)

MRZ Mineral Resource Zone (40-acre minimum parcel size)

Public designations



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cont.

- Bennett2-1 The commenter states that the Land Inventory of the approved General Plan Housing Element shows potential residential uses in an Agricultural-Transition area adjacent to a Mineral Resource Zone (MRZ) between Sutter Creek and Amador City. The Draft General Plan Land Use Diagram (Exhibit 3-2) referred to by the comment identifies most of Amador County land uses as agriculturally based. The “sliver” of mineral resource zone between Sutter Creek and Amador City was applied to this area in recognition of its location along the historic Mother Lode mineral belt and the potential for future mineral extraction. As described in the Land Use Element of the Draft General Plan, the Agricultural-Transition land use designation includes rural residential uses, ranchettes, and small-scale agricultural uses on a one family per 5 to 20 acre density. Therefore, houses are a permitted use in the area referenced by the comment.
- Bennett2-2 The comment states that the Draft General Plan should not allow housing to be placed in an area where mineral resources may be present, such as the area between Sutter Creek and Amador City. See response to comment Bennett3-19. Also, low density (i.e., 1 unit/40 acres) residential uses may be allowed the MRZ land use designation (see Table LU-1 of the Draft General Plan on page LU-11 and LU-12).
- Bennett2-3 The comment states that a minimum parcel size of 40 acres may be too restrictive for some mineral deposits, and therefore the MRZ land use designation on DEIR page 3-10 (Section 3, “Project Description”) is not appropriate. The minimum parcel size designations listed on page 3-10 of the DEIR are not the minimum sizes for parcels to be designated; rather, they are the minimum size allowed by future divisions of parcels within that designation. Furthermore, this land use designation would not necessarily prevent a future mining operation from occurring on a smaller parcel if it was appropriately permitted. Therefore, the proposed acreage associated with the MRZ land use designation is appropriate.
- Bennett2-4 The comment states that mining underneath other existing land uses is not discussed in the DEIR. The Draft General Plan’s mining policies do not specifically address regulation of mining where mineral rights have been severed from surface ownership. The rights of mineral rights owners versus surface owners are defined primarily by complex case law decisions. For example, a grant or reservation of mineral rights that does not expressly limit surface access carries with it an implied surface easement for reasonable access to allow mineral development. *Wall v. Shell Oil Co.* (1962) 206 Cal.App. 2d 504.
- The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett2-5 The comment attaches text and exhibits from the Draft General Plan and DEIR and contends that either there are anomalies between the documents regarding mineral resources or that the Draft General Plan and EIR represent a position that is “anti-mining.” No “anomalies” exist between the Draft General Plan documents identified in the comment. See responses to comments Bennett2-1 through Bennett2-4. The Draft General Plan and Draft EIR are not “anti-mining.” Furthermore, the County’s Draft General Plan and zoning regulations allow, subject to a Use Permit, the extraction of mineral resources in designations other than an MRZ. In fact, the majority of the County’s existing mines and known mineral resource sites are within other general plan designations (e.g., Agricultural-General, Agricultural-Transition, etc.).



RECEIVED
Amador County

BENNETT3

JAN 29 2015

PLANNING DEPARTMENT

1/29/15

TO: Amador County Planning Department

RE: Feedback on Draft Environmental Impact Report for the General Plan

My comments are attached. While many are of a philosophical nature and regard state requirements we have no control over, many are very specific to the DEIR and to factors under our control. While I was unable to review the entire document, my statements many of which are more general clearly apply to parts of the document that I did not comment upon.

Much of the enclosed material appeared on my blog, *Outside the Ivory Tower*, on Amador Community news and was copyrighted. You have my express consent to reproduce any of the material you wish.

Thank you.

Mark Bennett
mlbennett@volcano.net
(213) 296-5563

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2

RECEIVED
Amador County

BENNETT3

JAN 29 2015

PLANNING DEPARTMENT

Frankenstein Meets the General Plan

After printing out (one sided) the Draft EIR for the General Plan I had a stack almost six inches tall on my desk. Others refer to this as "The 2,000 Pages". All this is in addition to the General Plan itself and to the Housing Element of the General Plan which also must go through a separate EIR process. My first question should appear obvious: Is this expense of money and human effort justified? Historically the EIR processes followed the General Plan/Zoning process so it got tacked on as a separate undertaking given the governmental bureaucratic point of view. But both the modern planning and conservation movements started about a hundred years ago in response to industrialization and rapid urbanization. Aren't both the General Plan and the EIR about essentially the same thing: preventing mistakes? Do we really need two or more studies for the same end?

Ironically this document, a program EIR, exists to "Allow reduction in paperwork" (1-2) and "Avoid duplicative reconsideration of basic considerations" (1-2). To accomplish this end the document, despite being called "general", is very specific. As an example, any development along the Hwy 88 Scenic Corridor would have significant environmental impacts (2-7). So a restaurant, general store, service station or a motel at the entrance to hiking trails would threaten the Sierra scenery. Most people would find that these establishments enhance their enjoyment of the Sierra because of their convenience. An earlier study done before the environmentalists prevented the Ironwood skiing area from reopening found that tourists don't like Hwy 88 because it lacks these conveniences. Unlike the ordinary people enjoying the Sierra, but like the Frankenstein monster, this plan has no human soul. The environment is an abstraction where in all human activity is a threat. But humans have been shaping the environment and acting in symbiosis with it for probably a million years. Their detached attitude gives me chills. This is why Alternative Three-Restricted Growth is the Environmentally Preferred Alternative (2-5, 6).

But despite all these warnings and specific details the EIR for a General Plan process does intend to make future development less controversial since they are conceptually preapproved (1-2). Ideally, this should inhibit the relatively pandemic litigation now plaguing our small county. But the document states: "...unless new information arises that changes the impact analysis" (1-3), "later documents need only focus on new impacts that have not been considered before" (1-4) and "agencies may utilize this..." in "...approval of subsequent implementation activities" including such unsympathetic bodies as the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife and the California Department of Conservation (1-5, 6). The document also states: "...commentators should also focus on the document's sufficiency in analyzing possible environmental impacts" (1-10). So anyone of the well funded environmental elite should have no problem suing and adding unnecessarily to our county's expenses and growing anti-business reputation.

The seemingly benign goal of this entire effort "...is to accommodate population growth, housing and employment in an orderly manner" (2-1, 2). But growth is never orderly. Look at history or into our own lives. We all have experienced periods of expansion (or defeat) followed by periods of consolidation. Orderly growth bears no relationship to reality; it is strictly an intellectual construct. Again, like the Frankenstein monster, or Agenda 21, it has no soul. The document also realizes the improbability of the

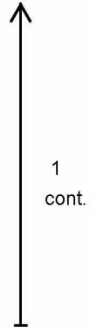
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BENNETT3

plan with: "Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR" (1-3). The EIR for our General Plan is not about guiding growth, but rather from preventing anything from happening. Since anything one would do has an impact, its best to do nothing. Our General Plan EIR is not a plan for development but rather a prescription for paralysis.

Note: The citations given are from the document. As I read through this monster I will post my thoughts since it seems improbable that they can be summarized into a few paragraphs.

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3

JAN 29 2015

Dracula Meets the General Plan

PLANNING DEPARTMENT

Just as the Frankenstein monster has no soul, Dracula survives by draining the life blood of the living. This is an apt metaphor for the Summary of Environmental Impacts and Mitigation Measures at the end of part 2 – Executive Summary of the DEIR for the General Plan. In my last posting I discussed the environmental tragedy of some additional traveler conveniences along the Hwy 88 scenic corridor. Other impacts from that section will now be examined.

2

While nobody wants the vibrate night sky obliterated by artificial lighting, the plan (2-8) describes everyday occurrences as if they were criminal offenses. Several reasonable suggestions for mitigation measures are described, but they all would make having a business or owning a home more complex and costly. But while the plan decries nighttime lights, it proposes stores along a sidewalk for the Pine Grove town center with parking behind the businesses. This effectively doubles the amount of artificial lighting. It seems that ideological concerns for the European style town centers make their sometimes valid, if overstated, environmental goals moot.

2

Another significant environmental impact is the conversion of 307 acres of farmland (2-9, 10) to other uses including mining and public facilities. Certainly welfare offices take up less land than productive facilities that employ people. The hoped for normal growth of the economy now has too significant an impact and is advised to be mitigated with costly measures that help preclude it from happening. One of these is conservation easements. This takes more land away from private decision making and, over time, diminishes opportunity for those who come after us. If you add up all these easements and other similar land control schemes nationwide and place them upon a map, it looks like the aristocratic land tenure system of the Middle Ages, not the modern democracy we still think we live in.

3

The draft General Plan allows some conversion of forest land to other uses (2-11). Not surprisingly this is considered another significant environmental impact that should be met with mitigation measures such as berms, fencing, landscaping and building orientation. So if you want to live in the forest you have to somehow live apart from it. This recalls the abstraction I noted in my prior installment, the direct opposite of our inherent participation in the natural world. The freedom that dies here is not considered, by their way of thinking, a significant impact.

4

The document continues with the significant impacts of construction-related emissions (2-12, 13) including everyday dust. They propose 15 mitigation measures such as suspending work when the wind exceeds 20 mph, a posted telephone number for dust complaints and the use of electric rather than fossil fuel equipment. Of course, there is no cost benefit analysis for these sometimes extreme measures. But the document writers are fulfilling the law and providing the cost benefit decision makers, generally the County Board of Supervisors, a laundry list of options. Here in lies the true danger of this document. Almost every one of the proposed or suggested mitigation measures is the basis for a lawsuit. The case is clear: It was recommended to you and you didn't require it.

5

Air pollution, defined as particulate matter, reactive organic gases and mono-nitrogen oxides, is also a significant impact if anything changes (2-14, 15). Ten mitigation measures are proposed under the title of "Implement Reduction Measures for Discretionary Projects". It seems that your future place of employment or your child's future home are discretionary in their point of view. Some of these measures are beyond the scope of what the County does. While there already is a thriving solar installation business in Amador County and the County has set a good example with the new county building, a new county only solar program is beyond County resources. The document suggests new solar over "unused... ground space" which at least at this point in the document amazingly has no environmental impact. Another measure is having businesses implement telecommuting and flexible work hours, both of which are beyond the purview of what the County does and probably beyond what the county should do as they clearly interfere with one's prerogative to run their business or agency efficiently. This idea ignores the fact that most local enterprise is service oriented and that we do not have huge traffic jams with hundreds of idling vehicles. These concepts appear to be an outside cookie cutter consultant approach and little else.

6
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Some of their measures are simply over the top in terms of cost benefit with a significant downside of hassle and hostility such as: "Enforce and follow limits idling time for commercial vehicles, including delivery and construction vehicles." Are we to have a sheriff's deputy stand there with a timer? Are they to arrive at the enforcement location by bicycle to prevent further potential pollution?

8

Other mitigation measures include bike lanes on our roads and "Promote 'least polluting' ways to connect people and goods to their destinations." While that statement may sound innocuous they are asking us to change our entire way of life, something I consider a very significant impact. If this Count Dracula document were to be literally implemented our new lifestyle would be zombie like.

9

These are a few highlights. More to come...

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RECEIVED
Amador County
BENNETT3
JAN 29 2015

Board of Supervisors Hearing

PLANNING DEPARTMENT

On 12/2/14 the Board of Supervisors and the Planning Commission held a joint hearing on the DEIR for the General Plan. The remarks I read into the record follow:

I am well aware that this overly detailed process is required by the state and that the mistaken choice of AECOM as the consultant was made before all or almost all of the present supervisors and planning commissioners took office. One look at AECOM's web page makes it clear that they are the implementation cadre of Agenda 21 and the new world order. Their disregard for us ordinary people is blatantly apparent. Affordable housing outside of compacted cities or centers and employment opportunities determined by supply and demand seem outside their vision.

10

However, I live in the real world and am fully aware of the time and money spent on this and the related documents. Therefore I understand that aside from some few feasible modifications we all may have to live with this. But putting that and the state requirements aside, I find the General Plan and the Draft EIR to be abominations. As I've reviewed the document I have posted my comments on both Facebook and on my blog, Outside the Ivory Tower. It will all be submitted to the Planning Department by the deadline.

But I wish to take this time to note two factors. First is the assumption that underlies all the reasoning of the DEIR. They believe that humanity is an intrusion upon the natural world and not an intrinsic part of it. The so called natural world is partly the result of human tinkering for possibly a million years. We have been, and are, in symbiosis with the environment. These are not opposing forces. I would also like to add that many in our community would consider this assumption as atheistic.

The other factor is the copious lists of mitigation measures. While the consultants are just doing their job and it is clear that the final trade off decisions rest primarily with the Board of Supervisors, I find this to be a potential laundry list for future litigants. They could simply say it was recommended to you and you didn't do it. Our present outbreak of litigation fever may even be causing a paralysis of far greater danger than an overly restrictive General Plan.

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The Mummy meets the General Plan

The Mummy was buried alive. That is the intent for Amador County expressed in the DEIR for the General Plan. We are to become a park for the Bay Area hi tech environmental elite and our job is to change their bed linen. Timber felling and gold mining would just get in their way. Amador County is a home rule county and intentionally not part of a MPO (Metropolitan Planning Organization) like much of California. Yet we are part of someone else's regional plan in the proposed General Plan DEIR and it's for their benefit, not ours.

Page 2-18 discusses biological resources and special status species. And while humans are not special status species and our needs irrelevant, if the wrong bird flies over your property your project will need to mitigate itself into oblivion. Also endangered are vernal pools, the environmentalist jargon for seasonal puddles. Mitigation measures for these travesties of normal, and hopefully productive, human life include the approval of several government agencies controlled by environmental extremists along with a new county permit process. We, and our future, are being buried alive.

While livestock and all animal husbandry are considered human impacts upon the environment, it seems ironic that the relatively non productive keeping of animals as pets is never considered. The number and variety of lizards around my Pine Grove home have all but disappeared given the profusion of house cats. Pets appear to be a protected class, mysteriously exempt from the rules that govern others.

The document continues with "Substantial adverse effect on riparian habitat, a sensitive natural community" (2-19, 20) and "Substantial adverse effect on lone chaparral, a sensitive natural community" (2-20, 21). While many seem to regard this sensitivity as vital, they ignore that it excludes us extraneous humans. These two adverse effects, and the ones that follows for oak woodland (2-21, 22, 23), all include conservation and related easements as mitigation measures. These land entanglement preserves now cover the United States like the aristocratic land tenure of the middle ages. So to use your land you now have to donate some to interests opposed to yours. Every time a landowner consents to this coercion they increase the power of those who oppose them and the right of private property ownership for everyone. This power relationship reminded me of Karl Marx's definition of the alienated worker whose hard work only makes his profiting "adversarial" factory owner more powerful.

Their discussion of the lone chaparral includes the danger of airborne pathogens from new construction and their effect upon the present plants. As in the discussion of riparian habitat, they see nature as static. But plants in an area change. Nature is dynamic. It is called ecology. But given their overkill micro management DEIR they seem to deny creation and instead prefer to be their own gods. While some may take this as unkind, I say with the greatest compassion to the writers of this DEIR and especially to those who wrote the laws this document enforces: There is treatment available for people afflicted with obsessive compulsive disorder.

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The Invisible Man meets the General Plan

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Just like the Invisible Man could not be seen, we the people of Amador County are not seen or heard in the DEIR for the General Plan except as an intrusion. While fulfilling the mandates of current law, the land use which determines our way of life, our prosperity, our freedom and our values is gone. Being seen or heard is mitigated away. We are secondary to an abstract concept of the natural world.

16

Page 2-22 & 23 contain such stringent requirements for maintaining and replacing oak woodlands one wonders how they ever grew on their own before human intervention. Seeming to come from science's need to freeze the moment for observation, this contradictory static view of a dynamic system prevails. This premise dooms it to failure along with the more obvious affects on the quality of human life. Reality is now invisible.

The "waters of the United States" fill pages 2-23 &24 with that edict from the Environmental Protection Agency never approved by Congress. "The government overreach from this rule would extend beyond farms to affect businesses, homes, schools, churches-any place built on land where water runs through after a heavy rain," said Jimmy Parnell, president of the Alabama Farmers Federation. The mitigation required by the United States Army Corps of Engineers is both complex and costly. It is so extensive that if one were to complete all the paperwork the eye strain alone may require an additional ophthalmologists' exam afterward. So if you want to build a home or business that may get wet I suggest you become invisible.

17

Cultural Resources follow on pages 2-25 to 27. While no one wants to trash these resources, people have lived in Amador County for millenniums so almost anything could be considered a cultural resource. The map on page 12 of the Draft General Plan's Conservation Element shows Cultural Resources Sensitivity to encompass about a third of the county if you exclude the forested high country. I wonder how much a no growth attitude affected the judgment calls made for this map and the related extensive state and federal laws. Their text cites historic buildings, structures, objects, landscapes or sites. If destroyed the cultural resources can be documented, but the documentation versus feasibility of preservation decision required could induce a frenzy for future litigants.

18

The Mineral Resources zoning is documented on page 2-19. The DEIR says little except to cite state law. The proposed General Plan says, "Ensure extraction and processing of mineral resources and aggregate deposits may continue. Encourage extraction and processing of mineral and aggregate resources" (page E-29, Economic Development Element). The Mineral Resources Zone map of this same plan, page 15 of the Conservation Element, shows vast resources and clearly delineates the mother lode. Yet the Housing Element, already passed by the Board of Supervisors as a required separate item, shows home sites atop possible gold mines between Sutter Creek and Amador City on page 51. Our usually scrupulously detailed DEIR appears to neglected mineral resources when it fits into their designs to compact our population.

19

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Part of the reason for this is the overriding fear of global warming caused by greenhouse gases. This absolute fraud, enshrined in state law, consumes pages 2-30 to 33. Many of the migration measures only make sense, if at all, in large cities. Call it their expensive cookie cutter approach or something more deliberate, but the DEIR has us as invisible by exhibiting no appreciation for or respect of our rural way of life. Any masochist is free to read their list of restrictions. Rather than global warming I fear we have entered an intellectual ice age.

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The Werewolf Avoids this General Plan DEIR Critique

Despite the monstrous nature of the General Plan's DEIR, the Werewolf has deferred judgment since it depends upon the wolfs bane blooming. While traditionally used to kill wolves or whales this toxic plant's American variety, the trailing wolfs bane, is an endangered and/or threatened species in Tennessee and surrounding areas. So when the moon is full the Werewolf needs his stuff and his wolfs bane is protected. Fortunately the DEIR protects us against hazardous materials (2-36) by proposing "identifying businesses using, storing, and/or transporting hazardous materials." Sounds real good, but it all depends upon who and what defines hazardous materials. How many of our old paint cans and fluorescent light bulbs are hazardous materials?

21

The frightening prospect of forest fires is contained on page 2-37. Mitigation measures include "using fire-resistant materials, installing sprinkler systems, and providing on-site water supplies for firefighting" and "impact fees". No mention is made of the possible carcinogenic nature of many fire-resistant materials. I find sprinkler systems to be ugly and to have them in my home, my most private and personal space, would be a grim reminder of state power's ability of invasion like a computer chip in my palm would be. No concern is voiced that each new requirement costs money and prices more and more people out of home ownership. Since growth is nonexistent today, except for perhaps for some lawsuits, it can only intend to slowly force us into town center apartments under someone else's control. Any trade off decision, or individual freedom to chose where one lives or assess their risk, is gone. Once again, their static natural world/ forest concept sees people as only a hostile intrusion. Their underlying assumption is laid bare because they completely ignore thinning the forests in the high country. We all know that a summer lightening strike fire spreading into the Upcountry is a real possibility.

22

Water quality concerns pages 2-38 to 2- 42. Their proposals include "...climate appropriate landscaping..." and "reduced pavement cover, permeable pavement, and drainage features which increase infiltration and groundwater recharge." These ideas seem to flow from the assumption that our rainwater belongs to the San Joaquin Valley aquifer and that it isn't ours. Forget the graciousness of guest parking on your property. Given our clay soils permeable pavements will just trap moisture near structures rather than allowing it to run off into more porous soils. "...to reduce adverse hydrology and water quality impacts by limiting the quantity and increasing the water quality of runoff flowing to the County's streams and rivers" they propose that "This program will incorporate stormwater management programs for agricultural land." They seem to assume that farmers and ranchers callously let their top soil disappear. I would consider this an insult.

23

So much of this DEIR depends upon the global warming hoax that carrying their logic forward I wonder what the Environmental Impact Report for having a child will entail? Will the stress of the process cause a miscarriage? How much CO2 does a pile of pampers emit? Can we mitigate this by killing our parents the way people did before the Ten Commandments said Honor thy Father and thy Mother?

8

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The DEIR Nightmare Continues

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All the monsters are back in their film cans but the DEIR nightmare continues. If you haven't yet chocked to death on greenhouses gases, pages 2-44 to 47, remind us of the nuisance of noise. While no one wants excessive noise, the concept of tolerating it for a relatively short periods of time for an obvious benefit seem absent from their analysis. Real life is diminished by their supreme reason for a preconceived version of the public good. This logic continues with fatherly protection from construction vibration. "...mitigation...based on the project's anticipated vibration would be determined during project-specific CEQA review." How soon does the 'when is enough moment' come when we can't afford to do anything anymore or have we already passed that? What are the unable to mitigate significant impacts of freezing the economy and relegating the American dream to history books?

24

We are further informed on page 2-49 that we have "...uncertainties related to future water supplies..." Assuredly we understand that without adequate future water we will all have a wild and scenic time.

25

The obvious need for increased fire protection with any increase in population (2-54 to 55) leaps from that necessity to mitigation which proposes "In order to evaluate and maintain the effectiveness of County services, The County will develop service standards for library, public safety, fire response, emergency services, human, and social services. Actual performance will be compared to these standards on an annual basis, and results presented to the Board of Supervisors with recommendations for action if necessary." Isn't this a regular, ongoing function of government? And what new group of pension rich agenda driven civil servants will staff this watchdog agency? And what is the real implication of substituting arbitrary standards for the assumed mature judgment of the people we elected to govern us? How this document leaps via the environmental review process from a needed general plan concern to a new means of social control smacks of the statements of leaders about public safety and such in countries presumed to be far different than ours. Calling this DEIR monstrous is not a metaphor.

26

This section from page 2-57 onward deals with traffic. Along with the regular impact fees for highways, mitigation must include "alternative transportation" (2-57) which is defined as "...pedestrian, bicycle, transit, and neighborhood electric vehicles..." (2-61). While I have seen new big city developments that didn't provide any reasonable sites for bus stops, most of this has little implication for county areas. The text again reminds me that this DEIR is often just expensive cut and paste.

27

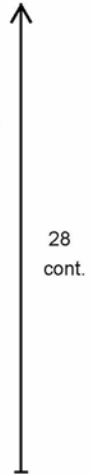
Part Three, the Project Description calls "...for providing adequate housing, including action programs" (3-1). This theme continues with "Project Objective 9: Maintain and enhance access to services, including health services, emergency services, quality child care and senior services, and educational opportunities for children and adults" (3-5). So a general plan for land use has morphed in a social policy plan that goes as far as to pretend to define quality care. How did this happen and who was responsible? A government social policy plan, by necessity, must be secular. The vital child care provided by churches, as just one example, is not in their equation.

28

Objective 2(3-4) pushes both sensible in fill development and the medieval village style town centers. The freedom to live where you want, except for the most affluent, is gone. Has the frontier saying that it's time to move on when you see the smoke from your neighbor's chimney been forgotten? Is part of our very spirit dissolving? "Encourage development of higher-wage jobs and support business, especially locally-owned and unique businesses" states Objective 4 (3-5). While that all sounds good it ignores the obvious. Any significant employment creator requires capital from outside the county. Presently those investors are greeted with a lawsuit rather than a handshake and legislative uncertainty about future water supplies.

"Accommodate the most recent population growth, housing, and employment projections in an orderly manner," states Objective 3. But life and its reflections in economic activity and housing demand is never orderly. How many leaders of the 20th century valued order above all else?

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Land Use Control or Just Control?

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The Draft Environmental Impact Report for our General Plan continues with Project Characteristics (3-5) which informs us that in addition to the separate Housing Element, the General Plan and its EIR, there is also a Draft General Plan Implementation Plan. This is “a separate document that will guide the County’s elected officials, staff, and the public when putting the adopted General Plan goals and policies into practice...translate...from general terms to specific actions.” The planning profession may not have contributed much to making our communities better, but it has excelled at convincing law makers that its expensive services are essential and endless.

29

Starting on page 3-6 and continuing until page 3-13 is a discussion of the Land Use Element. Anyone reading this document by now has realized that it is series of outlines of outlines. This seems reminiscent of the time of Charles Dickens when writers were paid by the word. Only in this case it is us, the taxpayer, who pays the bill. The social policy elements persist with “quality child care” and “accessible health care”. I wonder if accessible health care bares any resemblance to our current “affordable” health care? Prior to development it must be ensured that “adequate water supply, wastewater treatment, and public services are available” (3-6). Does this mean that capital, either public or private, must be expended long before any possible benefit? This certainly succeeds in making everything more expensive since the value of money is measured in time. Imagine building this infrastructure for a development and then having it sit there during the almost inevitable lawsuit. This provision seems absurd anyway, since who would move into a home or open a business without running water, etc. However, if one wants to limit growth and feels that subterfuge is acceptable than this provision is loud and clear.

30

The Town Center squeeze continues with a tightly defined Pine Grove of 360 acres (3-12) planned for an additional 230 units (commercial and residential) added to the existing 250 units (3-11). These can be 10 to 18 units/acre for units meeting certain income restrictions (3-10). Since this provision obviously refers to housing, perhaps the frightful prediction of the anti Dollar General folks of a Pine Grove ghetto will materialize.

31

They also propose homes between Amador City and Sutter Creek to further compact the population despite stating “Enhance and maintain separate and distinct community areas within the County” (3-6). As I previously posted these home sites, unless they are just grandfathering existing homes, are atop the mother lode as shown in the Housing Element (pg 51)and the mineral resources zone map in the Conservation Element (pg 15). While comparing the minerals resource map with the 10,622 acres (3-9) allotted to “Expected Development” with an unchanged number of units something seems askew. Or perhaps the 10,622 acres is just their self fulfilling projection of what won’t happen?

32

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Joint Hearing of the Amador County Board of Supervisors and Planning Commission on the Draft Environmental Impact for the General Plan, 1/20/15

Remarks of Mark Bennett, Pine Grove

My comments on the DEIR have been posted on my blog, Outside the Ivory Tower on Amador Community News, and also linked to Facebook. They will all be submitted in writing to the Planning Department by the 1/30 deadline. I would like to take these few minutes to discuss a few possible inconsistencies in the plans and have prepared a packet that I hope makes this easier for all concerned.

33

Page 3-6 of the DEIR states "Enhance and maintain separate and distinct community areas within the Country." This is followed through, on the next page, with an Agricultural Transition Zone between Sutter Creek and Amador City with a sliver of a Mineral Resource Zone. Yet page 51, the Land Inventory of the already approved Housing Element, shows potential housing sites there. Perhaps some grandfathered homes are creating this anomaly, I do not know.

These home sites sit atop the mother lode according to the Mineral Resource Zones map on page 15 of the Conservation Element of the proposed General Plan. Yet the Economic Element of the proposed General Plan states, on page E-29, "Ensure extraction and processing of mineral resources and aggregate deposits may continue. Encourage extraction and processing of mineral and aggregate resources." This theme continues in the DEIR on page 2-29 that says "Loss of Availability of Known Mineral Resources. Buildout of the Draft General Plan could result in construction of new residential dwellings or non-residential uses in areas near existing or potential future mineral resources. This impact would be significant."

34

Isn't this entire planning effort to prevent problems such as this? Aren't the mineral resource designations due to the Jamestown mine fiasco in Tuolumne County?

Despite the mapping of large areas of mineral resources the DEIR only shows "Expected Development" of 10,622 acres with no expected increase by 2030 on page 3-9. This appears to coincide with the Economic Development Opportunity Sites map on page E-9 of the proposed General Plan. But page 3-10 of DEIR document requires a 40-acre minimum parcel size for mineral extraction. While that parcel size may include desirable buffer zones it may also be too restrictive for some mineral deposits. Also the issue of mining underneath other land uses, where the mineral rights are already owned, is not discussed unless I have not read far enough through these voluminous pages.

35

Perhaps there is something I have missed in these plans or perhaps something is askew. Or perhaps we have, in reality, an anti-mining General Plan and DEIR? So I am asking, on behalf of our economic future, for clarification of what appear to be anomalies in these documents.

36

3.6.1 LAND USE ELEMENT

The Land Use Element describes the economic, social, physical, and cultural aspects of the planning area. Determining the future location, type, and intensity of land uses, and establishing the desired mix and relationship between land uses are the primary objectives of the element. The proposed land use designations identify the types and nature of development permitted throughout the planning area.

Pursuant to state law, the Land Use Element includes a land use diagram, depicting the types, locations, and intensities of current and future land uses within the planning area. The planning area includes the unincorporated portion of Amador County as illustrated in Exhibit 3-2, "Draft Land Use Diagram." Table 3-1, "Expected Development under the Draft General Plan" compares the expected development resulting from long-term implementation of General Plan policy to existing (2009) land use conditions. The expected development presented in Table 3-1 assumes a population of 25,241 in the unincorporated area of the County in 2030, based on Department of Finance projections for the County as a whole. The existing General Plan development capacity is compared to the development capacity of the proposed project within the discussion of Alternative 1 in Chapter 5, "Alternatives." Although the data presented in Table 3-1 capture the vast majority of the physical changes under the Draft General Plan that could cause environmental impacts, other changes, including improvements to roadways, utilities, and public facilities and infrastructure, could also occur and are considered in the EIR impact analysis.

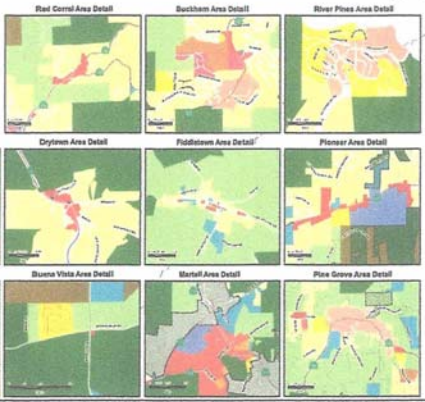
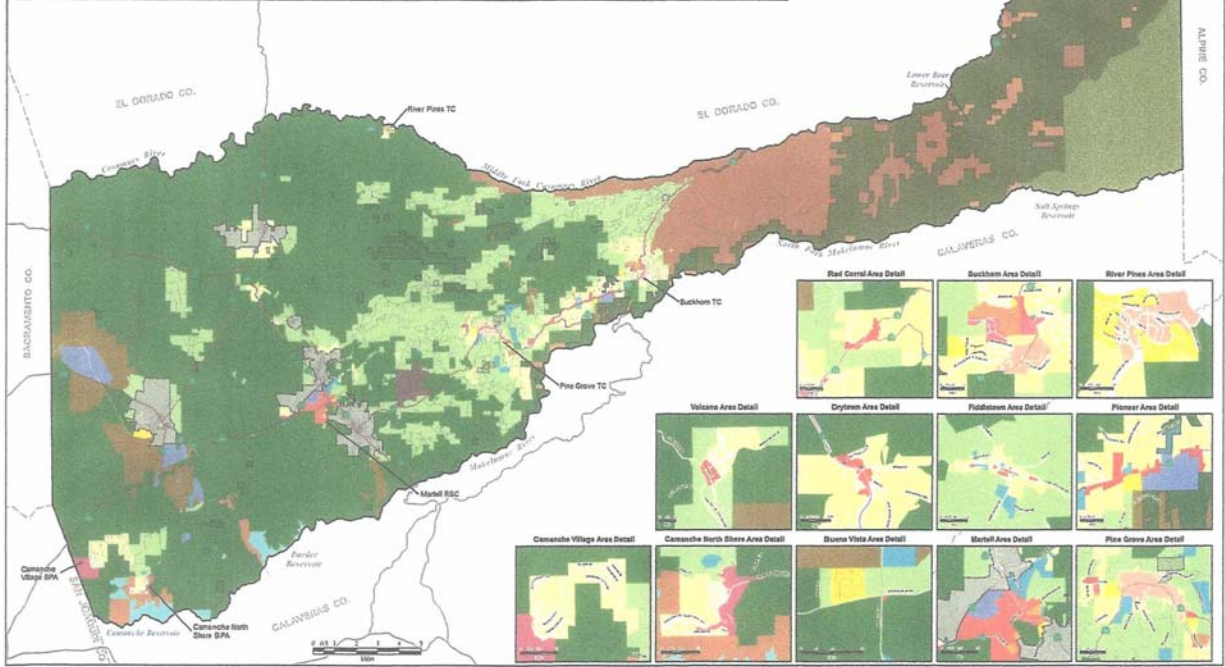
Land Use Element goals consist of the following. The Draft General Plan includes a set of policies for each goal.

- ▶ Attain a diverse and integrated mix of residential, commercial, agricultural, industrial, recreational, public, and open space land uses.
- ▶ Enhance and maintain separate and distinct community areas within the County.
- ▶ Ensure the provision of effective law enforcement, fire, emergency medical services, and animal control throughout the County.
- ▶ Ensure adequate wastewater treatment, storage, and disposal capacity exists to serve the County's current and future demand.
- ▶ Maintain efficient solid waste service.
- ▶ Ensure that adequate water supply, wastewater disposal, and public services are available prior to development.
- ▶ Ensure the provision of accessible health care services.
- ▶ Maintain high quality child care facilities, schools and libraries.
- ▶ Ensure that land is available for future cemetery use
- ▶ Guide future residential and local commercial uses into established cities and unincorporated Town Centers.
- ▶ Focus services that cater to a regional market in Martell.
- ▶ Reduce fire risks to existing and future structures.
- ▶ Maintain compatible land uses in the vicinity of Westover Field.

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AMADOR COUNTY GENERAL PLAN
Exhibit 3-2
Land Use Diagram

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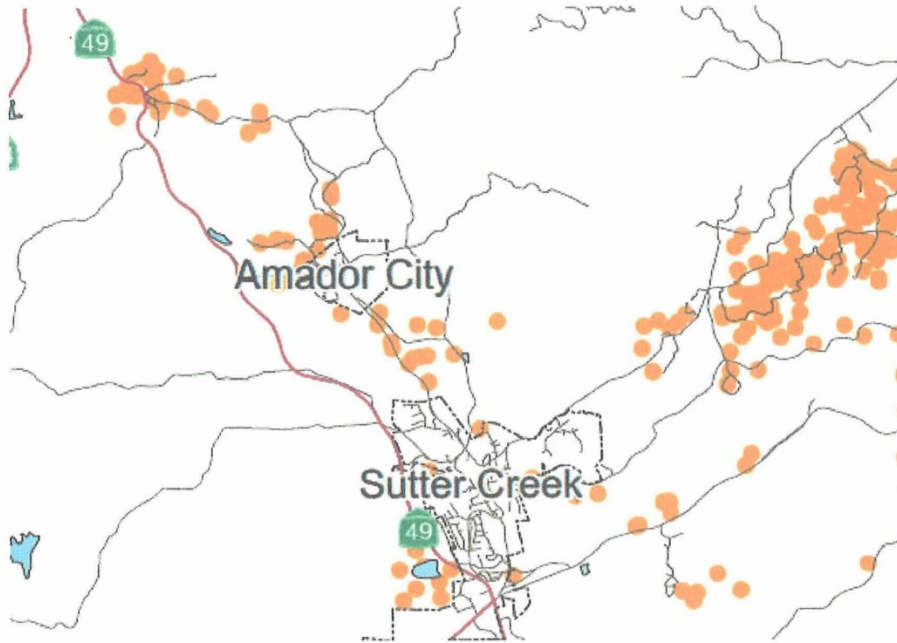


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| | | | | | | |
|------------------------------|--------------------------------------|---------------------------------|------------------------------|---------------------------------------|-----------------------------------|---------------------|
| Agricultural Uses | Resources and Open Space Uses | Non-Jurisdictional Areas | Residential Uses | Industrial and Commercial Uses | Mixed-Use Activity Centers | Public Uses |
| Agricultural Transition (AT) | Open Recreation (OR) | Urban Planning Area (UPA) | Rural Residential (RR) | Commercial (C) | Town Center (TC) | Public Service (PS) |
| Agricultural General (AG) | Special Forest (SF) | Water Trust Lands (WTL) | Residential Low Density (RL) | Industrial (I) | Regional Service Center (RSC) | Federal Land |
| | Open Forest (OF) | | Residential Medium (RM) | | Special Planning Area (SPA) | Water |
| | Open Wetlands (OW) | | | | | City Link |
| | Wetland Resource Zone (WRZ) | | | | | County Boundaries |

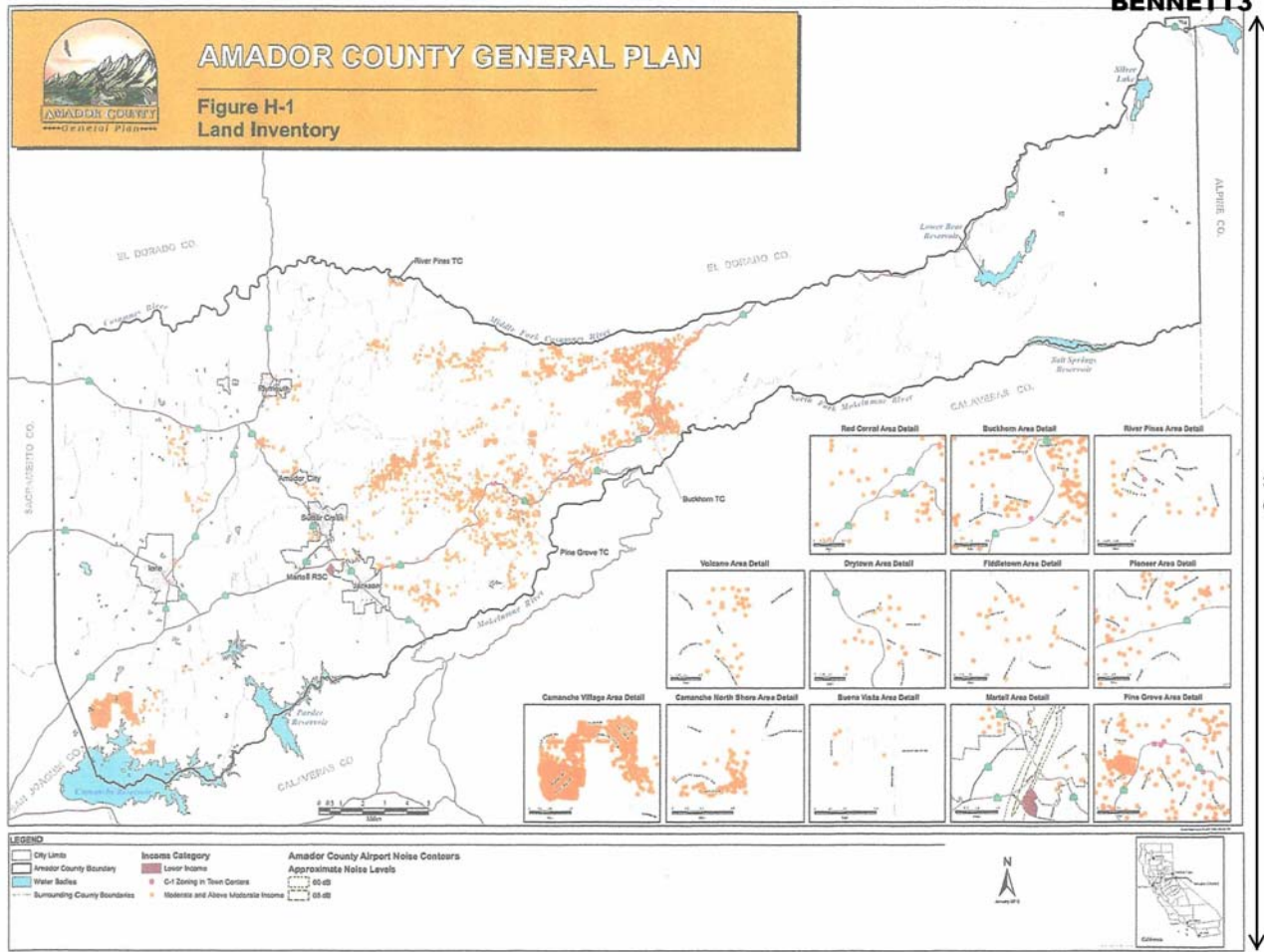
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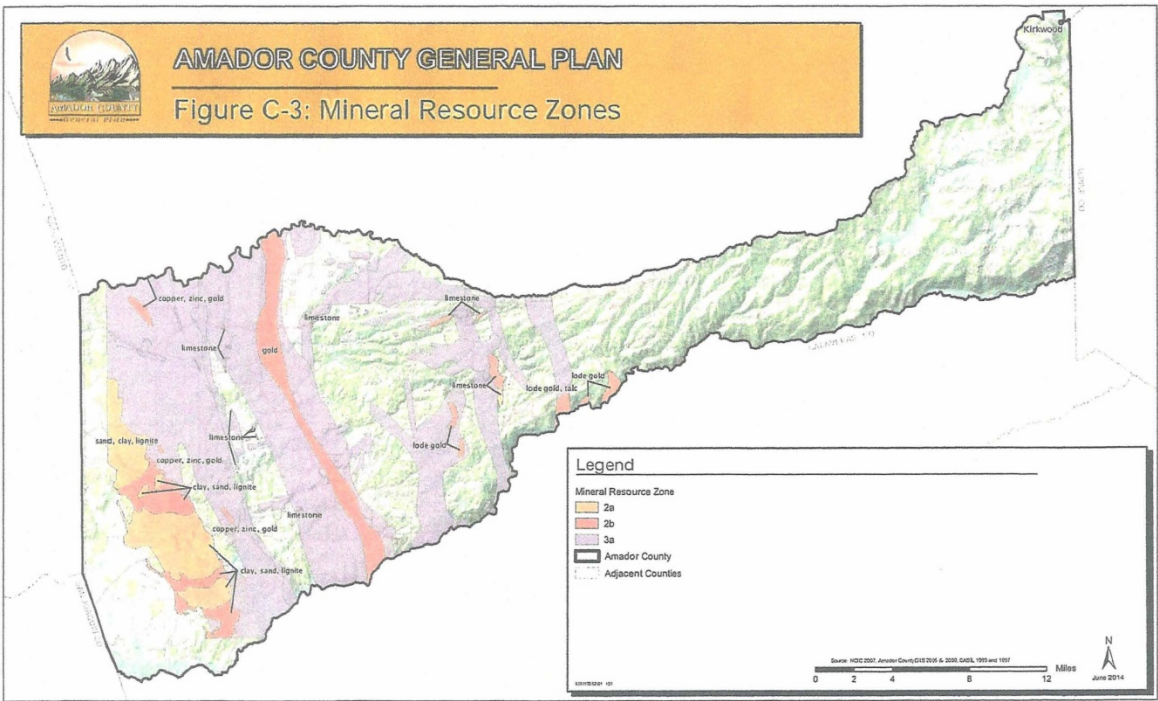
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- Policy E-12.2: Maintain Timber Production Zone (TPZ) areas as a renewable source of timber and wood products.
- Policy E-12.3: Encourage value-added activities (such as sawmills, cogeneration plants, timber-based manufacturing, and other uses) which contribute to the economic viability of timber production.
- Policy E-12.4: Protect timber resource areas from encroaching incompatible uses.

Comment [DWS22]: Text edit for clarity proposed by Staff.

Mineral Resources

Mineral production has been an important part of Amador County's economy and culture since the County's founding. Goal C-4 ("Maintain the viability of mineral and aggregate resources and production in the County") and associated policies in the Conservation Element are intended to protect the continued economic viability of mineral resource production. Amador County's mineral resources include (among others) clay, sand, gravel, aggregate, quartz sand, copper, silver, gold, soapstone, marble, slate, greenstone, river rip rap, road base, limestone, sandstone, zinc, chromite, talc, lignite, and diamonds.

- Goal E-13: Maintain the viability of mineral and aggregate resources and encourage mineral and aggregate resource production in the county.
- Policy E-13.1: Ensure extraction and processing of mineral resources and aggregate deposits may continue. Encourage extraction and processing of mineral and aggregate resources.
- Policy E-13.2: Promote the expansion or greater utilization of Amador County's mineral and aggregate resources.
- Policy E-13.3: Promote value-added manufacturing and processing of Amador County's minerals.
- Policy E-13.4: Guide development away from areas where mineral and aggregate extraction is currently occurring and where resources are known to exist. Consider the location of known resources when approving new development.
- Policy E-12.5: Develop standards for exploration, development, and reclamation activities associated with mineral extraction projects.

Comment [DWS23]: Text of policy edited to simplify.

Comment [EGB24]: Moved policy to programs

Comment [DWS25]: Existing Industrial Development Policy added with slight modifications.

Industrial Development

Industrial uses in Amador County range in size and type from machine shops to major natural resource processing facilities. Because of this range, the County has identified broad intentions and general priorities for industrial development.

36
cont.

Amador County General Plan DEIR
County of Amador

2-29

AECOM
Executive Summary

| Table 2-2 Summary of Environmental Impacts and Mitigation Measures | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Impacts | Significance Before Mitigation | Mitigation Measures | Significance After Mitigation |
| <p>4.6-6: Construction in Areas with Expansive Soils. Implementation of the Draft General Plan would result in construction of occupied structures in areas with expansive soils, but existing County regulations and the CBC would reduce effects. This impact would be less than significant.</p> | LTS | No mitigation measures are required. | LTS |
| <p>4.6-7: Construction in Areas with Soils with Poor Septic Suitability. Residential dwellings and non-residential uses implementing the Draft General Plan could result in construction of occupied structures in areas with soils poorly suited to septic systems. Should septic systems be used in these areas, implementation of existing regulations would require use of best practices for septic systems. This impact would be less than significant.</p> | LTS | No mitigation measures are required. | LTS |
| <p>4.6-8: Loss of Availability of Known Mineral Resources. Buildout of the Draft General Plan could result in construction of new residential dwellings or non-residential uses in areas near existing or potential future mineral resource development, potentially affecting the availability of mineral resources. This impact would be significant.</p> | S | <p>Mitigation Measure 4.6-8a: Implement P Program P-9, Mineral Resource Management</p> <p>In order to ensure extraction and processing of mineral resources and aggregate deposits may continue, the County will regulate land uses in Mineral Resource Zone 2 areas to ensure compatibility between mineral extraction, and surrounding existing and planned uses.</p> <p>Mitigation Measure 4.6-8b: Implement Program D-1a(13), Development Project Evaluation</p> <p>The County will review proposed projects for consistency with goals, policies, and implementation programs of this general plan.</p> <p>► Evaluation criteria for discretionary development proposals include:</p> <ol style="list-style-type: none"> 1. The County will evaluate development proposals for compatibility with nearby mineral extraction activities and mapped resources to reduce or avoid the loss of mineral resource availability. | LTS |

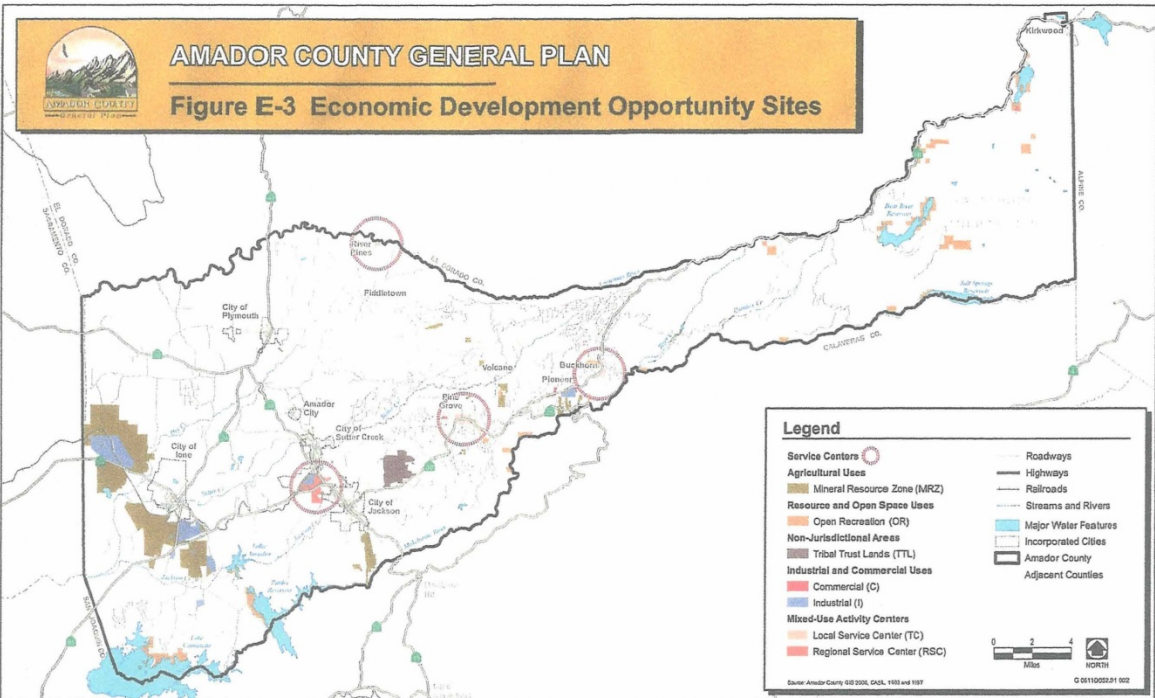
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NI = No Impact LTS = Less than Significant S = Significant PS = Potentially Significant SU = Significant and Unavoidable

| | Acres | Minimum du/ac | Maximum du/ac | Expected du/ac | FAR | Average FAR | Existing Units | Existing Square Feet | 2030 Units | 2030 Square Feet | Change from Existing |
|-------------------------|---------|---------------|---------------|----------------|-----|-------------|----------------|----------------------|------------|------------------|------------------------------|
| Agricultural General | 191,328 | | 0.025 | 0.015 | | | 1,921 | | 2,019 | | 98 units |
| Agricultural Transition | 39,799 | 0.05 | 0.2 | 0.15 | | | 3,720 | | 3,854 | | 134 units |
| Commercial | 311 | | | | 0.5 | 0.09 | | 368,750 | | 570,000 | 201,250 sq ft |
| General Forest | 29,850 | | 0.025 | 0.002 | | | 50 | | 50 | | -- |
| Industrial | 2,971 | | | | 0.4 | 0.015 | | 500,000 | | 1,500,000 | 1,000,000 sq ft |
| Mineral Resource Zone | 10,622 | | 0.025 | 0.005 | | | 24 | | 24 | | -- |
| Open Forest | 56,205 | | | | | | | | | | |
| Open Recreation | 6,099 | | 0.2 | 0.01 | | | 50 | | 52 | | 2 units |
| Open Wilderness | 22,238 | | | | | | | | | | |
| Public Service | 1,051 | | | | | | | | | | |
| Residential Low Density | 461 | 0.21 | 7 | 3.5 | | | 1,385 | | 1,426 | | 41 units |
| Residential Medium | 61 | 7 | 25 | 18 | | | | | 71 | | 71 units |
| Rural Residential | 9,499 | 0.2 | 1 | 0.5 | | | 3,600 | | 3,741 | | 141 units |
| Regional Service Center | 679 | 7.1 | 18 | | | | 15 | 1,080,000 | 450 | 3,500,000 | 2,420,000 sq ft, 435 units |
| Special Planning Area | 1,106 | 0.2 | 18 | 7 | | | 509 | 18,550 | 974 | 30,000 | 11,450 sq ft, 465 units |
| Town Center | 540 | 0.21 | 7 | 4 | | | 405 | 314,000 | 703 | 585,000 | 271,000 sq ft, 298 units |
| Tribal Trust Lands | 1,384 | | | | | | | | | | |
| Urban Planning Area | 7,458 | | | | | | | | | | |
| Water | 2,899 | | | | | | | | | | |
| Right-of-Way | 3,313 | | | | | | | | | | |
| Grand Total | 387,874 | | | | | | 11,679 | 2,281,300 | 13,364 | 6,185,000 | 3,903,700 sq ft, 1,685 units |
| Population | | | | | | | 22,123 | | 25,241 | | 3,118 |

Notes: du/ac=dwelling units per acre; FAR=floor area ratio
 Projected dwelling units for 2030 are based on the projected population of 25,241 (DOF 2013), 2,274 people/household (DOF 2009), and 16.94% vacancy rate (DOF 2009).

36 cont.



36 cont.

LAND USE DESIGNATIONS

Each General Plan land use designation generally describes the intended land uses and establishes a permitted range of density or intensity of development. Amendments to the County zoning ordinance following General Plan approval will specify the permitted uses for each category as well as the applicable development standards. The maximum allowable density or intensity on any individual parcel may be affected by such factors as the physical characteristics of a parcel, access and infrastructure issues, and compatibility considerations. Dwelling unit (du) per acre (du/acre) densities are established for residential, agricultural, and open space designations, and floor area ratio (FAR) intensity ranges are identified for Commercial and Industrial designations. For Town Center and Regional Service Center designations, both densities (du/acre) and intensities (FAR) are established. In cases where a range is established, the minimum value represents the least intense land use permitted within the area, while the maximum value represents the most intense land use permitted.

Agricultural land use designations include:

AG Agricultural General (1 unit per 40 acre minimum parcel size)

AT Agricultural Transition (1 unit per 5 acre to 1 unit per 20 acre minimum parcel size, depending on zoning)

Residential land use designations include:

RR Residential-Rural (0.20-1 unit/acre [1-acre minimum, 5-acre minimum parcel size required in areas lacking public water service])

RL Residential-Low Density (1 unit per 5 acres to 7 units/acre)

RM Residential-Medium Density (7-25 units/acre)

Mixed-use activity center designations include:

TC Town Center (1 unit per 5 acres to 7 units/acre, 0.2 FAR; unit and square foot caps specific to each TC; 10 to 18 units/acre permitted for units meeting certain income restrictions)

RSC Regional Service Center (7-18 units/acre, 0.5 FAR; cap of 3,000 units and 3.5 million square feet)

SPA Special Planning Area (1 unit per 5 acres to 18 units/acre, 0.5 FAR; unit and square foot caps specific to each SPA)

Commercial and Industrial designations:

C Commercial (0.5 FAR)

I Industrial (0.4 FAR)

Open space and resource designations:

OR Open Recreation (5-acre minimum parcel size)

GF General Forest (40-acre minimum parcel size)

MRZ Mineral Resource Zone (40-acre minimum parcel size)

Public designations

36
cont.



JAN 29 2015

Freedom Disappears in the General Plan DEIR

PLANNING DEPARTMENT

In the Open Forest zone (3-11) no residential use is permitted. So if you wanted to live in the forest, for whatever personal meaning or desire it holds for your individual self, that right is gone. Despite the extensive length of this document and the copious appendices, I could not find the Environmental Impact Report Daniel Boone filed when he crossed the Cumberland Gap. But if you want to kill freedom, it's better to forget our traditions.

The text continues with "new mixed use development" in the Martell Regional Service Center and the town centers (3-11) which will include up to 160 new housing units in Buckhorn added to the 90 housing units that currently exist there. Martell should have "creative future development" and River Pines should have "commercial uses focused on providing tourist services" (3-12). Who defines creative is left unanswered and I shudder to think it could be decided by the same types who wrote this document. Also I wonder if a River Pines resident that decides to open a business unrelated to tourism will have to somehow mitigate his former marketplace freedom.

37

Referring to the Town Centers as medieval villages is not a metaphor. People in Europe lived in crowded villages and left in the morning to farm plots surrounding the village. But when these people came to America they moved onto their land, generally building their homes in the middle of their property, and ditched the more restricted land use and communal living style of Europe. This is a fundamental historic difference between Europe and America that the planners want to relegate to the dustbin of history to whatever extent possible.

38

Our freedom to travel where we want will be governed by Transportation Demand Management which the Federal Highway Administration defines as "Road Pricing, Parking Management and Parking Pricing, Car Sharing, Pay-as-You-Drive Insurance, Ridesharing and HOV Lanes, Transit Incentives, Transit Improvements and Telework" along with Transportation System Management (3-13). The FHA defines this as including "Traffic Signal Optimization, Ramp Metering, Incident Management, Speed Limit Reduction and Enforcement, Roundabouts, Capacity Expansion, Resurfacing Roads and Alternative Construction Materials." Out of these two laundry lists some are givens such as speed limit enforcement and the only others of traffic signal optimization, capacity expansion, resurfacing roads and alternative construction materials make sense for us. The rest should be discarded from this plan's DEIR. Ironically for the no growth and CO2 fearing folks, resurfacing roads and alternative construction materials partly depend upon having the Newman Ridge project operational.

39

The Economic Development Element's first goal (3-17) is to "Develop and maintain a favorable business environment in the County." Exactly how a 2,000 or so page DEIR of restrictions and mitigations help accomplish this appears somewhat contradictory doesn't it? But someone that convinces you they are helping you while they are hurting you would make Machiavelli proud.

40

One of the goals of the Conservation Element is "Reduce energy use and promote renewable and locally available sources of energy" (3-18). Solar energy requires sunlight. A good example is the creamery in

41

BENNETT3

Pine Grove. Maximum sunlight reaches their roof from the open sky area created by their parking lot in front, Hwy 88 and then the parking lot across the street. But the Town Center plan wants parking behind the businesses with store fronts facing a sidewalk along the highway. The shadows this may cast across solar cells seem ignored. It appears more important to advocate and plan for both politically correct solar and town centers than understand the consequences of their specific and sometimes contradictory schemes.

↑
41
cont.

Proceeding to Aesthetics in Section 4, Environmental Impact Analysis it states in relation to the National Scenic Byways Program "...increase public understanding of national forests...sustaining ...ecosystems... ensure that people remain socially connected to public lands...contribute to the Nation's overall scenic byways efforts." So now our General Plan to guide land use has become a publically sanctioned and funded propaganda device to promote a certain limited point of view.

↑
42

Whole sections such as Governance that don't belong here as a replacement ballot box, have been skipped as I've only hit some highlights. This document is rather long for a suicide note even for a whole county, but it effectiveness may lie in trying to tire us out and giving up or perhaps even scaring us into believing that freedom shouldn't stand in the way of their abstract, static and deified environment.

↑
43

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12

BENNETT3

DEIR: The Lords of Taste

As I proceed through this document it becomes denser and even more specific. "The analysis of potential visual impacts... (including)...valued qualities of the affected environment (4.1-3) ...designated in plans and policies for protection or special considerations...including, but not limited to, trees, rock outcropping, and historic buildings within a state scenic highway (4.1-4)". Aside from that section of Hwy 88, the planners want to extend these considerations to the rest of Hwy 88 and to "...SR 16, SR 49 ... and Ridge Road (4.1-4)" and also apply their aesthetic judgment to things that "... improve the visual character of new land uses (4.1-7)" and projects that "...substantially degrade the existing visual character or quality of the site and its surroundings... (4.1-4)". Who defines surroundings? Note the expressions *valued qualities*, *special considerations*, *improve the visual character* and *existing visual character*. These all have subjective qualities. This is not the concept of law or the image of blind justice most Americans see as the bedrock of our way of life.

44

Their dangerous subjectivity continues with the Town Centers are "...to conform to a physical model similar to traditional rural towns (4.1-5)". Not that long ago some people believed that maintaining a traditional rural town meant racially segregated areas. Fortunately that has changed. Our culture and our personal lives are all in constant flux and this naturally would be reflected in the built environment. This concept of stasis, like the concept of orderly growth, is unnatural. By their very nature they can only cause problems. I consider these assumptions to be a far greater significant impact that their alleged significant environmental impacts. The awareness that most people would consider an additional restaurant, gas station, etc along Hwy 88 as a convenience totally escapes them. And none of this has anything to do with preventing the real environmental hazard of pollution or even protecting so called endangered species.

45

Next are the "Increase in Light and Glare and Skyglow Effects...from development of urban land uses (4.1-7)". While this increase is partly caused by the plan's intent of crowding us into dense settlements, it must also be mitigated. Their proposed measures include "Exterior building materials on nonresidential structures shall be composed of a minimum 50% low-reflectance, non-polished finishes (4.1-8)". The *shalls* were eliminated from the General Plan and replaced with *shoulds* by action of the Board of Supervisors. But they have mysteriously reappeared in the DEIR for that plan.

46

This "significant and unavoidable" impact of urban areas night time light can also be mitigated by "Bare metallic surfaces (e.g., pipes, vents, light fixtures) shall be painted or etched to minimize reflectance (4.1-8)". These measures are to be implemented "...to the maximum extent practicable... (4.1-8)". But the most practical among us would assume, accept and in some cases desire the urban areas to be well lit.

47

Except for putting the Board of Supervisors on the decision making hot seat of endless potential litigation, a discussion of cost versus benefit appears absent. Also missing is the common sense understanding that the harder you make it for someone to do something the less likely it is to happen. Standards of living will decrease as innovation decreases. What if the work of Bill Hewlett and Dave

48

BENNETT3

Packard in their rented Palo Alto garage with occasional finishing touches done in a home oven wasn't permissible?

↑ 48
cont.

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Bennett3-1

The comment provides various personal opinions regarding the DEIR such as length, cost, and intent. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-2

The comment states that the Draft General Plan proposes development standards that would effectively double the amount of nighttime lighting in the Pine Grove Town Center, and that although mitigation measures are described, they would make owning a home or business more complex and costly. One of the purposes of the Draft General Plan is to accommodate projected growth in the county. Additional development invariably results in an increase in nighttime lighting. CEQA requires that a lead agency identify and implement feasible mitigation measures that would reduce the significant environmental impacts of a project (see, for example, Public Resources Code [PRC] Section 21002.1). Mitigation Measure 4.1-4 (DEIR page 4.1-8 in Section 4.1, “Aesthetics”) requires new development to minimize nighttime light and glare impacts by:

- Require public lighting in commercial, industrial, and residential areas to be of a type(s) that are shielded and downward directed, utilizing light sources that are the best available technology for eliminating light bleed and reflectance into surrounding areas to the maximum extent possible. Prohibiting the use of harsh mercury vapor, low-pressure sodium, or fluorescent bulbs for public lighting in commercial, industrial and residential areas.
- Prohibiting light fixtures that are of unusually high intensity or brightness or that blink or flash.
- Using automatic shutoffs or motion sensors for lighting features to further reduce excess nighttime light.

These are industry-standard practices that have been commonly used in new development throughout the state for many years, and they consist of very simple measures that regulate the type of lighting to be included in construction plans. Therefore, these measures would not make owning a home or business more complex and costly.

Bennett3-3

The comment expresses a concern that conservation easements as mitigation for conversion of Farmland to nonagricultural uses are inappropriate because less land is available for private decision-making, and because such mitigation is so costly that it precludes growth and development. The creation of the California Farmland Conservancy Program in 1996 widened the spectrum of agricultural land conservation options via the use of permanent agricultural conservation easements. This program is administered at the state level by the California Department of Conservation's Division of Land Resource Protection. Many other types of agricultural conservation programs are available through privately funded organizations. The landowner who grants a conservation easement continues to privately own and manage the land and may receive state and federal tax advantages for having donated and/or sold the conservation easement. The landowner also contributes to the public good by preserving the conservation values associated with their land for future generations. In accepting the conservation easement, the easement holder has a responsibility to monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs. Although a

conservation easement prohibits certain uses by the landowner, such an easement does not make the land public. Placement of land in a conservation easement is a common form of mitigation for conversion of Farmland in California because it ensures that farming will continue to occur, and such mitigation is appropriate for use in the DEIR.

This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-4 The comment provides various personal opinions regarding the measures identified in the DEIR to mitigate impacts from the conversion of forestland resources to other uses. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-5 The comment provides a personal opinion regarding the DEIR air quality mitigation measures and notes there is no cost benefit analysis provided for these measures. The DEIR's air quality mitigation measures for construction impacts are well understood, implemented by many jurisdictions, and potentially feasible. The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-6 The comment states that implementation of some air quality mitigation measures are beyond the scope of the County's jurisdiction. The text referred to by the comment, "Implement Mitigation Measures for Discretionary Projects" refers to Mitigation Measure 4.3-2a, which contains measures to reduce operational emissions of criteria air pollutants. CEQA applies to projects that require "discretionary" approval by a government agency. A discretionary approval requires the use of judgement or subjective criteria on the part of the approver. For example, if you wanted to have your property rezoned so that you could subdivide it for multiple housing units, a discretionary action would need to be taken by the Board of Supervisors. This means that the Board of Supervisors could approve or disapprove your request. CEQA does not apply to non-discretionary (ministerial) projects. A ministerial approval involves a comparison of a project with specific standards or checklists. For example, the County building department will check your house plans against electric and plumbing standards to make sure that the plan complied with adopted safety and sanitary regulations. This type of ministerial approval is not considered a "project" requiring CEQA review.

The comment also states that a new County-only solar program is beyond County resources; however, the DEIR solar energy mitigation measure does not propose a County-only solar program. The comment also suggests that the mitigation measure related to installation of solar panels on unused ground space (i.e., part of Mitigation Measure 4.3-2a) could result in environmental impacts. Solar panels are placed above the ground; they are bolted onto metal racks which are mounted to poles, or on rooftops or carports. Any individual property owner has the freedom to determine placement of solar panels. Discretionary projects require CEQA approval, and therefore the environmental impacts of installing large banks of solar panels (if proposed as part of a site-specific project) would be evaluated. Individual homes on small lots customarily install solar panels on the rooftops or carports because of lack of space. Individual homes on large parcels could install panels on in-ground poles; however, the amount of land that would be required to support the poles for one home is only approximately 25 by 25 feet, and since the panels are tilted at an angle, the panels do not prevent the infiltration of groundwater. Furthermore, the commenter does not specify any particular environmental impacts that he believes would occur or that should have been evaluated in the DEIR.

- Bennett3-7 The comment states that having a mitigation measure requiring businesses to implement telecommuting and flexible work hours is an example of too much government interference with private industry, and that such mitigation is not necessary because the County does not have substantial traffic problems that would require mitigation. As stated in DEIR Mitigation Measure 4.3-2a (page 4.3-17), referenced by the comment, the County would require each project applicant, as a condition of development project discretionary approval, to implement measures to reduce operational emissions of criteria air pollutants. Measures to reduce operational emissions would only be required for projects that exceed the applicable thresholds of significance for emissions of reactive organic gases (ROG), nitrogen oxides (NO_x), or particulate matter with a diameter of 10 or 2.5 microns or less (PM₁₀, PM_{2.5}), as demonstrated by project-level CEQA analyses. Small businesses do not generate enough emissions to exceed the air quality thresholds and therefore would not require mitigation. Furthermore, as stated in Mitigation Measure 4.3-2a, these measures are intended to serve as examples of the types of measures that could be implemented; they are not hard and fast rules for every discretionary project application. The County also notes that many businesses and employees today do not share the commenter's views, and welcome the idea of telecommuting and flexible work hours, because such practices provide more flexibility for employees and reduce overhead office expenses for employers.
- Bennett3-8 The comment states that some of the air quality mitigation measures have costs far exceeding benefits and would result in harassment to citizens, citing to the last bullet point under Mitigation Measure 4.3-2a, "Enforce and follow limits regarding idling times for commercial vehicles, including delivery and construction vehicles." State law prohibits engine idling of commercial vehicles over 10,000 pounds for more than 5 minutes unless the vehicle is stopped in traffic. Enforcement of an existing state law would not constitute "harassment" of citizens, and the comment offers no evidence that enforcement of this existing legal requirement by the County, or compliance with this requirement by vehicle operators, would be too costly.
- Bennett3-9 The comment provides a personal opinion regarding the DEIR and air quality mitigation measures. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-10 The comment provides various personal opinions regarding the planning consultant, Draft General Plan, and DEIR. The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-11 The comment provides a personal opinion that the number of DEIR mitigation measures is excessive and the mitigation measures constitute a laundry list for litigation. Please note that if the DEIR did not include "lists of mitigation measures" for significant impacts, the DEIR would not comply with CEQA. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-12 The comment provides various personal opinions regarding the Draft General Plan and DEIR, specifically discussions related to biological resources and special status species in relationship to people and pets. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-13 The comment provides a personal opinion about findings related to impacts to biological resources, specifically riparian habitat and Ione chaparral in relationship to people. This

comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-14

The comment expresses a concern that conservation easements as mitigation for loss of biological habitat are inappropriate because less land is available for private decision-making. The landowner who grants a conservation easement continues to privately own and manage the land and may receive state and federal tax advantages for having donated and/or sold the conservation easement. The landowner also contributes to the public good by preserving the conservation values associated with their land for future generations. In accepting the conservation easement, the easement holder has a responsibility to monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs. Although a conservation easement prohibits certain uses by the landowner, such an easement does not make the land public. Placing land in a conservation easement is a common form of mitigation for loss of biological habitat in California because it ensures protection of biological habitat, and such mitigation is appropriate for use in the DEIR.

Bennett3-15

The comment expresses concern that development would be restricted because of the impact of airborne pathogens from new construction on Ione chaparral. As discussed on DEIR page 4.4-18 (Section 4.4, “Biological Resources”), two fungal pathogens—a branch-canker disease (caused by a species of *Fusicoccum*) and a root and crown rot disease (caused by the fungal species *Phytophthora cinnamomi*)—have been recently isolated from Ione manzanita. The latter of these two diseases poses a serious threat to the survival of Ione manzanita because its resistant spores can persist in the soil for long periods of time in the absence of a host, preventing reestablishment of Ione manzanita. The spread of the disease is exacerbated by the movement of soil associated with mining activities and erosion. Management of the disease is critical to the conservation of Ione chaparral species. Both of these pathogens are soil-borne, rather than air-borne as suggested by the comment.

As further discussed on page 4.4-17, the Ione chaparral is one of Amador County’s most unique biological resources. It consists of a plant community that is restricted to western and northern Amador County and is found only on the Ione formation, an ecologically unique substrate. This substrate is composed of a sand/clay mix with little or no soil development. The soils that have developed on this formation create a particularly harsh growing environment for most plants because of their extreme acidity, low macronutrients (e.g., nitrogen, calcium, and magnesium) and high amounts of elements that most plants find toxic, such as aluminum. It is because of these unique ecological characteristics and this restrictive nature that Ione chaparral supports such a high number of adapted rare plants (listed in DEIR Table 4.4-2 on page 4.4-16).

As the CEQA lead agency, the County is required to implement feasible mitigation measures that would reduce adverse impacts to endangered plant and animal species. DEIR Mitigation Measure 4.4-3 (page 4.4-39) would only apply to the areas where Ione chaparral is present. As stated on page 4.4-39, Ione chaparral is mapped on 1,196 acres in Amador County. Within its overall area of distribution, there are a total of about 860 acres of Ione chaparral in public ownership, including lands owned or operated by East Bay Municipal Utilities District (EBMUD), Caltrans, and Amador County, as well as the California Department of Fish and Wildlife’s (CDFW) 37-acre Apricum Hill Ecological Preserve and the Bureau of Land Management’s (BLM) 120-acre Ione Manzanita Area of Critical Environmental Concern, all of which are managed for the long-term conservation of the plant’s habitat. The remaining occurrences of Ione chaparral (i.e., 336 acres) are under private ownership. Implementation of Mitigation Measure 4.4-3, along with

Mitigation Measures 4.4-1a and 4.4-1b, are appropriate, feasible, and would help to reduce adverse impacts on this sensitive natural habitat. The comment does not suggest any other mitigation measures that he believes should be implemented, nor does he provide specifics as to why he believes that the stated mitigation measures would be infeasible.

- Bennett3-16 The comment provides a personal opinion about the DEIR and requirements for maintaining and replacing oak woodlands. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-17 The comment provides various personal opinions regarding federal environmental standards and DEIR mitigation requirements related to “waters of the United States.” This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-18 The comment expresses concern that too many areas and facilities are considered to be cultural resources under the Draft General Plan, and therefore the mitigation contained in the DEIR is excessive. The definitions as to what constitute a cultural resource, and therefore the types of resources that require mitigation under CEQA, are determined by the California legislature, not by the County. See PRC Section 15064.5, as discussed in DEIR pages 4.5-1 and 4.5-2 (Section 4.5, “Cultural Resources”).
- Bennett3-19 The comment states that the DEIR provides little evaluation of mineral resources other than to cite state law, and that the Draft General Plan Housing Element (page 51) shows potential new home sites on top of “possible gold mines” between Sutter Creek and Amador City. DEIR Impact 4.6-8 (page 4.6-25 of Section 4.6, “Geology, Soils, Minerals, and Paleontological Resources”) indicates that mining in the County includes clay, gold, lignite, and aggregate materials, and that the County’s mineral products include (among others), clay, sand, gravel, aggregate, quartz sand, copper, silver, gold, soapstone, marble, slate, greenstone, river rip rap, road base, limestone, sandstone, zinc, chromite, talc, lignite, and diamonds. Mineral resource zones have been classified throughout the state by the California Geological Survey (CGS) (formerly the California Department of Mines and Geology). DEIR Exhibit 4.6-4 (page 4.6-17) shows the locations of CGS mineral land classifications 2a, 2b, and 3a in Amador County. The CGS classification system is intended to provide for consideration of statewide or regionally significant mineral deposits in planning and development administration. Permitted uses within a mineral resource zone include mining, uses that support mining such as smelting and storage of materials, or uses that will not hinder future mining such as grazing, agriculture, large-lot rural development, recreation, and open space. Classifications 2a, 2b, and 3a are defined by CGS (Loyd 1983:16) as follows:
- MRZ-2a: Areas underlain by demonstrated mineral reserves where geologic data indicate that significant measured or indicated resources are present. MRZ-2a areas contain discovered mineral deposits that represent either measured or indicated reserves as determined by such evidence as drilling records, sample analysis, surface exposure, and mine information.
 - MRZ-2b: Areas underlain by inferred mineral resources where geologic information indicates that significant inferred resources are present. MRZ-2b areas contain discovered deposits that represent either inferred reserves or deposits that are presently regarded as subeconomic.

- MRZ-3a: Areas underlain by geologic settings within which undiscovered mineral resources similar to known deposits in the same producing district or region may be reasonably expected to exist (hypothetical resources). Land areas classified MRZ-3a possess geologic characteristics that are favorable for the occurrence of specific mineral deposits.

In addition to state-designated MRZ areas, the County has applied the Mineral Resource Zone land use designation and zoning classification to lands throughout the western portion of the County. These designations support mining and related uses, and are intended to facilitate the extraction and use of mineral deposits. The County also has a zone district “MR-Mineral Resource.”

See also responses to comments Bennett2-1 through -5.

- Bennett3-20 The comment provides a personal opinion about state law regarding greenhouse gases and global warming, and DEIR mitigation measures related to those topics. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-21 The comment expresses concern that Draft General Plan regulation of and DEIR mitigation for hazardous materials such as fluorescent lights and paint is excessive. Prior to 1975, polychlorinated biphenyls (PCBs) were commonly used in transformers, capacitors, and fluorescent light ballasts. In 1975, when it was demonstrated that PCBs were highly toxic, manufacture of PCBs was discontinued in the U.S. Paint is also considered a hazardous material. County regulations already require that PCBs and paint, along with other hazardous materials, must be properly disposed of at County-operated recycling facilities that are permitted to accept hazardous materials. The Amador County Waste Management and Recycling Department provides information regarding hazardous materials and appropriate means of disposal on its website, which is available at <http://www.co.amador.ca.us/departments/waste-management-recycling>.
- Bennett3-22 The comment provides various personal opinions regarding DEIR mitigation measures related to hazards, specifically forest fires. The comment also provides a personal opinion unsupported by substantial evidence regarding logging practices in portions of the county that are at higher elevations. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-23 The comment provides various personal opinions regarding DEIR mitigation measures related to hydrology and water quality impacts, and the impact analysis related to climate change. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-24 The comment provides a personal opinion regarding DEIR mitigation measures related to noise impacts, specifically ground-borne vibration from construction. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-25 The comment provides a personal opinion related to DEIR language regarding future water supplies. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

- Bennett3-26 The comment provides a personal opinion regarding DEIR mitigation measures related to public services impacts. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-27 The comment provides a personal opinion regarding DEIR mitigation measures related to transportation impacts, specifically alternative forms of transportation. The relevance of specific traffic mitigation measures such as transit stops to specific development projects would be determined during project-specific CEQA reviews. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-28 The comment provides various personal opinions regarding the DEIR project description and Draft General Plan objectives, specifically Objectives 2, 3, 4, and 9. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-29 The comment provides a personal opinion regarding the project characteristics identified in the DEIR, including the Draft General Plan Implementation Plan. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-30 The comment asks whether the requirement in the Draft General Plan Land Use Element that “adequate water supply, wastewater treatment, and public services are available” would mean that capital must be spent before the benefit is derived (i.e., before the business or residence is constructed). The policy referred to by the comment requires that a developer demonstrate that necessary facilities and services are either already constructed and have capacity to serve the proposed development, or that funding is assured for construction and staffing of such facilities, prior to the approval of permits for new construction.
- Bennett3-31 The comment provides a personal opinion about the Draft General Plan Land Use Element, specifically the Town Center in Pine Grove. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-32 The comment states that proposed housing between Sutter Creek and Amador City would preclude gold mining activities. See responses to comments Bennett2-1 through -5 and Bennett3-19.
- Bennett3-33 The comment is similar to comment Bennett2-1 requesting information about potential housing sites in the Agricultural Transition Zone. See response to comment Bennett2-1.
- Bennett3-34 The comment is similar to comment Bennett2-2 regarding concerns about impacts related to development near mineral resources. See response to comment Bennett3-19.
- Bennett3-35 The comment is similar to comment Bennett2-3, which contends that the 40-acre parcel size requirement may be too restrictive for some mineral deposits. See response to comment Bennett2-3.
- Bennett3-36 The comment is similar to comments Bennett2-4 and Bennett2-5 contending that mining underneath other land uses, where the mineral rights are already owned, is not discussed and stating there are potential anomalies (which the commenter does not identify)

between the Draft General Plan and DEIR regarding mineral resources. See responses to comments Bennett2-4 and Bennett2-5.

Bennett3-37

The comment contends that the Draft General Plan would not permit residential housing within the Open Forest land use designation. As shown in Table 3-1 of the DEIR (Page 3-9), the proposed project includes 29,850 acres of land use designated as “General Forest” (GF). GF is planned for 40-acre minimum parcel size and does allow residential development. The Open Forest land use designation, as noted in Table LU-1 on page LU-12 of the Draft General Plan, is specified for forest lands generally located within U.S. National Forests and mostly in U.S. Forest Service (USFS) ownership. USFS stipulates specified permitted activities on its land; which includes forestry and sustained yield timber production, grazing, mining, and passive recreation activities that do not require developed facilities, as well as cabin, resort, and commercial recreation uses.

The comment also asks for clarification regarding the phrase “creative future development” as related to the Martell Regional Service Center (RSC) land use designation. As stated in the Martell RSC discussion on page 3-12 of the DEIR (Chapter 3, “Project Description,”), “This RSC is planned to include a mix of retail commercial uses, industrial uses, and higher-density housing, and the designation of this area as an RSC is intended to encourage more creative future development, including potential for mixed-use development.” The RSC land use designation is described in Table LU-1 of the General Plan Land Use Element. The Land Use Designations discussion on DEIR page 3-10 states, “Each General Plan land use designation generally describes the intended land uses and establishes a permitted range of density or intensity of development. Amendments to the County zoning ordinance following General Plan approval will specify the permitted uses for each category as well as the applicable development standards.”

The comment also questions whether a business in the River Pines Town Center would be limited solely to tourist-oriented business development. As stated in the River Pines Town Center discussion on DEIR page 3-12, “The River Pines TC would accommodate no more than 100 housing units (including 65 existing units), with 77 total units in 2030, along with commercial uses focused on providing tourist services related to the nearby Shenandoah Valley and Cosumnes River. Currently, about 7,000 square feet of commercial space is present in River Pines, and the future goal would be approximately 20,000 commercial square feet.” The Town Center (TC) land use designation is described in Table LU-1 of the General Plan Land Use Element. The land use designation does not dictate the specific business types. As stated above, amendments to the County zoning ordinance following General Plan approval will specify the permitted uses for each category as well as the applicable development standards.

Bennett3-38

The comment provides a personal opinion about the concept of town centers. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-39

The comment provides a personal opinion as to which elements of the Transportation Demand Management (TDM) and Transportation System Management (TSM) strategies should, and should not, be included in the DEIR. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-40

The comment restates Goal E-1 from the Economic Development Element of the Draft General Plan and questions how a DEIR with “restrictions and mitigations” helps to

accomplish this goal. As described in subsection 3.1 “Background” in DEIR Chapter 3, “Project Description,” State law (California Government Code, Section 65300) requires that each California city and county adopt a comprehensive, long-term general plan for the physical development of its jurisdiction. The Draft General Plan includes an Economic Development Element that identifies the County’s future economic development strategies, including providing economic development incentives, promoting education, and promoting and expanding tourism as a key industry in the County as stated in Section 3.6.3 of the DEIR, “Economic Development Element.” The Amador County General Plan is a “project” as defined by CEQA, and the DEIR evaluates its environmental impacts and identifies measures to mitigate these impacts. See also Master Response 1, “Adequacy of Impact Analysis and Mitigation Measures.” This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-41 The comment provides an opinion relating to a goal stated in the DEIR in reference to the Conservation Element of the Draft General Plan to reduce energy use and promote renewable energy. Conservation Element Goal C-6, “Reduce energy use and promote renewable and locally available sources of energy” includes a number of policies to encourage energy efficiency including Policy C-6.5, “Support use of renewable and locally-available sources of energy where feasible.” The Town Center Mixed-Use Activity Center Designation as described in Table LU-1 in the Land Use Element of the Draft General Plan does not preclude the use of energy generation from solar sources. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-42 The comment provides a personal opinion regarding a statement in DEIR Section 4.1, “Aesthetics” regarding the National Scenic Byways Program (described on DEIR page 4.1-1). The applicable regulatory setting is provided in the context of analyzing environmental impacts consistent with Sections 15126 and 15126.2 of the CEQA Guidelines. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

Bennett3-43 The commenter expresses a personal opinion that the Governance Chapter of the Draft General Plan should not be included therein. As explained on page G-1 of the Draft General Plan, the purpose of the Governance Element is to provide an understanding of the governing structure in Amador County and its relationship to land use and planning. Governance is broader than regulatory authority; it also describes how the County interacts with its citizens, as well as with State, federal, and local agencies and organizations to carry out policies in this General Plan. State law does not require counties to address governance within their general plans. However, citizen involvement in government is fundamental to Amador County’s character, economic vitality, and local history. Land use and other decisions guided by the General Plan principally address orderly residential, commercial, and industrial growth. The General Plan also guides Amador County’s future course of action on a variety of related and critical topics, including agriculture, timber production, mining, hunting, and fishing, water resources, and tourism. Amador County has a tradition of relying on public participation and involvement to ensure successful and meaningful land use decisions, as well as the stewardship, use, and conservation of natural resources. The goals and policies of the Governance Element define and build upon Amador County’s history of civic involvement and community vision. For the reasons stated above, that inclusion of the proposed Governance Element in the Draft General Plan is appropriate.

- Bennett3-44 The comment expresses a personal opinion regarding the context of the aesthetics analysis in the DEIR and asks how the term “surroundings” (DEIR page 4.1-4) is defined. The DEIR impact analyses have been drafted consistent with the CEQA Appendix G Environmental Checklist which includes the following threshold of significance as stated on page 4.1-4 of the DEIR: “substantially degrade the existing visual character or quality of the site and its surroundings.” See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”
- Bennett3-45 The commenter expresses a personal opinion regarding the aesthetics associated with traditional rural towns. The statement referenced in the comment on page 4.1-5 of the DEIR refers to encouraging new buildings to conform to a “physical model” similar to traditional rural towns. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-46 The comment contends that the wording of DEIR Mitigation Measure 4.1-4, “Condition Projects to Minimize Light and Reflectance” includes the term “shall” when describing the conditions of the mitigation measure, but the Draft General Plan uses the term “should.” This mitigation measure, including use of the term “shall,” complies with CEQA requirements. As noted in the comment the following conditions of Mitigation Measure 4.1-4 include the term “shall.” As stated in Mitigation Measure 4.1-4a, these mitigation measures are prefaced with the statement, “Conditions may include, but are not limited to, the following”:
- Exterior building materials on nonresidential structures shall be composed of a minimum 50% low-reflectance, non-polished finishes.
 - Bare metallic surfaces (e.g., pipes, vents, light fixtures) shall be painted or etched to minimize reflectance....”
- This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-47 The comment references Mitigation Measure 4.1-4, “Condition Projects to Minimize Light and Reflectance” and states the desire to have urban areas well lit. Mitigation Measure 4.1-4 is not intended to prevent urban areas from being well lit, but rather mitigates against spillover lighting and glare. DEIR Section 4.1.2, Environmental Setting provides a detailed description of “Light and Glare.” As stated on DEIR page 4.1-3, “Spillover lighting is artificial lighting that spills over onto adjacent properties and could cause an annoyance to neighboring residents by disturbing sleep patterns. Glare is intense light that shines directly, or is reflected off a surface, into a person’s eyes. Use of building materials such as reflective glass and polished surfaces can cause glare.” This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Bennett3-48 The comment states that a discussion of cost versus benefit appears absent. CEQA does not require a cost-benefit analysis of mitigation measures, but does require the DEIR’s mitigation measures to be potentially feasible, including economically feasible. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

BRAGSTAD

*received
at 1/20/15
joint meeting*

**Comments on General Plan Update
Amador County**

Land Use Element

Comparing the proposed Land Use Element with the existing General Plan Objectives, Principles and Standards it becomes obvious that objectives toward agricultural lands have been weakened, have become toothless. There is no goal to protect, expand, or promote agriculture:

New General Plan:

Goal LU-1: Attain a diverse and integrated mix of residential, commercial, agricultural, industrial, recreational, public, and open space land uses.

1

Policy LU-1.3: " Encourage"

Policy LU-1.5: " Encourage"

Policy LU-1.6: " Balance"

"Encourage", "balance" are toothless words, unenforceable, meaningless.

The only "Ensure" is Policy LU-1.4 which states "Ensure that county land use decisions do not reduce military readiness", I don't even know what this means.

Existing General Plan:

III Plan Objectives, Principles and Standards

A. Objectives of Plan

3. To strengthen, protection and expansion of agriculture and forestry and increased local processing of their raw materials.

This is a strong objective for protecting agricultural lands. This should not be weakened.

Conservation Element

p.C-21 **Issues, Goals and Policies:** The goals and policies of the Conservation Element present strategies to protect and conserve Amador County's nat. resources, including water supply and water quality, energy resources, agriculture and agricultural lands, air quality, timber, mineral resources, historic resources, and cultural resources.

2

So, then proceed to Goals and Policies to describe Water Supply, Energy Resources, Historic Resources, Cultural Resources, Air Quality, Greenhouse Gas Emissions. But not one word, Goal or Policy on Agriculture or Agricultural lands.

Open Space Element

3



p.OS-1: **Purpose:** Doesn't include Agriculture,expand, promote, protect.
p. OS-1: **Scope and Content;** "The Open Space Element describes the County's goals and policies with respect to open space areas and addresses the following topics:

Preserving and creating community separators and managing agricultural, open space and recreational resources."

3
cont.

Yet, the Open Space Element studies Goals and Policies of only Recreation, Natural Resources and Species Protection. No Goals and/or Policies for protection of Agricultural lands.

Economic Development Element

p.E-21: **Agri-tourism:** " Agri-tourism represents the greatest agricultural economic opportunity for Amador County". Not so, it is one of the opportunities. The two biggest industries in Amador County are tourism and agriculture and hopefully agriculture can remain as a productive enterprise, to be protected, promoted and expanded.

4

p.E-26: **Economically Viable Agriculture** (not sure what this means): "The County will encourage the continued economic viability of farming and ranching, and agricultural business. The county will supportwine tasting. roadside stands, **add farmers markets.**

5

p. E-27: Policy C-7.7 should remain as E-9.9.9
p. E-28: Goal E-11, Policies E-11.1 & 2 should remain

6

7

Comments on Draft EIR
Summary of Environmental Impacts and Mitigation Measures

Aesthetics

p. 2.7,8 **4.1,2,3,4: General:**" Degradation of Scenic Vistas, Scenic Resources, Scenic Highway, Visual Character, Skyglow Effects, is Significant. "

8

Proposed Mitigation to reduce significance to Less than Significant the County should adopt conditions with a Design Standards Ordinance for all county projects that can be easily followed in order to eliminate degradation of Amador County's historic and beautiful character.

4.2 Agriculture and Forestry Resources

9

p.2-9:4.2-1: **Conversion of Farmland:**" Under the Draft General Plan future development.....could result in the conversion of 307 acres of Farmland to non agricultural uses. This is significant. "4.2-1a **Mitigation Measure:** It is the county's objective to maintain key farmlands.... to the extent feasible." Significant and unavoidable."

↑
9
cont.

This is avoidable. Plan accordingly so that these 307 acres of key farmland are protected and not converted.

p.2-10: **4.2-3: Land Use Conflicts with Existing Ag Uses:**" Implementation of DGP would result in changes....which could result in conflicts with agricultural uses.. and cause conversion of agricultural lands... Significant and unavoidable"

↑
10

This is avoidable, plan accordingly so that 307 acres of Farmland are protected and not converted.

Also, all agricultural lands such as range lands must be protected, not just the limited Farmlands of significance.

↑
11

Land Use Planning

p.2-44: **4.10-1: Divide an Established Community:** "Implementation of the DGP would result in change to existing land uses, including development.....and construction of associated infrastructure into areas that are currently....in agricultural use. Less than significant."

↑
12

This is significant without proper mitigations, not LTS. There must be proper mitigation disallowing intrusion into agricultural lands.

Transportation

p.2-57: **4.14: Increase in traffic levels on state highways resulting in unacceptable LOS.** "Development and land use changes consistent with the DGP could result in increased traffic levels.....operate below Cal trans LOS thresholds. Significant"

↑
13

4.14-1a,b,c: Mitigation measures= SU

Proper mitigation measures would include better planning, and revise DGP to avoid potential impacts. Presently traffic impact fees are inadequate and need to be increased to cover actual costs.*

p.2-60: **4.14-2: Increase in traffic levels on local roadways resulting in unacceptable LOS:** "Development and land use changes consistent with DGP could

↑
14
↓

BRAGSTAD

result in increased traffic levels on Ridge Rd.....NY Ranch Rd. Significant."
4.14-2a,b: Mitigation measures:" Widen shoulders, left lane pockets.....widen roads.
Significant and Unavoidable."

↑
14
cont.

Proper mitigation measures would also include better planning and revise DGP to
avoid impacts. Presently traffic impact fees are inadequate and need to be increased
to cover actual costs*

* Many years ago the ACTC, Amador Co. Transportation Commission, submitted all
the road improvements needed in the present and future with associated costs and the
Board of Supervisors eliminated most of needed improvements and costs were thrown
out in order to lower impact fees. I believe the chickens are coming home to roost.

15

Susan Bragstad. previous ACTC member
P.O. Box 79
Amador City, CA 95601

Bragstad-1 through -3 Comments 1-7 address the contents of the Draft General Plan, and are not related to adequacy of the DEIR. They will be considered by the Board of Supervisors prior to their considering approval of the General Plan.

The commenter quotes from the Land Use, Conservation, and Open Space Elements of the Draft General Plan, and states that goals and policies to protect agricultural lands do not provide adequate protection for agricultural land.

Goals and policies for the preservation of agricultural lands and protection of farming operations to maintain the viability of agriculture are found in the Economic Development Element as follows:

Goal E-8: Preserve the land base necessary to sustain agricultural production and maintain long term economic viability of agricultural land uses.

Policy E-8.1: Ensure future land uses are appropriately located and scaled to fit in with the county's rural and agricultural context.

Policy E-8.2: On lands under Williamson Act contracts, provide for and support value-added agricultural activities designed to provide an additional source of farming income while maintaining the land for viable agricultural production, in accordance with state law.

Policy E-8.3: Provide for and support value-added agricultural activities designed to provide an additional source of farming income while maintaining the land for viable agricultural production.

Policy E-8.4: Promote development of support businesses associated with agri-tourism.

Goal E-9: Maintain important farmlands for agricultural uses and agri-tourism.

Policy E-9.1: Maintain the right of individuals in Amador County to farm, including enforcement of the County's "Right to Farm" ordinance.

Policy E-9.2: Encourage use of Williamson Act contracts to maintain farm and ranch lands in agricultural use.

Policy E-9.3: Educate landowners about alternative methods of farmland preservation, including identification of funding for conservation easements.

Policy E-9.4: Direct future development toward "infill" areas (areas of existing urban development), areas contiguous to cities, and areas with infrastructure and services in order to maintain the viability of existing agricultural land.

Policy E-9.5: Review future development for compatibility with existing adjacent and nearby agricultural uses.

Policy E-9.6: Direct future development away from farmlands of local or statewide importance.

Policy E-9.7: Encourage provision of farm family and farm worker housing in a manner that conserves important farmlands.

Policy E-9.8 Encourage the use of site planning techniques such as properly maintained buffers, building envelopes and setbacks on lands adjacent to agricultural uses in order to protect agriculture from encroachment by incompatible land uses.

Goal E-10: Encourage alternative means of providing water to agricultural users.

Policy E-10.1: Promote use of reclaimed water in compatible farming and ranching settings.

Policy E-10.2: Support the continued availability of water supplies to agricultural users. Agricultural water users should be encouraged to utilize surface water supplies.

Bragstad-4 through -7 The commenter expresses opinions that the goals and policies from the originally proposed Draft Amador County General Plan should be kept, rather than the proposed new goals and policies. The goals and policies to support agriculture, contained on pages E-27 and E-28 of the Economic Development Element, are appropriate to guide the future development within the County, including agricultural uses. See responses to comments Bragstad-1 through -3.

Bragstad-8 The commenter suggests that the County should adopt a design standards ordinance for all county projects in order to eliminate degradation of Amador County's historic and beautiful character. A design standards ordinance would be a different procedural approach to accomplish the Draft EIR's aesthetics mitigation measures, but would be unlikely to completely "eliminate degradation of Amador County's historic and beautiful character."

Bragstad-9 and -10 These comments refer to DEIR Impacts 4.2-1 and 4.2-3 and suggests that the County should plan appropriately so that the projected 307-acre conversion of Farmland to urban uses does not occur, which would also eliminate the associated land use conflict. As discussed in Impacts 4.2-1 and 4.2-3 (pages 4.2-16 through 4.2-19, Section 4.2, "Agricultural Resources"), policies in the Draft General Plan would direct future development away from Farmland, protect agricultural land, discourage the extension of city spheres of influence into areas of Important Farmland, and ensure that infrastructure improvements into areas of Important Farmland include conditions to avoid inducing urban growth. However, the conversion of approximately 310 acres of Farmland to nonagricultural uses in the planning area could occur through residential development, lot splits, and mining activities, thereby contributing to the incremental decline of Important Farmland in the County, region, and state, and result in the irreversible conversion of this agricultural land. As explained on DEIR page 4.2-17, implementation of Mitigation Measures 4.2-1a, 4.2-1b, and 4.2-1c would reduce impacts related to the conversion of Important Farmland because the County would seek to reduce or avoid conversion of Important Farmland to the extent feasible, including through evaluation of projects to use site planning techniques to avoid impacts related to encroachment by other land uses. The County would also condition projects to ensure that residential development is compatible with surrounding agricultural activities. The County would also reduce the cumulative loss of Important Farmland by requiring that 1 acre of Farmland be protected through conservation easements for each acre of Farmland that is permanently removed from agricultural use. As explained on page 4.2-19, implementation of Mitigation Measures 4.2-1a, 4.2-1b and 4.2-1c would reduce impacts related to conflicts with agricultural uses by requiring use of setbacks and site planning techniques to buffer agricultural lands from incompatible uses and by reducing future zoning and land use changes that would affect Farmland. However, because no new Farmland would be

created, and the productivity of existing Farmland would not be improved as a result of implementing Mitigation Measures 4.2-1a, 4.2-1b, and 4.2-1c, full compensation for losses of Important Farmland would not be achieved and a net loss of Important Farmland could still occur. Implementation of these mitigation measures would substantially reduce potential conflicts, but not to a less-than-significant level. No additional feasible mitigation is available to reduce these impacts to a less-than-significant level; therefore, the impacts were determined to be significant and unavoidable. The commenter does not suggest any other potentially feasible mitigation measures that should be implemented. While the County appreciates the commenter's concern, complete avoidance of all future conversion of Important Farmland and all future land use conflicts with agricultural uses is infeasible.

Bragstad-11

The commenter states that all agricultural lands such as range lands must be protected, not just the limited Farmlands of significance (i.e., Important Farmland). Under CEQA, the lead agency has the discretion to determine the appropriate thresholds of significance, and in this case the County has determined that conversion of rangelands is not a significant impact because of their relatively low agricultural productivity. Amador County has defined the significance thresholds for impacts to agricultural resources (DEIR page 4.2-12), as follows:

Based on Appendix G of the State CEQA Guidelines, an impact to agriculture resources is considered significant if implementation of the Draft General Plan would do any of the following:

- convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; ...

Bragstad-12

The commenter suggests that the Draft General Plan should not allow "intrusion into agricultural lands," and therefore DEIR Impact 4.10-1 (page 4.10-4 in Section 4.10, "Land Use") should be significant and mitigation measures should be required. A primary objective of the Draft General Plan is to maintain and enhance established communities. The nine elements of the Draft General Plan provide a framework to determine appropriate future development and land uses in the planning area. The project objectives identify the need to develop strategic measures to:

- Focus development of new residential, commercial, and industrial uses in and near existing communities.
- Protect Amador County's unique character, including historic and cultural heritage, scenic vistas, agriculture, rivers, streams, natural areas, and historic buildings and towns.
- Conserve the land base necessary to conduct agricultural activities.

Adoption and implementation of the Draft General Plan would result in an increase in dwelling units, population, and nonresidential building floor area by 2030 over existing conditions (see Table 3-1 and Exhibit 3-2 in Chapter 3, "Project Description"). New residential, commercial, and industrial uses would be focused in Regional Service Center and Town Center areas, and the Carbondale Industrial area where they could be served with the most efficient expansion of existing infrastructure. No new infrastructure improvements with the potential to divide existing communities (i.e., large roadways) are

proposed as part of the Draft General Plan. Goals LU-10 and LU-11 and their associated policies would guide and focus residential and commercial development in the Regional Service Center and Town Center areas. Therefore, the Draft General Plan would not result in division of established communities. This impact was properly determined to be less than significant, and therefore no mitigation measures are required; the commenter offers no evidence or reasons as to why the impact should have been considered significant. See also responses to comments Bragstad-9 and -10.

Bragstad-13 and -14 The commenter suggests that rather than allowing increased development to occur in the county, which in turn is projected to result in unacceptable levels of service (LOS) on state highways and local roadways as discussed in DEIR Impacts 4.14-1 and 4.14-2 (i.e., significant and unavoidable traffic impacts after implementation of mitigation), that development should be restricted such that traffic impacts will not occur. The commenter does not disagree with the impact analysis presented in the DEIR, and does not present alternative mitigation measures that she believes would reduce project-related impacts. Instead, the commenter suggests that the proposed project should not be implemented, as proposed. The goals and policies contained in the Circulation Element of the Draft General Plan are appropriate to guide future development in the County, the impact analysis contained in DEIR Section 4.14, "Transportation" is appropriate, and all feasible mitigation measures have been identified in the DEIR.

The commenter also states that current traffic impact fees are insufficient, and should be increased in the future. This proposal is reflected in the existing DEIR mitigation measures. DEIR Mitigation Measure 4.14-1b (pages 4.14-14 and 4.14-15) would require implementation of a countywide funding program for transportation improvements, and Mitigation Measure 4.14-1a (page 4.14-14) would require project applicants to pay a fair share towards funding traffic improvements based on each project's proportional impact. However, Impacts 4.14-1 and 4.14-2 remain significant and unavoidable because it cannot be guaranteed that they would generate sufficient, timely funding for new roadway improvements to be constructed to prevent significant impacts from occurring.

Bragstad-15 This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

received at
1/20/15
meeting
BROWN

Rebecca Brown
19387 Ponderosa Drive
Pioneer, CA 95666

Re: Amador County General Plan DEIR, Section 4.3, Air Quality 4.3

Good Evening,

Thank you for holding a public meeting tonight so we have this opportunity to provide you with our comments. You will be receiving complete written comments on the Air Quality section of the DEIR, but tonight I want to speak about one shortcoming.

We don't monitor air quality and implement mitigation measures to reduce pollution just because state and federal laws say we have to do so. Having healthy air is about having a healthy environment. In fact, it really is about life and death.

MIT News, August 29, 2013, stated, "In a state-by-state analysis, the researchers found that California suffers the worst health impacts from air pollution, with about 21,000 early deaths annually, mostly attributed to road transportation and to commercial and residential emissions from heating and cooking."

As you know, our county monitoring station is on Shopping Drive in Jackson, less than ¼ mile from SR Highway 49, and at about 1,250' elevation. We are about 605 square miles with beautiful valleys and mountains, and a variety of elevations from 100 to 9,000 feet. Our temperatures vary seasonally and based on elevation.

The DEIR states, "Natural factors that affect pollutant transport and dispersion include terrain, wind, atmospheric stability, and sunlight. Therefore, ambient air quality conditions within the local air basin are influenced by such natural factors as topography, meteorology, and climate, in addition to the amount of air pollutant emissions released by existing air pollutant sources." (page 4.3-2, DEIR)

In *Our Changing Air: An Overview of the Risks to Placer County Residents, A report to Placer County Health and Human Services in cooperation with the Placer County Air Pollution Control District*, the authors say:

"Data is Fundamental". "..... air quality and public health officials lack an important instrument in their air quality toolbox – location specific data. Local stakeholders should continue to seek resources for best local monitoring that shows the extent and impacts of



air pollution.” They recommend expanding the “on-site air quality monitoring and real-time air quality measurements”

“The California Department of Public Health, California Environmental Health Tracking Program” report states air quality data is essential for determining whether an area is meeting the standards. “The challenge is to get measurements of air quality in time and space that are useful for public health activities.”

They go on to explain that, “the challenge of using ambient monitoring data is that the limited number of air monitors create gaps in space and time.” They conclude that, “This spatial and temporal ‘misalignment’ between air quality monitoring data and health outcomes is influenced by the following key factors:

- “The air quality monitor may not be in the same location as where a person lives, works, or plays, *and*
- The air quality monitor may not have sampled the air at the time a person experienced a health outcome (e.g. an asthma attack).” (March 2007)

The DEIR says, “the ambient air quality measurements from that station are representative of the air quality in the County.” (page 4.3-7) but I believe one station in its current location does provide data representative of the air quality conditions in the entire county. The results are less than adequate information for attaining and maintaining healthy air. I recommend the county increase the number of air quality monitors to gather the best monitoring information available for the entire county.



3
cont.



4

- Brown-1 The commenter provides general information about air quality monitoring in California and Amador County. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Brown-2 The commenter quotes the DEIR relating to pollution transport and dispersion. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Brown-3 The commenter cites and quotes the publication *Our Changing Air: An Overview of the Risks to Placer County Residents*, a report to the Placer County Health and Human Services in cooperation with Placer County Air Pollution Control District. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Brown-4 The commenter requests that the County increase the number of air quality monitoring stations contending that only one monitoring station does not adequately measure air quality conditions. The air quality monitoring stations are used to establish existing conditions for certain air criteria air pollutants and determine the region’s attainment of ambient air quality standards. The monitoring data is not directly used to evaluate the proposed project. Rather, pursuant to CEQA, each project is evaluated for its individual air quality impacts and compared against the applicable air district thresholds of significance. Accordingly, the assertion that the County should increase the number of air quality monitoring stations does not pertain to the adequacy of the DEIR’s air quality analysis. Furthermore, although it is possible that the County could construct an air quality monitoring station, air quality monitoring is primarily the responsibility of air districts and the California Air Resources Board (ARB). Ambient air quality monitoring station data used for attainment designation undergoes substantial statistical and scientific review prior to being “accepted” as credible data for designation purposes. Therefore, if the County were to individually develop air quality monitoring stations, a host of administrative and procedural requirements would apply.

C.SMITH

*received
at 1/20/15
joint
meeting*

**Testimony presented by Cecily Smith, Executive Director, Foothill Conservancy
January 20, 2015 Joint Meeting of the Amador County Board of Supervisors and
County Planning Commission on the Draft Environmental Impact Report
for the Draft General Plan Update**

Good evening. My name is Cecily Smith and I'm the Executive Director of the Foothill Conservancy.

I'd like to thank you for this opportunity to comment on the Draft Environmental Impact Report for the County's Draft General Plan Update. I'd also like to thank you for extending the comment period to January 30, 2015, which allows more meaningful participation by residents of Amador County who care about the future economic, environmental and social health of our county.

1

My comments are specific to Section 4.12 of the DEIR on Population and Housing.

The DEIR states implementation of the Draft General Plan "would result in substantial population growth through future development of residential, commercial and industrial uses throughout the planning area." (p. 4.12-5). The DEIR analysis concludes the increase in population growth is significant. It also concludes that there are no feasible mitigation measures available to reduce this impact, so population increase will "remain significant and unavoidable." We contend that there are in fact feasible mitigation measures for the impact of population growth that the DEIR should consider, we have provided examples from Butte and Merced counties' General Plan DEIRs (attached).

In section 4,12, Amador County's DEIR states "The Draft General Plan is intended to accommodate long-range population and employment growth and conservation." (p. 4.12-5) Achieving this objective means developing goals, policies and programs not only for population and housing, but for land use, economic development, traffic circulation, public services, etc. These same goals, policies and programs should be considered as potential mitigation measures. We encourage the County to look at feasible mitigation measures adopted by other counties to address the impact of significant population increase.

2

We commend the County for using Department of Finance data in Section 4.12, as it is a reliable source for information to assess needs related to population and housing. However, the tables related to population and housing in the DEIR are incomplete and misleading. For example Table 4.12-2, titled "Housing Stock, Amador County 1990-2011" cites "DOF 2011a" as the only source for the information in the table. The numbers for housing stock in 1990 are actually from an August 2007 DOF report. Other tables in this section also rely on DOF data for several different years, but do not provide a complete list of the sources in the tables. Additional points will be included in our written comments. For now, we'd like to request that in the Final EIR all data resources be cited in each table and that conflicting information among the tables be corrected, as complete and accurate information is needed for the public to conduct a thorough review.

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Thank you.

Cecily Smith

Attachment to testimony of Cecily Smith, January 20, 2015, Joint Meeting of Amador County Supervisors and County Planning Commission on Amador County Draft General Plan DEIR

1) Butte County General Plan DEIR excerpt on impact of population increase (Butte County General 2030 Draft EIR, April 2010, page 4.11-7. Accessed January 11, 2015 at: http://www.buttegeneralplan.net/products/2010-04-08_Draft_EIR/)

General Plan 2030 includes several policies that will ensure responsible development within Butte County. Land Use Element Goal LU-2 and its associated policies call for orderly, well-planned, and balanced growth. Policies LU-P2.3 and LU-P2.4 support planning efforts in unincorporated communities through the development of community visions, area plans, urban growth boundaries, community boundaries, and SOIs. In addition, Policy LU-P15.2 requires that new urban development be primarily located in or immediately adjoining already urbanized areas.

Goal LU-8 promotes development near existing infrastructure and services and within already-developed areas. Policy LU-P8.1 directs industry to be located near major transportation facilities. Policy LU-P8.2 requires that the County direct projected growth to areas where the appropriate level of transportation infrastructure is or will be available during the planning period. In addition, Policies LU-P15.3, LU-P8.3, LU-P8.4, and LU-P8.5 promote efficient infill development near public facilities.

Because the population growth under General Plan 2030 would be similar to the level of growth anticipated by BCAG, and because General Plan 2030 includes policies that ensure that population growth is accommodated through responsible development, the proposed project would have a *less than-significant* population growth impact.

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2) Merced County General Plan Draft Program EIR excerpt on impact of population increase (Merced County General Plan 2030 Draft Program EIR, November 2012, pages 16.12-13, 18-22. Accessed January 11, 2015 at: <http://www.co.merced.ca.us/index.aspx?NID=1926>.)

Impact POP-1: Induce substantial population growth, either directly or indirectly.

Implementation of the proposed 2030 General Plan would lead to urban development on lands identified for urban uses by the Plan. The 2030 General Plan also contains policies to locate and manage development within the county. Because proposed policies could result in induced growth from new communities, expansion of existing Urban Area boundaries, and in rural areas, this would be a potentially significant impact.

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Attachment to testimony of Cecily Smith, January 20, 2015, Joint Meeting of Amador County Supervisors and County Planning Commission on Amador County Draft General Plan DEIR

| Table 16-9 Merced County 2030 General Plan Goals and Policies Relating to Population | | |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal or Policy | Goal or Policy Text | How the Goal or Policy Avoids or Reduces Impact |
| Economic Element | | |
| Goal ED-1 | Support and promote growth and diversification of the County's economy. | Reduces impacts related to growth by promoting and planning for the County's growth and the diversification of its economy. |
| Policy ED-1.5: Infrastructure Investment | Direct infrastructure investments to infill areas and other areas with the greatest potential for economic growth in an effort to obtain the greatest pay-off in terms of economic development. This will include taking advantage of existing infrastructure such as Interstate 5, State Route 99, UC Merced, Castle Commerce Center and Airport, as well as planned infrastructure such as the California High-Speed Rail. Encourage the grouping of related and complementary activities and discourage isolated facilities, except when necessary based upon their locational or operational characteristics, in order to minimize vehicle miles traveled (VMT), especially for diesel trucks | Minimizes growth-inducing impacts related to population and employment growth by directing infrastructure investments to infill areas and other areas that have the greatest potential for economic development, but would also require the least new infrastructure by encouraging developed uses to be grouped, complementary, and located near existing public services and infrastructure. |
| Policy ED-1.8: Jobs/Housing Balance | Encourage all communities, and require new or expanded Community Plans, to include sufficient employment-based land uses to maintain a 1:1 jobs/housing balance. | Reduces growth-inducing impacts by balancing the number of houses available with the number of new jobs created in the county. |

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cont.

| Table 16-9 Merced County 2030 General Plan Goals and Policies Relating to Population | | |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal or Policy | Goal or Policy Text | How the Goal or Policy Avoids or Reduces Impact |
| Policy ED-1.9: Facilities and Services Adequacy | Encourage new industries to locate within communities that have or can provide adequate infrastructure capacity to meet the needs of new development. | Minimizes growth-inducing impacts by encouraging new employment centers to locate near communities that can provide adequate housing and infrastructure. |
| Land Use Element | | |

Attachment to testimony of Cecily Smith, January 20, 2015, Joint Meeting of Amador County Supervisors and County Planning Commission on Amador County Draft General Plan DEIR

| | | |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal LU-1 | Create a countywide land use pattern that enhances the integrity of both urban and rural areas by focusing urban growth towards existing or suitably located new communities. | Promotes an orderly and sustainable growth framework by creating a land use pattern that focuses urban growth towards existing or suitably located new communities, thereby relying on existing or proposed infrastructure that would ensure the efficient use of land. |
| Policy LU-1.1: Countywide Development | Direct urban development to areas within adopted urban boundaries of cities, Urban Communities, and Highway Interchange Centers in order to preserve productive agriculture, limit urban sprawl, and protect natural resources. | Reduces growth-inducing impacts by directing urban development to cities, urban communities, and highway interchange centers in order to limit urban sprawl and unanticipated development. |
| Policy LU-1.7: Compact Development | Promote compact development in urban communities that supports pedestrian activity and transit ridership. | Compact development would reduce the need for development in locations that lack infrastructure, thereby minimizing the need to build or extend new infrastructure to other locations, which may further induce population growth. |
| Policy LU-1.9: Regional Housing Needs Allocation Focus | Actively encourage the Merced County Association of Governments to focus future State regional housing needs allocations to the six cities in order to prevent urban sprawl, support compact development and redevelopment, and support the principles of the San Joaquin Valley Blueprint. | Minimizes growth-inducing impacts, such as urban sprawl, by encouraging the MCAG to focus future housing needs to the cities consistent with the San Joaquin Valley Blueprint. |
| Policy LU-1.10: Orderly Community Growth | Require the orderly, well planned, and balanced growth of the unincorporated communities consistent with the limits imposed by local infrastructure, services, public facilities, and their ability to assimilate growth. | Reduces growth-inducing effects by requiring orderly, well planned, and balanced growth in the County consistent with the limits of existing infrastructure, public services, and facilities. |

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cont.

| Table 16-9 Merced County 2030 General Plan Goals and Policies Relating to Population | | |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal or Policy | Goal or Policy Text | How the Goal or Policy Avoids or Reduces Impact |
| Policy LU-3.4: New Rural Residential Center Prohibition | Prohibit the creation of any new Rural Residential Centers in the unincorporated county. | Limits the expansion of development related to low density rural residential uses in the unincorporated portion of the county that often have limited public services and infrastructure. (However, see Mitigation Measure POP-1c in this Chapter for recommended modification of this policy.) |

Attachment to testimony of Cecily Smith, January 20, 2015, Joint Meeting of Amador County Supervisors and County Planning Commission on Amador County Draft General Plan DEIR

| | | |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal LU-5.A | Preserve and enhance the character of Merced County by focusing future unincorporated development towards Urban Communities. | Minimizes growth-inducing impacts by focusing unincorporated development to urban communities that have adequate infrastructure and public services and facilities to accommodate growth. |
| Policy LU-5.A.6: Jobs/Housing Balance | Promote a jobs/housing balance by encouraging residential development near employment centers when preparing new or updating existing Community Plans and providing adequate land for employment generating land use. | Reduces impacts from population and employment growth by promoting a jobs/housing balance that encourages development near employment centers, ensuring a more managed, orderly, and balanced distribution of land uses. |
| Goal LU-7 | Ensure that development in county/city fringe areas is well planned and adequately serviced by necessary public facilities and infrastructure. | Reduces growth-inducing impacts by ensuring that population and employment are accommodated in well-planned areas adequately serviced by public facilities and infrastructure. |
| Policy LU-7.1: Infill Development Focus | Encourage infill development to occur in cities in order to maximize the use of land within existing urbanized areas, minimize the conversion of productive agricultural land, and minimize environmental impacts associated with new development. | Minimizes the growth-inducing impacts by encouraging infill development in cities, thereby maximizing the use of land in urbanized areas that have existing infrastructure to serve new development. |
| Policy LU-7.2: Orderly Expansion | Promote orderly expansion of urban uses within city spheres of influence recognizing the city has primary responsibility to determine the type and timing of development. | Reduces growth-inducing impacts by promoting the orderly expansion of urban uses within cities' spheres of influence. |
| Policy LU-7.3: City Sphere of Influence Expansions | Support city sphere of influence expansion proposals when the city has demonstrated there is an actual need for additional land to accommodate planned growth and documented a good faith effort to implement an infill development program(s) to minimize the conversion of productive agricultural land. | Reduces growth-inducing impacts by promoting the orderly expansion of urban uses within cities' spheres of influence, if there is a demonstrated need to accommodate additional growth. |

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cont.

| Table 16-9 Merced County 2030 General Plan Goals and Policies Relating to Population | | |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal or Policy | Goal or Policy Text | How the Goal or Policy Avoids or Reduces Impact |
| Policy LU-7.4: Increased Residential Densities within Cities | Encourage cities to increase average residential densities in their adopted General Plans in order to provide adequate housing for future populations while limiting urban sprawl. | Reduces growth-inducing impacts by encouraging cities to increase average residential densities to be able to accommodate more housing for future populations while also limiting urban sprawl. |
| Policy LU-7.12: Urban Reserve | Apply, as appropriate, the Urban Reserve designation to unincorporated properties within city spheres of influence that are planned for future development by the city in their general plan. | Reduces growth-inducing impacts by applying the urban reserve designation within cities' spheres of influence to plan for future development. |

Attachment to testimony of Cecily Smith, January 20, 2015, Joint Meeting of Amador County Supervisors and County Planning Commission on Amador County Draft General Plan DEIR

| | | |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal LU-8 | Recognize pre-existing isolated areas designated for urban land uses as limited exceptions to the “Urban Centered Concept” of the General Plan. | Establishes goal of limiting future intensification or expansion of isolated urban areas. |
| Policy LU-8.2: Land Use Controls | Prohibit the expansion or redesignation to a more intensive use of an existing urban land use located outside of an Urban Area Boundary. Require the Board of Supervisors, during the review of a General Plan Amendment and Zone Change application, to make a determination that the land use intensity will not increase as a result of a redesignation. | Reduces growth-inducing impacts by directing urban development to cities, urban communities, and highway interchange centers in order to limit urban sprawl and unanticipated development. |
| Housing Element | | |
| Goal HE-1 | To provide for a broad range of housing types and densities to meet the needs of all residents of the unincorporated area. | Reduces growth-inducing impacts by planning for a broad range of housing types. |
| Policy 1-6: | The County shall support infill residential development and other mid- to large-sized residential projects in unincorporated urban communities that have the infrastructure necessary to support such development. | Directs population growth to infill areas that have infrastructure to support development, thereby minimizing growth-inducing effects due to unplanned population growth. |
| Policy 1-8: | The County shall promote the use of cluster housing, mixed-use, and planned development concepts where existing community services are available. | Limits unplanned development by promoting cluster housing and planned development concepts where community services are available. |
| Policy 1-10: | The County shall encourage the consolidation of parcels to facilitate more efficient multifamily residential development. | Reduces growth-inducing impacts by encouraging the consolidation of multi-family residential development to be able to efficiently accommodate population growth. |
| Policy 1-11: | The County shall strongly encourage residential development projects to develop at the maximum allowable density. | Limits unplanned development by encouraging development projects that accommodate higher densities. |

Source: Merced County, 2011; Planning Partners, 2012.

The policies in the Economic Development Element address the infrastructure, land, and resources needed for general economic development. Goal ED-1 and its supporting policies would support and promote growth and diversification of the County’s economy. Implementation of this goal and polices would minimize any potential adverse effects of growth through policies that support the planning for future development, and by directing growth to locations that have existing infrastructure and include sufficient employment-based land uses to maintain the jobs/housing balance.

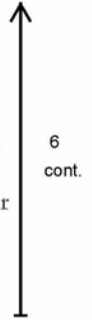
The Land Use Element contains various goals and policies that encourage the management of growth in an orderly and sustainable manner. Goals LU-1, LU-5.A, LU-6, and LU-7 would create a countywide land use pattern that enhances the integrity of both urban and rural areas by focusing urban growth towards existing communities. These goals are supported by several policies to ensure that population is accommodated in areas that are well planned and adequately serviced by public facilities and infrastructure, and that future growth could be accommodated through increased densities and within

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cont.

Attachment to testimony of Cecily Smith, January 20, 2015, Joint Meeting of Amador County Supervisors and County Planning Commission on Amador County Draft General Plan DEIR

existing urban communities. Proposed land use polices discourage housing in inappropriate locations, and the extension of roadways and infrastructure that could induce unexpected population growth.

The 2010 Housing Element also contains policies that ensure growth would be managed in an orderly and well-planned manner. Goal HE-1 would provide for a broad range of housing types and densities to meet the needs of all residents. Implementation of identified supporting policies would avoid building infrastructure that would induce unplanned growth and development outside established water and sewer boundaries. Instead, 2030 General Plan policies prioritize placing development in well-defined, well-planned, and core areas with existing infrastructure and public services or planned improvements.



Attachment to testimony of Cecily Smith, January 20, 2015, Joint Meeting of Amador County Supervisors and County Planning Commission on Amador County Draft General Plan DEIR

C. Smith-1

The commenter states that the DEIR should provide mitigation measures that would reduce the Draft General Plan's impact related to population growth, and suggests that the Butte County General Plan contains mitigation measures that could be used by Amador County. The text excerpt provided by the commenter from the Butte County General Plan DEIR does not, in fact, contain any mitigation measures. Rather, the text explains why the Butte County General Plan contains policies that provide for orderly, well-planned, and balanced growth. The Amador County Draft General Plan also contains policies that provide for orderly, well-planned, and balanced growth as discussed in detail on DEIR page 4.12-6 (in Section 4.12, "Population and Housing").

The text excerpts from the Merced County General Plan DEIR provided by the commenter do not contain mitigation measures; rather, the text pertains to policies adopted by Merced County that require infill development in existing urban areas. Amador County is primarily rural in nature, and thus there are few areas of opportunity for infill development. As discussed on DEIR page 4.12-6, the Draft General Plan outlines the plan for future development in the County in and near existing communities, in areas such as the Martell RSC, Pine Grove Town Center, Buckhorn Town Center, River Pines Town Center, and the Camanche Village Special Planning Area. The purpose of the Draft General Plan is to accommodate the most recent population growth, housing, and employment projections in an orderly manner. There are no policies in the Draft General Plan that would reduce the potential for population growth, but instead policies that would manage growth in an orderly manner. Based on California Government Code Section 65300, the Draft General Plan is required to serve as a comprehensive, long-term plan for physical development and conservation in the unincorporated County.

In summary, the comment does not present any potentially feasible mitigation measures that would reduce the permanent increase in population growth described in DEIR Impact 4.12-1 to less-than-significant levels.

For the reasons stated above, the suggested revisions to the Draft General Plan and DEIR Section 4.12, "Population and Housing," are not required.

C. Smith-2

The commenter suggests that goals, policies, and programs should be developed not only for population and housing, but also for land use, economic development, traffic circulation, public services, and other resources areas, which should be included in the DEIR as mitigation measures. The Draft General Plan contains appropriate goals, policies, and programs related to land use, economic development, traffic circulation, public services, and other resources areas, which are included throughout DEIR Sections 4.1 through 4.14 as mitigation measures.

The commenter appears to misunderstand the limited scope of DEIR Impact 4.12-1, which is simply a direct increase in population growth. This impact does not include the indirect or secondary impacts caused by the amount of population growth or its location; these impacts are addressed and mitigated in the remaining resource topic sections of DEIR Chapter 4.

C. Smith-3

The comment states that DEIR Table 4.12-2, titled "Housing Stock, Amador County 1990-2011" cites "DOF 2011a" as the only source for the information in the table when the numbers for housing stock in 1990 are actually from an August 2007 Department of

Finance (DOF) report. The DEIR has been revised to include the additional reference for Table 4.12-2 (DEIR page 4.12-3), which was inadvertently omitted from the table but was stated in the preceding paragraph, as shown below:

Source: DOF 2007, DOF 2011a,

- C. Smith-4 The comment states that other tables in DEIR Section 4.12 rely on DOF data for several different years, but do not provide a complete list of the sources in the tables. The comment further states that all data resources should be cited in each table throughout the DEIR and that “conflicting information among the tables” should be corrected. Other than the specific notation contained in comment C. Smith-3, the commenter does not present evidence of any specific tables in the DEIR that she believes contain data requiring changes or correction. All data resources have been appropriately cited in DEIR tables, the tables do not contain conflicting information, and the tables contain complete and accurate data.
- C. Smith-5 The comment includes an excerpt from the Butte County General Plan DEIR related to the impact of population increase. See response to comment C. Smith-1. Please note that the Butte County General Plan DEIR’s significance threshold is: “induce substantial unexpected population growth or growth for which inadequate planning has occurred.” This threshold is different from Amador County’s DEIR population threshold, which is: “induce substantial population growth in an area,” and this difference led to a different impact analysis and significance conclusion.
- C. Smith-6 The comment includes an excerpt from the Merced County General Plan DEIR related to the impact of population increase. See response to comment C. Smith-1.

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COMMENTS ON AMADOR COUNTY GENERAL PLAN DEIR

TIM K SMITH

November 20th 2014

4.6 GEOLOGY, SOILS, MINERAL RESOURCES, AND PALEONTOLOGICAL RESOURCES

Page 4.6-11, par 5

Areas which are moderately likely to contain NOA include metamorphosed mafic volcanic rocks (mv); metamorphosed intrusive rocks (mi); and gabbroic (mafic intrusive) *[should be ultramafic]* rocks (gb) (Higgins and Clinkenbeard 2006).

Rocks of these types in Amador County include the Copper Hill Volcanics (Jch), the Gopher Ridge Volcanics (Jgo), and the Logtown Ridge (Jlr) geologic formations. *[The Copper Hill, Gopher Ridge, and Logtown Ridge Formations are predominantly intermediate to felsic in composition and are not generally NOA bearing. These Formations do locally abut mafic and ultramafic units which can be hosts to NOA minerals. The ultramafic rocks (typically serpentines and gabbros) usually mark the location of ancient major fault zones and the bases of the volcanic successions or ancient ocean floor accumulations upon which the Intermediate and felsic sequences were accumulated. *[the reason this is important is because of the widespread occurrence of these named Formations and the impact of wrongly thinking of NOA's being a problem for development in them]** Exhibit 4.6-3 is a geologic map of Amador County illustrating the locations of these formations.

Page 4.6-25, par 4

Currently, mining in the County includes *[refractory sand]*, clay, gold, lignite, and aggregate materials, but the County's mineral products include (among others), clay, sand, gravel, aggregate, quartz sand, copper, silver, gold, soapstone, marble, slate, greenstone, river rip rap, road base, limestone, sandstone, zinc, chromite, talc, lignite, and diamonds. In addition to other mineral resources present in the planning area, the Ione Formation, located in western Amador County, is the only large source of super duty refractory clay in the western United States. This resource is used in the production of heat-resistant brick for high-temperature furnaces.

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4.9 HYDROLOGY AND WATER QUALITY

Page 4.9-1, par 4

4

The National Pollutant Discharge Elimination System (NPDES) permit program was established to regulate municipal and industrial discharges to surface waters of the United States. *[I question the "Waters of the US". NPDES permits are required on Waters of the State of California as well and the State should not relinquish its waters to the Feds. The permits are under the Fed jurisdiction with administration delegated to the State of Cal but not necessarily just on 'navigable' WOTUS. WOTUS have not been redefined yet.]* Federal NPDES permit regulations have been established for broad categories of discharges including point source municipal waste discharges and nonpoint source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Page 4.9-2, Par 2

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Under Section 401 of the CWA, an applicant for a Section 404 permit (to discharge dredged or fill material into *[navigable]* waters of the United States) *[again the WOTUS is too broadly used on waters of the State]* must first obtain a certificate from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to either grant water quality certification or waive the requirements is delegated by the State Water Resources Control Board (SWRCB) to the nine regional boards.

Page 4.9-3, Par 1

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allocation of allowable loadings to point and *[non-exempt, (not all non-point sources are regulated, this is being litigated on an ongoing basis.; ie logging roads, flood irrigation tail water is regulated by the state of Cal and not the Feds etc)]* nonpoint sources, with consideration of background loadings and a margin of safety. The TMDL must also include an analysis that shows the linkage between loading reductions and the attainment of water quality objectives. The EPA must either approve a TMDL prepared by the state or disapprove the state's TMDL and issue its own. NPDES permit limits for listed pollutants must be consistent with the waste load allocation prescribed in the TMDL. The goal of the TMDL program is that, after implementation of a TMDL for a given pollutant on the 303(d) list, the causes that led to placement on the pollutant on the list would be remediated.

Page 4.9-8, 1st section heading

NPDES Permit System And Waste Discharge Requirements For Construction

7

[what about the Industrial General storm water permits??]

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**Table 4.9-3
Impaired Water Bodies within Amador County**

Page 4.9-19, 2nd entry on table

| | | | |
|--------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Camanche Reservoir | Copper, Mercury, and Zinc | Historical Resource Extraction 7,389 acres 2020, 2021 <i>[the Mokelumne River cuts through the Penn copper -zinc mine mineralized halo and therefore there is some naturally occurring metal and acid contribution to that stream and reservoir].</i> | 8 |
|--------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|



Tim K Smith
President & Director, Central sierra Mining Association
Member Amador Business Council

11/20/2014

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T.Smith-1 and -2

The commenter refers to text from DEIR page 4.6-11 regarding areas that are moderately likely to contain naturally occurring asbestos (NOA). The commenter states that the text regarding gabbroic (mafic intrusive) rocks should be revised to state “ultramafic rocks.” The County agrees that NOA is primarily found in ultramafic rocks, as stated in the preceding paragraph on page DEIR 4.6-11. However, the text referenced by the commenter is quoted directly from the publication *Relative Likelihood for the Presence of Naturally Occurring Asbestos in Eastern Sacramento County, California* (Higgins and Clinkenbeard 2006) and is related to areas that are moderately, not primarily, likely to contain NOA. Therefore, the change requested by the commenter would not be appropriate.

The commenter also disagrees with the DEIR’s statement (on page 4.6-11) that NOA may be present in the Copper Hill Volcanics (Jch), the Gopher Ridge Volcanics (Jgo), and the Logtown Ridge (Jlr) geologic formations (shown on DEIR Exhibit 4.6-3), contending that because the Copper Hill, Gopher Ridge, and Logtown Ridge Formations are predominantly intermediate to felsic in composition, they are not generally NOA bearing. The commenter therefore asserts that the DEIR improperly overstates the potential for significant impacts from exposure to NOA where earthmoving activities would occur in these formations.

As stated by CGS (Higgins and Clinkenbeard 2006:7), “A site-specific geologic investigation is required to verify if NOA is present. However, available geologic information is sufficient to identify areas where NOA is more or less likely to be present... Thus, based on current information, areas indicated by the map as ‘moderately likely to contain NOA’ would have more instances of NOA than areas indicated as ‘least likely to contain NOA.’” The Copper Hill, Gopher Ridge, and Logtown Ridge geologic formations have been classified by CGS as “moderately likely to contain NOA.”

Higgins and Clinkenbeard (2006:6) also stated, “...the presence of the minerals tremolite, actinolite, and anthophyllite indicate that at least some of the conditions necessary to form amphibole asbestos occurred in these areas. Clark (1964) reported that metamorphism ‘has produced abundant epidote, albite, and tremolite and some chlorite in most of the rocks of the Gopher Ridge volcanics... The presence of NOA in metamorphic rock is mentioned in several unpublished consulting reports related to construction projects in the Folsom area that are on file with the Sacramento Metropolitan Air Quality Management District. *Most of these NOA occurrences, some of which were identified as actinolite asbestos, were in rocks mapped as Copper Hill volcanics by Loyd (1984) and by Wagner and others (1981). However, one set of occurrences was in rocks mapped as Gopher Hill volcanics by Loyd (1984) and by Wagner and others (1981).*” [Emphasis added.] Thus, there is a potential that these geologic formations in Amador County may contain NOA.

Finally, according to Higgins and Clinkenbeard, “areas ‘moderately likely to contain NOA’ contain one or more of the following rock types: metamorphosed mafic volcanic rocks (mv); metamorphosed intrusive rocks (mi); and gabbroic (mafic intrusive) rocks (gb).”...“These rock types...have a higher likelihood for the presence of NOA than other rock types within eastern Sacramento County because of their chemical and/or physical characteristics. Occurrences of amphibole asbestos in these rock types have been reported in several consulting reports prepared for construction activities in eastern Sacramento

County or are known to be present in similar rocks in nearby counties.” [Emphasis added.] (Ibid at pages 6 and 7.)

Therefore, the changes suggested by the commenter are not appropriate. See also response to comment Business Council-14.

T.Smith-3

The commenter requests that the discussion on DEIR page 4.6-25 regarding the types of current mining in Amador County be amended to include refractory sand. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR. However, the text of the first paragraph of Impact 4.6-8 (DEIR page 4.6-25) has been revised as shown:

Currently, mining in the County includes refractory sand, clay, gold, lignite, and aggregate materials, but the County’s mineral products include (among others), clay, sand, gravel, aggregate, quartz sand, copper, silver, gold, soapstone, marble, slate, greenstone, river rip rap, road base, limestone, sandstone, zinc, chromite, talc, lignite, and diamonds. In addition to other mineral resources present in the planning area, the Ione Formation, located in western Amador County, is the only large source of super duty refractory clay in the western United States. This resource is used in the production of heat-resistant brick for high-temperature furnaces.

T.Smith-4

The commenter quotes from text on DEIR page 4.9-1 regarding the National Pollutant Discharge Elimination System (NPDES) permit program, and expresses an opinion that the federal government should not be allowed to take jurisdiction over Waters of the State. This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR. The DEIR’s description of the NPDES program is accurate.

T.Smith-5

The commenter expresses an opinion that the definition of waters that fall under federal jurisdiction should be limited only to “navigable” waters, and therefore requests a text change on DEIR page 4.9-2 under the discussion of CWA water quality certifications or waivers. A CWA Section 404 permit is needed for discharge into waters of the United States, which include the following:

- Traditional Navigable Waters (TNW)—all waters subject to the ebb and flow of the tide, or waters that are presently used, have been used in the past, or may be used in the future to transport interstate or foreign commerce, and all waters that are navigable in fact under federal law for any purpose.
- Relatively Permanent Waters (RPW)—waters that flow continuously at least seasonally (typically at least 3 months of the year) and are not TNWs.
- Non-RPWs—waters that do not have continuous flow at least seasonally.

The following types of water bodies are subject to jurisdiction under the CWA:

- All TNWs and adjacent wetlands;
- Relatively permanent tributaries of TNWs and wetlands with a continuous surface connection to such tributaries; and
- Non-relatively permanent tributaries of TNWs and adjacent wetlands if they have a “significant nexus” to a TNW. Non-RPWs and adjacent wetlands are determined to

have a significant nexus to a TNW if they significantly affect the chemical, physical, or biological integrity of a downstream TNW.

Thus, the definition of waters that fall under federal jurisdiction should not be limited solely to “navigable” waters as suggested by the commenter. However, the DEIR has been revised to clarify the Section 401 and 404 process under the heading “Section 401 Water Quality Certification or Waiver” on page 4.9-2 as shown below:

Section 404 of the Federal Clean Water Act (CWA) requires a project proponent to obtain a permit from the U.S. Army Corps of Engineers (USACE) before engaging in any activity that involves any discharge of dredged or fill material into waters of the U.S., including wetlands. Fill material, waters of the U.S., and wetlands are defined as follows:

- ▶ Fill material is material placed in Waters of the U.S. where the material has the effect of replacing any portion of a water of the United States with dry land, or of changing the bottom elevation of any portion of a water of the United States.
- ▶ Waters of the U.S. consist of navigable waters of the U.S.; interstate waters; all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce; tributaries to any of these waters; and wetlands adjacent to these waters.
- ▶ Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Under Any applicant for a Section 404 permit must obtain a Section 401 Water Quality Certification under Section 401 of the CWA, an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the United States) must first obtain a certificate from the appropriate State agency stating that the fill is consistent with the state’s water quality standards and criteria. In California, the authority to either grant water quality certification or waive the requirements is delegated by the State Water Resources Control Board (SWRCB) to the nine regional boards. Activities associated with the proposed project that would require a permit under Section 404 of the CWA would also require Water Quality Certification under Section 401 of the CWA.

T.Smith-6

The commenter notes that not all non-point sources are regulated by the federal government with regards to Total Maximum Daily Loads (TMDLs). This comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR. The DEIR’s description the TMDL program is accurate, and does not imply that all non-point source categories would be regulated by every TMDL.

T.Smith-7

The commenter requests that the heading “NDPES Permit System and Waste Discharge Requirements for Construction” on page 4.9-8 of the DEIR include industrial general storm water permits. The requirement for industrial stormwater permits referred to by the commenter is discussed on pages 4.9-1 and 4.9-2 in Section 4.9, “Hydrology and Water Quality.”

T.Smith-8

The commenter notes geological information related to the contribution of historical resource extraction to water quality in the Camanche Reservoir (DEIR Table 4.9-3, Impaired Water Bodies within Amador County). This comment is informational only and does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.



HEISSENBUTTEL

Planning Department <planning@amadorgov.org>

comments on Amador County Plan DEIR

1 message

Anne and John <ajheissen@volcano.net>
To: planning@amadorgov.org

Fri, Jan 30, 2015 at 10:47 AM

Dear Ms Grijalva,

Please see our comments, attached, on the Amador County DEIR.

Thank you.

Anne and John Heissenbittel

ajheissen@volcano.net

 **Amador Co draft plan DEIR Jan2015.doc**
48K

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**John and Anne Heissenbittel
20565 Parkside Lane
Pine Grove, California 95665**

RECEIVED
Amador County

JAN 30 2015

PLANNING DEPARTMENT

January 30, 2015

Amador County Planning Department
Attn: Susan Grijalva, Planning Director
810 Court Street
Jackson, CA 95642
Email to: planning@amadorgov.org

RE: Amador County Draft EIR and Draft General Plan

Dear Ms. Grijalva,

Thank you for the opportunity to offer our comments on the Draft Environmental Impact Report for the draft Amador County General Plan. As land owners and long time residents of the County we are pleased to participate in this important process.

We preface our remarks with some concerns about the provisions for Town Centers as described in the draft General Plan. Because the environmental analysis is based upon the assumptions and decisions made in the General Plan, these concerns should be addressed prior to completing the Environmental Impact Report.

Town Centers

In the Draft General Plan (beginning at page LU-15), the Pine Grove Town Center is described as an approximate 1-mile stretch of Highway 88 including commercial uses, smaller strip shopping centers, low-density residential, and public uses (government buildings, churches, fire station, etc.), but with no mention of the Pine Grove public park. The plan to provide a 'downtown' for the upcountry area would provide clusters of mixed land uses with "cohesive design elements to create a defined 'main street'," encouraging infill development of additional services, stores, offices and housing. It ignores both the existing park and the opportunity to introduce additional park-like settings when developing new businesses and other services.

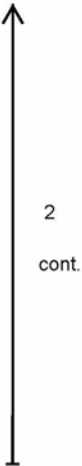
The description of the Pine Grove Town Center does not address any visual standards for new construction, nor does it address how such standards might be adopted if the residents and businesses of Pine Grove so desire. It *does*, however, specify that "zoning for Pine Grove will include form-based characteristics (regulating form and appearance of buildings rather than use) to provide flexibility beyond existing zone districts, while preventing incompatible uses." (LU-16) It also specifies that "the County will establish design guidelines for new commercial development in the Town Centers, specifying that new buildings in Pine Grove will be built closer to the street" and with parking areas

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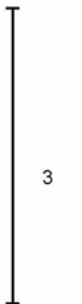
screened by topography, berms, buildings and vegetation.

We would prefer to see an emphasis placed on the general appearance of buildings and surrounding landscaping to ensure a pleasant visual appearance, appropriate to the foothill and historic gold country location of the town. Placement of parking areas and shared driveways should minimize traffic flow on and off the highway and reduce barriers to pedestrians, as noted in the draft plan. Appropriate building design, landscaping and plantings should be more important than the distance of a building from the highway. In fact, buildings placed back from the highway with open park-like patios facing the highway would be inviting to travelers passing through as well as to residents, who would be encouraged to walk from location to location or to rest in a lovely setting.



By example, we note the description of the Buckhorn Town Center which calls for “tourism services and accommodations ... located alongside local services in a well-connected mountain village environment.” This description appropriately provides some guidance as to the preferred visual design for new buildings.

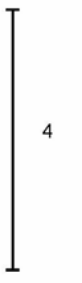
We are concerned that the County is proposing “form-based characteristics” to replace zoning for particular uses. While generally regulating the form and appearance of new buildings will help to improve the look and character of the Pine Grove Town Center, it should not substitute for use requirements that are established by zoning. We do not support this approach. In fact, the DEIR notes at 4.10-2 that “[t]he code specifically outlines regulations, indicating which land uses are permitted in the various zones.”



At a minimum, standards for the Town Centers should be developed with input from the citizens of those towns, not mandated through the new general plan via the designation of the town centers themselves.

Goals for Land Use and Community Services

We have several other comments on the goals for land use and community services as described in the draft plan which are noted here:

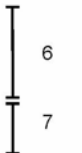


Goal LU-7: Ensure the provision of accessible health care services
Currently the county does not have a hospital which provides health care to clients using Covered CA Anthem policy. This arbitrarily limits the county’s achievement of this goal and adds costs when residents must instead use hospital services on an emergency basis.

Goal LU-8: Maintain high quality child care facilities, schools and libraries.
We would like to emphasize the importance of keeping open the public libraries in town centers and existing community areas to serve county residents in their vicinity.



Policy LU-8.5: Ensure that new residential developments include on-site pedestrian facilities to provide safe routes to schools.
The plan should also ensure that ingress and egress to schools does not hinder traffic flow in the vicinity of the school. The plan should consider moving the location of schools rather than short-term band aid approaches to mitigating traffic patterns.



Policy LU-10.2: Develop form-based code specifications for the individual Town Centers. These specifications will be used to guide future development decisions in the Town Centers. Community participation should provide direction for these code specifications.

It appears in the DEIR that these form-based codes would replace zoning use requirements, which gives us concern. While requirements based on form (developed by the residential and business community) may be an important and useful addition, zoning by use should still apply in Town Centers as in other parts of the county.

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Draft Environmental Impact Report

The overarching project objectives outlined in the Executive Summary (DEIR 2-2) and again in chapter 5 (DEIR 5-2) make clear the importance of economic as well as broader environmental goals, yet the economic component is ignored in the environmental analysis. The DEIR needs to recognize that strong economies lead to better environmental performance. This is the foundation of sustainable development – environment, economy, and community are all connected. The DEIR should correct this failure by considering in each section how well the plan will meet the project objectives as a whole.

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DEIR Chapter 3, Project Description

Economic Development Element – 3.63

This section of the DEIR outlines a number of economic goals described further in the Draft General Plan. Separately (in chapters 2 and 5) the DEIR outlines overarching project objectives that help to address the County’s economic goals. Unfortunately, in the environmental impact analysis, the DEIR fails to address the impacts – either positive or negative – upon the economic elements of the plan. As stated above, the environment, economy and social structure are inextricably linked.

With the loss of the Martell mill, we no longer have a major source of family-wage jobs in the county. The DEIR should describe how the plan will help to “encourage high-wage jobs and support business, especially locally-owned and unique businesses” (Project Objective 4). This economic component is entirely missing from the analysis. The DEIR might also consider the beneficial impacts of the USDA Forest Service more aggressively managing their lands to reduce fire danger. The result could be sufficient fiber to attract the construction of a new mill in Amador County and to support the development of an energy cogeneration plant.

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DEIR Chapter 4, Environmental Impact Analysis

Aesthetics – 4.1:

Under ‘Visual Character of Amador County’, the DEIR states at 4.1-2 that: “While the conifer landscape would constitute an area of high visual quality, areas of timber production and existing rural residential areas are substantial[ly] disturbed and would not provide high quality scenic vistas.” It also states that “Vineyards in the Shenandoah Valley are considered to be substantial, high quality, visual resources due to the aesthetic

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character of agricultural working landscapes in the Valley.”

It is incorrect to conclude that timber production automatically creates ‘substantial’ disturbance and therefore degrades scenic vistas, while agricultural lands (also disturbed in comparison to a natural vista) are deemed high quality landscapes. Changing a native landscape to vineyards or other agricultural uses is aesthetically offensive to some. By contrast timber harvesting, under existing regulations, does not convert the site. Changes due to timber production may or may not be obvious, depending on the type of management and the length of time since harvest. Even clearcuts grow and contribute to excellent scenic quality after a relatively short time. Unmanaged forest lands that are dying or have burned in catastrophic fires (such as USFS lands within the Power Fire) have much longer lasting negative visual impacts. This portion of the plan should be amended to reflect the fact that unmanaged forests (generally public lands) create a high risk to catastrophic wildfires which have a significant impact on visual quality as well as impacting the forest environment, public health, and greenhouse gasses.

The plan further notes that “Because wildernesses are designated for their “untrammled” landscape and opportunity for solitude, the Mokelumne Wilderness is considered to have high visual quality.” DEIR 4.1-3. It should be added that the high risk of catastrophic fire is a threat to the continued high quality visuals within the Wilderness, over both the short and long term.

Biological Resources – 4.4

There is no mention in the description of plant communities (DEIR 4.4.2, 4.4.3) of the threat to native plant communities from the spread of invasive weeds. These include the Scotch and Spanish brooms (*Cytisus scoparius*, *Spartium junceum*), yellow star-thistle (*Centaurea solstitialis* L.), oblong spurge (*Euphorbia oblongata*), puncture vine (*Tribulus terrestris*), medusahead grass (*Taeniatherum caput-medusae*) and tree of heaven (*Ailanthus altissima*), to provide only a few examples of aggressive invasive plants already found in the County. Some of these exotic weeds have become fairly well established and widespread, but others are now spreading rapidly along roadways and other disturbed areas, along the edges of developed areas, and even within the boundary of Indian Grinding Rock State Historic Park. Some of these weeds (such as oblong spurge) also spread easily within natural drainages, including dry hollows and along stream banks. If left uncontrolled, the potential for substantial adverse effects on riparian habitats and sensitive natural communities is very high.

The DEIR and draft General Plan should acknowledge the impact these invasive plants have on natural plant communities and landscapes. They frequently outcompete native vegetation, directly impacting the availability of naturally occurring foods and reducing the quality of habitat for animal and bird species. Some plants (such as oblong spurge) are toxic to cattle and other animals. The DEIR should provide measures for reducing the spread of invasive plants, including education of the public to provide more effective control on private lands, as well as requiring control measures on public lands such as road right-of-ways. Control, or where impossible, reduction of spread of these aggressive non-native plants should be made a high priority for Amador County.



DEIR Chapter 5 - Other Alternatives Considered

We support the Proposed Plan if amended as above. All the other alternatives evaluated will do less to integrate the premise of sustainability – integrating environmental protection, strong economy and social structure.

Thank you for the opportunity to provide our comments.

Sincerely,

John Heissenbittel, RPF 1920
Anne Heissenbittel, RPF 1894

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cont.

- Heissenbuttel-1 The comment states that the Draft General Plan Land Use Element does not mention parks, specifically the Pine Grove public park, as part of its Town Center and states that the Draft General Plan ignores both the existing park as well as opportunities to introduce additional park-like settings when developing new businesses. As stated in the Land Use Element in the discussion of the Pine Grove Town Center, the County would establish design guidelines for new commercial development in the town centers, including landscape design. As also stated in the Parks and Developed Recreation Areas discussion in the Open Space Element of the Draft General Plan, a Recreation Master Plan was prepared by the Amador County Recreation Agency in 2006 that inventoried parks and recreational needs, including park needs for the unincorporated communities of Pine Grove, Volcano, and Camanche Village. The comment does not identify any specific issue related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Heissenbuttel-2 The comment states that the Draft General Plan Land Use Element does not address any visual standards for new construction, nor does it address how such standards might be adopted if the residents and businesses of Pine Grove so desire. The comment also expresses a preference for an emphasis on building appearance and design as exemplified by the Buckhorn Town Center description. As stated in the Land Use Element in the discussion of the Pine Grove Town Center, the County would establish design guidelines for new commercial development in the town centers. Furthermore, the discussion regarding land use designations on DEIR page 3-10 (Chapter 3, "Project Description") states, "Each General Plan land use designation generally describes the intended land uses and establishes a permitted range of density or intensity of development. Amendments to the County zoning ordinance following General Plan approval will specify the permitted uses for each category as well as the applicable development standards." The comment does not identify any specific issue related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Heissenbuttel-3 through -8 The comments express concern about the County proposing "form-based characteristics" in lieu of zoning for particular uses and suggests that standards for the town centers should be developed with input from the citizens of those towns, not mandated through the new general plan via the designation of the town centers themselves. The comments also list several General Plan Land Use Goals with additional commentary about these goals. See Draft General Plan Goal LU-10 and Policies LU-10.1 through LU-10.3 for a discussion regarding development of the form-based code specification and development of town centers. Specifically, Policy LU-10.2, states, "Develop form-based code specifications for the individual Town Centers. These specifications will be used to guide future development decisions in the Town Centers. Community participation should provide direction for these code specifications." The comments do not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.
- Heissenbuttel-9 and -10 These comments contend the DEIR should be corrected to include environmental analyses for economic impacts. Section 15131(a) of the CEQA Guidelines states that economic or social effects of a project shall not be treated as significant effects on the environment. Therefore, the impact analyses requested by the comment is not required by CEQA.
- Heissenbuttel-11 The comment suggests that USFS should more actively manage the forests to reduce fire danger, and that such a discussion should be added to the DEIR. The management of USFS

lands is not within the County’s authority or jurisdiction. The comment does not identify any specific issues related to the adequacy of the analysis provided in the DEIR; no further response is required.

- Heissenbuttel-12 The comment states that the DEIR should not conclude that timber production automatically creates “substantial” disturbance and therefore degrades scenic vistas, while agricultural lands (also disturbed in comparison to a natural vista) are deemed high quality landscapes. The commenter expresses a personal opinion regarding the DEIR’s discussion of existing visual conditions on page 4.1-2. The comment further states that this discussion in the DEIR should be revised to state that unmanaged forests (generally public lands) create a high risk for catastrophic wildfires which in turn have a significant impact on visual quality as well as affecting the forest environment, public health, and greenhouse gasses. The commenter expresses personal opinions regarding a perceived lack of USFS wildfire management on public lands and regarding the characterization of the existing visual setting on DEIR page 4.1-2. Furthermore, these comments do not relate to the impact analyses or significance conclusions contained in DEIR Section 4.1, “Aesthetics.” See also Master Response 2, “Disagreement Regarding the Methodologies or Conclusions of the Draft Environmental Impact Report.”
- Heissenbuttel-13 The comment contends that the DEIR’s discussion of the existing visual setting should note the high risk of catastrophic fire to visual resources in the Mokelumne Wilderness. The commenter expresses a personal opinion regarding the characterization of the existing visual setting in the DEIR. Hazards associated with wildfire are discussed and evaluated in DEIR Section 3.8, “Hazards and Hazardous Materials.
- Heissenbuttel-14 The comment suggests that DEIR Section 4.4, “Biological Resources” should include a discussion of invasive plant species, particularly invasive weeds. The Thresholds of Significance for “Biological Resources” can be found in Section 4.4.3, “Impacts and Mitigation.” A threshold for invasive species was not included because the General Plan would not cause significant impacts related to invasive species. In response to this comment, text has been added to Draft General Plan Policy OS-3.6 as shown below:
- Policy OS-3.6: Encourage the use of appropriate native species for reclamation and revegetation components of development projects. Restrict the introduction of invasive exotic species. The County will amend Chapter 15.40 of the County Code (governing grading and erosion control) to include a section addressing the requirement to limit the potential for introduction and spread of invasive species during soil disturbance and construction activities.
- See also response to comment Heissenbuttel-15.
- Heissenbuttel-15 The comment states the DEIR should provide measures for reducing the spread of invasive plants. DEIR Mitigation Measure 4.4-2 (page 4.4-37) requires that if future site-specific projects would entail encroachment into riparian habitat, project applicants will be required to develop a riparian habitat mitigation plan. The mitigation plan would include implementation of best management practices (BMPs) while working near riparian habitats to avoid inadvertent damage to riparian vegetation along with measures to reduce the introduction and spread of invasive species. In addition, Mitigation Measure 4.4-4b (page 4.4-41) related to the protection of oak woodland habitat, requires implementation of BMPs while working near oak woodlands including establishment of no-disturbance buffers around the outer canopy edge to prevent root and crown damage and soil compaction, and standard management practices to reduce introduction and spread of invasive species. See response to comment Heissenbuttel-14.



Chairman Theodore Novelli
Amador County Board of Supervisors
810 Court St
Jackson, CA 95642

RECEIVED
Amador County
JUL 15 2014
PLANNING DEPARTMENT

Re: **General Plan EIR review schedule and announcements**

July 14, 2014

Dear Chairman Novelli and Members of the Board:

We're glad to see that the EIR and text for the Amador County General Plan update will soon be released. We have the following comments we hope will help the county and the public as the general plan update moves to the next step.

First, we suggest that you have at least one evening workshop early on to familiarize the public with the content of the draft general plan. The workshop should focus on how the proposed update differs from the existing plan: what has been changed, what has been added, what has been removed, what stays the same. That will help local residents play a more informed role in reviewing and commenting on the plan and EIR. Holding workshops in different parts of the county would likely reach a greater segment of the public.

Second, we would like to recommend that the public comment period be 90 days, not 45 days. The general plan text online is not complete or final, and even those of us involved in working on the update from the beginning need to review the entire document. In addition, many members of the public take vacations during the summer months, which likely reduces the time they have to review and comment on the plan and EIR. Considering that this process began in 2006, we don't think delaying the process 45 days will be an undue burden on anyone. As important as it is to complete the plan, rushing at this stage is neither warranted nor wise.

Lastly, we would urge you to publicize the availability of the plan, workshops, hearings and key deadlines as widely as possible, sending letters to all registered voters and landowners. The general plan will affect everyone in the county, not just those who own property. The notification should include an explanation of what the general plan is and why it matters to local landowners and residents. In addition, we would encourage you to use the various social media outlets available and widely used to distribute information today, including Loraine's e-mail list and Facebook, in addition to print advertisements and letters.

Thank you for this opportunity to comment.

Very truly yours,

35 Court St, Ste 1 Jackson, CA 95642 209-223-3508



Susan Bragstad, Chair
Land Use Committee
Cc: Amador County Citizens for Smart Growth
Thomas P. Infusino

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cont.

35 Court St, Ste 1 Jackson, CA 95642 209-223-3508

Foothill1-1 and -2

This comment letter was provided before the start of the public comment period on the DEIR, and does not contain comments related to the DEIR's impact analysis. Therefore, no further response is required. For informational purposes, the County responds as follows. The commenter suggests that evening workshops should be held in different parts of the County to familiarize County residents with the contents of the Draft General Plan. As described on Draft General Plan pages I-8 and I-9 (Chapter I, Introduction), the following opportunities were provided for public participation in the General Plan process:

- ▶ Five introductory community workshops were held during September 2006. These workshops provided an introduction to the General Plan update process and a forum to discuss visions for the future. Discussion at each workshop focused on four broad elements—community, character, resources, and services.
- ▶ Twenty-seven General Plan Advisory Committee (GPAC) meetings were held on a bi-weekly to monthly basis from July 2006 through April 2008. The public participated in GPAC discussions regarding issues and opportunities, existing conditions, vision, goals, and land use alternatives.
- ▶ The County hosted workshops and open houses on alternatives, goals, and policies in June and September 2008.
- ▶ Two rounds of study sessions before a joint session of the Board of Supervisors and Planning Commission in October and November 2008, and March through July 2009.
- ▶ General Plan documents, including meeting agendas and summaries, background working papers, draft goals and policies, and draft land use alternatives, have been continuously posted on the county's website for public access since 2006.
- ▶ The GPAC played a critical role in developing the framework for the General Plan. The GPAC was a twelve-member group of Amador County residents (with alternates) appointed by the Board of Supervisors to assist County staff and consultants preparing the Draft General Plan. The GPAC reviewed and provided feedback on the vision, key policy issues and plan proposals, and assisted with outreach and communication with the general public. GPAC members (and their alternates) represented each of the five county supervisorial districts, and also represented the Commission on Aging, Board of Realtors, Foothill Conservancy, Farm Bureau and Chamber of Commerce.
- ▶ Finally, two joint public meetings of the Amador County Board of Supervisors and Planning Commission were held to receive public comment on the DEIR prepared for the adoption and implementation of the County's proposed Draft General Plan. These meetings took place on December 2, 2014 at 9 am, and on January 20, 2015 at 6 pm.

Foothill1-3

The comment suggests that the DEIR should be circulated for a 90-day review period rather than a 45-day period because the Draft General Plan text (at the time the comment letter was submitted) was not in final form and because members of the general public could be on vacation during the summer months. The requirement for a minimum 45-day

public comment is codified in PRC Section 21091(a). The public comment period was extended for an additional 45 days, from December 15, 2014 to January 30, 2015.

Foothill1-4

The commenter urges the County to publicize the availability of the Draft General Plan, workshops, hearings, and key deadlines “as widely as possible,” including sending a letter to every registered voter and every landowner in the County. The County appropriately publicized the availability of the Draft General Plan, and associated workshops, hearings, and key deadlines via newspaper notices, direct mailing to parties requesting notification, and on its website, as required by CEQA. Sending a letter to every resident in the County, as suggested by the commenter, is not economically feasible nor is it required under CEQA.