

The Planning Commission of the County of Amador met at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:10 p.m. by Chairman Lindstrom.

THOSE PRESENT WERE:

Planning Commissioners: Ray Lindstrom, District I, Chairman
Dave Wardall, District II
Caryl Callsen, District III
Andy Byrne, District IV
Ray Ryan, District V

Staff: Greg Gillott, County Counsel
Susan C. Grijalva, Planning Director
Heidi Jacobs, Recording Secretary

Consultants: Al Herson, CEQA Counsel
Matt Hertel, AECOM

NOTE: The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

A. Pledge of Allegiance.

B. Approval of Agenda:

MOTION: It was moved by Commission Byrne, seconded by Commissioner Callsen and unanimously carried to approve the agenda as submitted.

C. Minutes:

- Corrections to previously approved July 19, 2016 Minutes
 - ❖ pages 4 and 5 replace “adjourned” with “recessed”

Motion: It was moved by Commissioner Ryan, seconded by Commissioner Byrne and carried to reapprove the July 19, 2016 minutes with corrections to pages 4 and 5 replacing “adjourned” with “recessed.”

Abstain: Commissioner Wardall (absent at July 19, 2016 meeting)

- August 9, 2016 Minutes

Motion: It was moved by Commissioner Ryan, seconded by Commissioner Callsen and carried to approve the August 9, 2016 minutes as submitted.

Abstain: Chairman Lindstrom (absent at August 9, 2016 meeting)

D. Correspondence

- Wendell Peart, August 19, 2016
- Wendell Peart, August 22, 2016
- Rich Farrington (email), August 22, 2016
- Gary Reinoehl, August 22, 2016 (includes responses from Amador County)
- Barranca (email), August 21, 2016

- Steve & Jo Ogburn (email), August 21, 2016
- Board of Forestry & Fire Protection, August 23, 2016
- Tom Infusino (email), August 23, 2016

E. Public Matters not on the Agenda: Katherine Evatt, Foothill Conservancy, asked if there would be a chance for the public to comment on the responses from the county provided in the staff report packet. Chairman Lindstrom stated the public hearing was closed at the July 19, 2016 meeting so at this time no further comment would be taken unless the hearing is reopened; responses can be presented to the Board of Supervisors.

F. Recent Board Actions: None.

Public Hearings

Item 1 - Recommendations to the Amador County Board of Supervisors on the following items:

1. **Certification of the Final Environmental Impact Report (FEIR) prepared for the proposed Final Amador County General Plan;**
2. **Adoption of CEQA Findings of Fact and Statement of Overriding Considerations;**
3. **Adoption of a Mitigation Monitoring and Reporting Program;**
4. **Adoption of the Proposed Final Amador County General Plan; and**
5. **Approve the Implementation Plan**

Applicant: County of Amador

Supervisorial District: I, II, III, IV, and V

Location: Unincorporated area of Amador County.

Susan Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full. Ms. Grijalva noted the first page of the staff report should be corrected to read August 9, 2016 not July 19, 2016 as the date of the meeting at which the table was submitted by Ms. Smith of the Foothill Conservancy.

Ms. Grijalva provided an overview of the General Plan Update process including the proposed changes, open space information, code updates, general plan information, implementation programs versus mitigation measures, responses to EIR comments, and public participation.

Ms. Grijalva compared the current land use map with the proposed land use map. She noted the proposed areas of change are: the Regional Service Center and the Town Centers; reducing development densities in Amador Pines, Fiddletown, Burke Ranch, the area between Sutter Creek and Amador City, Willow Creek, Buena Vista and Camanche Village; and the lone Industrial Area which was added during the joint panel meetings. Ms. Grijalva stated the Fiddletown Moose Lodge is currently for sale and the current land use designation is Public Service; staff recommends changing this designation to Agricultural.

Ms. Grijalva reviewed the Open Space designations. The County has approximately 387,200 acres; of this 32.3% is designated Open Space, 49.5% is Agricultural and 18.1% is the rest, which includes the cities and tribal lands, see breakdown.

“Open Space” Acreage by General Plan Designations	125,158 acres (32.3%)
OW Open Wilderness (USFS)	22,238 acres
OF, Open Forest (USFS)	56,205 acres
GF, General Forest (TPZ)	29,850 acres
OR, Open Recreation	6,107 acres
MRZ, Mineral Resource Zone	10,758 acres
AG, Agricultural General	191,899 acres (49.5%)
All Other (including cities/tribal lands)	70,143 acres (18.1%)

Ms. Grijalva explained that once the General Plan Update is done there will be updates to the County’s ordinances for development standards for parcel maps and subdivisions, zoning regulations, etc. Zoning and development standard code changes go through a process similar to General Plan Amendments: the Planning Commission holds a public hearing and makes recommendations to the Board of Supervisors who make the final decision. Often times there are workshops with stakeholders and interested parties, and there is environmental review and public notification.

She stated it isn’t necessary, or necessarily desirable, to have specifics related to regulations such as zoning and land use in the General Plan. Many of the comments received have been to request requirements or regulations in the General Plan when it would be more appropriate for those requirements to be in the County’s Municipal Codes. Ms. Grijalva stated much has been made about having everything in the General Plan so developers can know “what they can expect.” She explained developers do not rely solely on the General Plan; they also look at the Land Use Designations (i.e., the development potential of the property) and then the zoning and development standard codes. Developers know the requirements they will need to meet are contained in a variety of places and with different agencies, such as state, local and possibly federal requirements.

Ms. Grijalva continued with an explanation of the relationship between General Plan Designations and compatible Zone Districts. The General Plan designations are the “general” land use category for a property and do not have regulations. Zone Districts set out the various uses that are allowed, either by right or with a use permit. For each General Plan designation there are compatible Zone Districts, see examples below:

General Plan Designation	Compatible Zone District
A-G, Agricultural General	AG, A, R1-A, RE, MR
RR, Rural Residential	RE, R-2A, R-1, R1-A
C, Commercial	C-1, C-2, H, PD, LM

For example, in the C, Commercial General Plan designation, the Zone District C-1 allows retail, office, business and personal service uses conducted within a building, and mini-warehouses, are by right uses. Service stations, drive-in uses, including theaters, outdoor areas, nurseries, boat docks and boat repairs require a Use Permit in the C-1 Zone District, as does a single family dwelling when combined in the same structure as a commercial use and if sea/land storage containers are proposed for use in conjunction with a mini-warehouse facility.

Ms. Grijalva explained that some uses must also meet specific standards that are set out in the zoning codes; for example, second family dwelling units, guest houses, home occupation permits, mini-warehouse facilities, bed and breakfasts, sea/land containers, etc.

She continued the explanation of the use permit process. For example, a tasting room in the R1A Zone District requires a use permit. Through the public hearing and approval process the County applies conditions of approval to mitigate or address potential impacts from the project so that the use will not be “detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county...”.

Ms. Grijalva stated the Board of Forestry met this morning (August 23, 2016) and completed their review of the proposed Safety Element. The Safety Element received a satisfactory review with a few recommendations for improving the County’s data and mapping information related to fire protection planning and for developing recover planning and pre-planning for post-disaster recovery in the future.

She stated the Implementation Plan includes 48 Implementation Programs of which 25 are wholly or partially FEIR Mitigation Measures. The 48 Implementation Programs include 182 “subsets” of Implementation Programs, 98 of which are FEIR Mitigation Measures.

Ms. Grijalva explained the County has done its best to respond to the comments on the FEIR which is not required. She stated some additional changes are being recommended to the Mitigation Measures and Implementation Programs to clarify and strengthen them as a result of the comments received.

Ms. Grijalva reviewed the number of comments received during the EIR and Draft General Plan process. For the Draft EIR there were 41 comment letters and 11 commenters who spoke at the two Joint Panel DIER meetings for a total of 1,187 comments. For the FEIR there were 15 comments letters received prior to the July 19, 2016 meeting for which staff provided responses for the Planning Commission. At the July 19th meeting there were 24 public commenters (12 provided written submissions and 12 were oral comments), eight comments were received from the Planning Commissioners and there was one comment letter submitted at the meeting (no oral presentation was made). The Planning Department has received an additional five comments since August 17th, one of which staff prepared responses which were included in the staff report. An additional email was received just before tonight’s meeting from Mr. Infusino which explained his memo was included in the 222 page Foothill Conservancy comment document but was not responded to. Ms. Grijalva stated staff has reviewed Mr. Infusino’s memo and there are no new legal issues that weren’t previously presented contained in that memo and staff will prepare responses for the Board of Supervisors consideration. The memo essentially states the General Plan should be written in a different way and the Commission can discuss the different approaches to that format and make any recommendation they may wish on that topic to the Board of Supervisors.

Ms. Grijalva again reviewed staff recommendations contained in the staff report which are hereby incorporated by reference into these minutes as though set forth in full.

Commissioner Ryan asked how the County will address the recommendations from the Board of Forestry. Ms. Grijalva stated the Commission can recommend the Board of Forestry's recommendations be an implementation measure. She stated the mapping recommendations will be a matter of the County's resources; currently the County does not have a GIS technician but is working on a solution to provide GIS support.

Chairman Lindstrom asked if the errata require a motion. Ms. Grijalva stated it will be addressed when the Commission is ready to make motions.

Chairman Lindstrom asked if the Commissioners had any comments or questions.

Commissioner Callsen stated she would like to reopen the public hearing based on the number of people present who would like to speak.

Commissioner Ryan stated he has read everything that has been submitted for these meetings and thanks staff and the consultants for their work. He has been considering the question of reopening the public hearing. He stated the Commission gave specific direction to staff to respond to the comments at the last meeting so recommendations may be made. At some point the Commission must make a recommendation and move the process forward. There are additional comments that have been received that should be responded to but felt that can be done for the Board of Supervisors. Commissioner Ryan stated he is not inclined to reopen the public hearing because he believes it will be the same talking points and issues that have been brought up many times by several entities and many people involved.

Commissioner Wardall stated Commissioner Ryan made good points and agrees with him.

Commissioner Byrne stated he has mixed feelings about reopening the public hearing and agreed the late comments should have responses prepared. He added that regardless of what recommendations the Commission makes the Board will make their own decision. Commissioner Byrne stated he does want to hear what people have to say but believes he has read it based on the comments that have been submitted.

Commissioner Ryan stated he believed everyone has been waiting for this to move forward because we can all agree changes need to be made to the Code. He stated he would like to see the General Plan move forward as quickly as possible so the process can begin on updating the zoning code particularly regarding wineries, tasting rooms, and vacation rentals by owner. Commissioner Ryan would like the Board to make their decision and immediately begin updating the zoning codes.

Chairman Lindstrom stated the public will be able to address the issues before the Board of Supervisors. He stated there are over 1,400 pages the Commission has had to review and consider.

MOTION: It was moved by Commissioner Callsen and seconded by Commissioner Byrne to reopen the public hearing. The motion failed by a 2–3 vote.

Ayes: Commissioners Callsen, Byrne

Noes: Commissioners Ryan, Wardall, and Chairman Lindstrom

Commissioner Ryan stated there are several areas in the response document with garbled text which should be corrected for the Board of Supervisors meeting. Ms. Grijalva stated that is a good point and will be corrected. Matt Hertel, AECOM, clarified that the PDF documents were converted to a word document in order to respond in a clear and concise manner; during the conversion process garbled text does happen. Ms. Grijalva stated staff will look into the best way to have clean copies available for the Board of Supervisors meeting.

Ms. Grijalva again reviewed the Commission's recommended actions contained in the staff report.

Chairman Lindstrom asked the Commission for their preference, to address it as one motion or as individual motions. Commissioner Ryan preferred to address each action as its own motion.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Ryan and carried to recommend the Board of Supervisors certify the FEIR (SCH # 2009072089), including changes to the FEIR reflected in FEIR errata as shown in attached Attachment A, Errata Items List, pursuant to CEQA Guidelines Section 15090, certifying that:

- a. The FEIR has been completed in compliance with CEQA;
- b. The FEIR has been presented to the Board of Supervisors, which has independently reviewed and considered the information and analysis contained therein prior to considering approval of the Final General Plan; and
- c. The Final EIR reflects the independent judgment of the Board of Supervisors of Amador County.

Ayes: Commissioners Ryan, Wardall, and Chairman Lindstrom

Noes: Commissioners Byrne and Callsen

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and carried to recommend the Board of Supervisors adopt the proposed CEQA Findings of Fact and Statement of Overriding Considerations pursuant to CEQA Guidelines Sections 15091 and 15093 (previously distributed with the 7/19/16 PC Staff Report as Attachment C) with any changes necessary as a result of FEIR errata as shown in attached Attachment A, Errata Items List.

Ayes: Commissioners Ryan, Wardall, and Chairman Lindstrom

Noes: Commissioners Byrne and Callsen

Commissioner Byrne asked if the Mitigation Monitoring and Reporting Program is a part of the General Plan or if it is a separate document like the Implementation Plan. Ms. Grijalva stated it is a part of the Environmental Impact Report.

Commissioner Callsen stated there are many mitigation measures that do not sufficiently address the environmental impacts and felt more can be done.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and carried to recommend the Board of Supervisors adopt the Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines Section 15097 (previously distributed with the FEIR and proposed Final General Plan documents) with any changes necessary as a result of FEIR errata, as shown in attached Attachment A, Errata Items List.

Ayes: Commissioners Ryan, Wardall, and Chairman Lindstrom

Noes: Commissioners Byrne and Callsen

Commissioner Byrne stated he would like to see the Implementation Plan be included as a part of the General Plan; Commissioner Callsen agreed. Commissioner Ryan stated this was discussed and thought staff's response was to leave it as a separate document. Commissioner Byrne agreed it was discussed but still felt it should be incorporated into the General Plan.

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Callsen to incorporate the Implementation Plan into the General Plan. The motion failed by a 2–3 vote.

Ayes: Commissioners Byrne and Callsen

Noes: Commissioners Ryan, Wardall, and Chairman Lindstrom

MOTION: It was moved by Commissioner Byrne, seconded by Commissioner Callsen to reincorporate the affirmative language that was removed from the General Plan/Implementation Plan documents during the Joint Panel meetings. The motion failed by a 2–3 vote.

Ayes: Commissioners Byrne and Callsen

Noes: Commissioners Ryan, Wardall, and Chairman Lindstrom

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Ryan and carried to recommend the Board of Supervisors adopt the proposed Final General Plan with any changes necessary as shown in attached Attachment A, Errata Items List, including changing the Fiddletown Moose Lodge property designation from PS to AG.

Ayes: Commissioners Ryan, Wardall, and Chairman Lindstrom

Noes: Commissioners Byrne and Callsen

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and carried to recommend the Board of Supervisors approve the Implementation Plan with any changes necessary as shown in attached Attachment A, Errata Items List.

Ayes: Commissioners Ryan, Wardall, and Chairman Lindstrom

Noes: Commissioners Byrne and Callsen

Chairman Lindstrom stated these recommendations will be sent to the Board of Supervisors and anyone will be able to address their concerns at the public hearing before the Board.

Adjournment: At 8:18 p.m. Chairman Lindstrom adjourned this meeting of the Planning Commission, to meet again on September 13, 2016.

/s/

Ray Lindstrom, Chairman
Amador County Planning Commission

/s/

Heidi Jacobs, Recording Secretary
Amador County Planning Department

/s/

Susan C. Grijalva, Planning Director
Amador County Planning Department

ATTACHMENT A

GENERAL PLAN ERRATA ITEMS LIST

Pg. CM-13: typo in Policy CM-3.7 – “mains streets” should be “main streets”.

Implementation Plan: In light of the new text added on page S-18 of the Safety Element identifying those Programs contained in the Implementation Plan that carry out the Safety Element goals and policies related to Fire Hazards and Protection, the following corrections are recommended to the Implementation Plan.

Program C-3: add S-2.4 to Related Policies.

Program C-4: add S-2.5 to Related Policies.

Program P-6: add S-3.1 and 3.2 to Related Policies.

Program P-12: add S-7.2 to Related Policies and delete S-7.5 (there isn't a Policy S-7.5).

Program D-10: add S-2.4 to Related Policies.

Program F-3: delete S-2.3 from Related Policies.

Conservation Element: In light of the changes made to Implementation Program P-3, the following change to Policy C-2.8 on page C-23 of the Conservation Element is proposed for consistency:

“Policy C-2.8: Support federal, state, and local projects or designations that preserve the County's long term water needs. ~~Federal, state, and/or local designations of surface waters in or adjacent to the County (e.g., Federal Wild and Scenic River, National Recreation Area) are considered incompatible with the long term water needs of Amador County.~~”

FEIR:

Executive Summary: Page 2-9 – add a “.” at the end of the last sentence under Impact 4.2-1: Conversion of Farmland.

Noise: Minor inconsistencies between FEIR Section 4.11, "Noise" and Appendix E, "Noise" have been corrected. Some of the numbers in Table 4.11-5, "Summary of Roadway Traffic Noise Modeling under Existing Conditions" and Table 4.11-11, "Predicted Traffic Noise Levels" have been updated to reflect Appendix E, "Noise." The updated numbers in these tables represent the total (Auto + MT (medium truck) + HT (heavy truck)) from Appendix E, however some of these numbers reflected Auto only. These numbers have been updated to correspond with the "total" numbers in Appendix E, "Noise." The dB range found in the text on page 4.11-29 of the FEIR has been updated to reflect the updates to Table 4.11-11. The attached second table in Appendix E, "Noise" (Appendix B, Traffic Noise Prediction Model, (FHWA RD-77-108) has been updated to highlight the Total column instead of the Auto column. These text edits were made to provide consistency between FEIR Section 4.11, "Noise" and Appendix E, "Noise." The impact conclusions in FEIR Section 4.11 have not changed. (See attached revised pages 4.11-11 and -12, and 4.11-27 through -30.)

ERRATA POST JULY 19, 2016 PLANNING COMMISSION MEETING

FEIR – Page 4.5-10 of Chapter 4.5 Cultural Resources, Mitigation Measure 4.5-1a: Change second sentence to read:

"Data recovery would only be implemented as a mitigation measure ~~would only be implemented~~ when preservation or other mitigation measures are is not feasible."

FEIR – Page 4.5-10 of Chapter 4.5 Cultural Resources, Mitigation Measure 4.5-1a (a): Change last 3 sentences to read:

"With regard to historical resources of an archaeological nature, including traditional tribal cultural places, preservation of values would be the preferred method of protecting a sacred area from adverse impacts. Preservation in place may include avoiding a resource, incorporating sites within open space, covering sites with fill, or deeding sites into a permanent easement (14 CEQA Guidelines Section 15126.4(b)(3)(B). If preservation is not feasible, then data recovery according to CEQA Guidelines Section 15126.4(b)(3)(C) shall be followed. ~~one or more of the alternative methods outlined in CEQA Guidelines Section 15126.4(b)(3) may be implemented.~~ The County will work with applicants to comply with state and federal laws that preserve and protect cultural resources, including historic resources and archaeological sites."

FEIR Chapter 4.5, Cultural Resources page 4.5-10 - Mitigation Measure 4.5-1a(b): Implement Program D-6 Historic Preservation, Cultural Resources will be revised as follows:

"When evaluating discretionary projects with historical resources that are historic

structures, the County will use its review process to guide the applicant toward the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or use of the Secretary of the Interior's Standards for Rehabilitation; and the Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995). -The Secretary of the Interior's Standards for the Treatment of Historic Properties presume each historical resource is unique. -Thus, each significant resource presents its own identity and its own distinctive character. Character in this instance refers to those visual aspects and physical features that comprise the appearance of a historical resource. As commonly referred, character-defining features include the overall shape of the resource, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment (Nelson, ND). Following the Secretary's Standards will result in the retention of as many key character-giving defining features as possible in the protection, preservation, restoration, or renovation of cultural resources such as historic buildings, structures, objects, landscapes, or sites, where feasible. When possible, project applicants shall also strive to maintain or restore original proportions, dimensions, and elements of historic buildings or structures and preserve or restore features of historic objects, landscapes, or sites. Applicants may be required to use historic preservation techniques and standards to maintain the historical integrity of historic buildings or structures (including the Historic Building Code [Title 24, Part 8]) where mandated. Where restoration or renovation is undertaken to meet the proposed use of the owner, upgrades to plumbing, electrical, HVAC, and interior arrangements will be allowed. An expansion that meets building code guidelines will be permitted so long as the style of the expansion matches the original structure. Individuals that meet the Secretary of Interior's Standards for architectural preservation will be used to determine that the impact on the historical resource resulting from the expansion is mitigated to a less-than-significant level.

When evaluating discretionary projects with historical resources that are not historic structures, including but not limited to archaeological sites, significant impacts will be avoided or mitigated using the framework established by CEQA Guidelines Section 15126.4(b)(3). Preservation in place will be the preferred manner of mitigating impacts to archeological sites. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the resource, will be prepared and adopted prior to excavation. Such studies will be deposited with the California Historical Resources Regional Information Center. If an artifact must be removed during excavation or testing, curation may be an appropriate mitigation."

FEIR – Page 4.5-13 – Add language to MM 4.5-1b to read,

"If avoidance is not feasible, recovery, documentation and recordation of resources is required prior to project implementation, and copies of the documentation will be forwarded to the NCIC. However, all reasonable options and alternatives will be explored to maintain site integrity prior to the data collection phase."

FEIR – Page 4.5-14 of Chapter 4.5 Cultural Resources, the first bullet point of Mitigation Measure 4.5-2

has been revised as follows:

- During ground-disturbing activity, if ~~paleontological~~, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the Amador County Technical Advisory Committee. A qualified archaeologist shall be contracted by the operator/permittee to assess the significance of the find and prepare an evaluation, avoidance or mitigation plan, as appropriate, which shall be implemented before resuming ground disturbing activities.

FEIR – Page 4.5-14 – Revise the second bullet of Mitigation Measure 4.5-2: Impose Standard Conditions on Development as follows:

- When a discretionary project will involve subsurface impacts in highly sensitive areas, a qualified archaeologist will monitor ground-disturbing activities, and will have the authority to halt construction until the resource can be evaluated and mitigated if necessary. Native American monitors ~~will be invited to attend.~~ may also be present for evaluation of resources. Native American monitors have knowledge required to adequately evaluate Native American values in the event that unknown cultural resources are exposed during project construction. Native American monitors will also have the authority to halt construction until the resource can be evaluated. In addition, future CEQA projects will require AB52 consultation with tribes including the development of mitigation measures.

FEIR – Page 4.13-14, first word of first sentence under “Future Water Supply and Demand” section: typo – change “Event” to “Even”.

FEIR Chapter 4.13 Public Services and Utilities: In light of Mr. Scully’s question and ARSA’s General Manger and City of Sutter Creek review of Section 4.13.2 of the FEIR the following clarifications have been made to more accurately reflect the functions of ARSA and update information:

Page 4.13-20 under Amador Regional Sanitation Authority section: The ARSA operates a combination of ~~collection~~, storage, ~~treatment~~, conveyance, and disposal facilities in various locations covering a large geographic area. The ARSA provides wastewater ~~treatment~~ ~~and~~ disposal service to Amador City, the City of Sutter Creek, and the Martell area (AWA WWID #12) *after secondary treatment at the Sutter Creek WWTP*. A Regional Feasibility Study has been undertaken by ARSA, the City of Ione and the California Department of Corrections and Rehabilitation (CDCR). This Feasibility Study is still in Draft form, but indicates a Regional partnership to dispose of effluent in the Region is feasible, but has not yet happened. ~~The ARSA has several partners, including the City of Ione, the California Department of Corrections (CDC)~~

~~Mule Creek State Prison, the California Youth Authority (CYA) Preston Youth Correctional Facility, and the owners of the Castle Oaks Development.~~

Page 4.13-20 under Sutter Creek Wastewater Treatment Plan section, 1st paragraph: correct as follows, "...peak wet-weather flow would be 2.04 mgd, 1.81 mgd, and 3.80 mmd, respectively, at buildout of the Sutter Creek WWTP service area. The Sutter Creek WWTP is currently operating at an average daily dry-weather flow of .26 mdg. ~~capacity due to elevated pollutant loads; no additional treatment capacity at the Sutter Creek WWTP is currently available (Amador County 2010:H-48).~~ The City of Sutter Creek... the proposed Gold Rush project, Martell, and a small portion of the City of Jackson.

Page 4.13-21 Effluent Disposal Facilities section 2nd paragraph: Through an agreement with ARSA, Mule Creek Prison provides a minimum of 80 afy of effluent to ARSA; however, up to ~~120~~ 350 acre-feet per year of Mule Creek Prison effluent may be diverted to the ARSA system with prior approval.

Page 4.13-21 Effluent Disposal Facilities section 3rd paragraph: Effluent in the ARSA system flows from Preston Reservoir to the City of Lone through a dedicated pipeline known as the ARSA Regional Outfall. The City of Lone is obligated through agreement with ARSA to accept ~~750~~ 650 afy of flow from Preston Reservoir for disposal.

FEIR Chapter 4.14, Section 4.14.1 under County Regulations and Policies page 414-3 – correct "Title 12" to "Title 17" to accurately identify the County Code containing the County's road improvement standards to read:

"The County provides guidance on the design of roadway facilities through its adopted Improvement Standards in Title 127 of the County Code, which include minimum standards..."

FEIR on page 4.14-2, under "California Transportation Development Act" has been revised to read:

"The California Transportation Development Act (TDA) provides a dedicated State funding source for use by local jurisdictions at the county level to improve existing public transportation and encourage regional public transportation coordination. Transit agency audits are performed on a triennial basis to ensure that transit agencies are meeting minimum service performance standards (e.g., passengers per revenue mile and hour, annual passengers served etc.). Use of TDA monies is also tied to identifying and allocating funds to unmet transit needs, a process that requires local transportation planning agencies to identify and assess unmet transit needs that are reasonable to meet on an annual basis. Unmet transit needs are defined in the Regional Transportation Plan (RTP) ~~(see below)~~ as those public transportation services which have not been funded or implemented but have been identified as needed and reasonable to meet through public input, transit need

~~studies, and other methods approved by the local commission. transit service to those residents who use or would use public transportation regularly, if available, to meet their life expectations, such as trips for medical and dental services, shopping, employment, personal business, education, social services, and recreation. TDA funds can be allocated to non-transit uses if there are no unmet transit needs within the jurisdiction that are reasonable to meet with the use of TDA funds. Reasonableness is determined by community interest, equity, potential ridership, overall system cost effectiveness, operational feasibility, and funding available."~~

FEIR on page 4.14-2 and -3, under "Regional Transportation Plan," has been revised to read:

"The RTP is a multi-modal, long-range planning document prepared by the Amador County Transportation Commission (ACTC). The current (~~2004~~2015) RTP includes programs and policies for congestion management, transit, bicycles and pedestrian, roadways, freight, and constrained financing. The RTP is updated every 5 years. ~~periodically to address a 20-year projection of needs. ACTC is currently preparing an administrative draft RTP update and supplemental programmatic environmental impact report. Both documents are anticipated to be circulated for public review in late 2014.~~"

FEIR on page 4.14-3, under "Regional Transportation Plan," has been revised to read:

"The RTP includes the following goals:

- ▶ Maintain LOS C or better for average daily conditions on all State highways and local streets and roads outside of incorporated cities and other developed communities to the greatest extent feasible.
- ▶ Maintain LOS D or better for average daily conditions within incorporated cities and other developed communities to the greatest extent feasible.
- ▶ LOS..."

FEIR on page 4.14-3, under "Regional Transportation Plan," has been revised to include the following goal:

- ▶ Implement improvements to all modes of transportation that are needed to reduce congestion and improve mobility, optimize connectivity, enhance safety, preserve existing infrastructure, communities and the environment, and support socio-economic development throughout the Region.

FEIR on page 4.14-3, under “Transportation Development Act – Unmet Transit Needs Assessment,” has been revised to read:

Future service expansion within both the incorporated and unincorporated areas of Amador County is primarily determined through the Unmet Transit Needs process as required by the Transportation Development Act. The determination of whether expanded service or establishment of new lines is both warranted and reasonable to meet is performed by ACTC ~~in coordination with~~ input from Amador Transit (AT) and the Social Services Transportation Advisory Committee (SSTAC). The ACTC holds annual public meetings at differing locations to solicit input on unmet transit needs as part of the TDA process. The public can attend the meetings or provide input by contacting either the ACTC, ~~and AT, or SSTAC~~.

FEIR has been revised on page 4.14-3, under the 3rd paragraph of “County Regulations and Policies,” to read:

The plan currently serves as the County’s pedestrian and bicycle master plan and allows the County to be eligible to compete for state and federal funding through the Active Transportation Program (ATP). The County is currently in the beginning stages of drafting its 2016/2017 Bicycle and Pedestrian Plan Update.

FEIR has been revised on page 4.14-5 under “Transit” to read:

“Public transit in Amador County is provided by a single operator, Amador Transit. Amador Transit is ~~administered/overseen by the Amador County Transportation Commission~~ ACTC ~~was formed through a joint powers agreement with Amador County and each of the incorporated cities. It~~ and provides general public deviated fixed route service¹ and Dial-a-Ride service within the unincorporated areas of Amador County and ~~2011 Amador Transit annual ridership totaled 76,371 passengers. 1 within the unincorporated areas of Amador County and the five incorporated cities. (Jackson, Sutter Creek, Lone, Plymouth, and Amador City).~~ It also provides regional service to Sacramento County. Amador Transit operates a fleet of ~~ten~~ 13 buses and one van, providing daily service for ~~seven~~ six routes Monday through Friday between the hours of 5:40 AM and ~~7:15~~ 6:30 PM, not including holidays. For ~~2010/2011~~ 2015/2016, Amador Transit annual ridership totaled ~~76,371~~ 169,684 passengers.”

FEIR Chapter 4.14, Transportation, page 4.14-9 the second sentence under “Pedestrian and Bikeways” has been revised to read:

“The plan allows each local agency to be eligible to compete for state ~~BTA~~ ATP funds.”

FEIR Chapter 4.14, Transportation, page 4.14-14 – to clarify the intent of mitigation measure 4.14-1b, the second sentence of Mitigation Measure 4.14-1b(a) shall be revised as follows:

“Increased roadway capacity should, to the extent legally possible, be funded through ~~developer fees to the extent legally possible~~ traffic impact fees.”

FEIR has been revised on page 4.14-15 under the final bullet of Mitigation Measure 4.14-1c to read:

- Improve existing Provide a new two-lane lone bypass facility on SR 104, on an alignment north of the City of Lone to serve as the Western Lone Roadway Improvement Strategy (WIRIS), between existing SR 104 west of Lone and SR 88 near Jackson Valley Road (east).

FEIR has been revised on page 4.14-15 under the “Responsible Agencies/Departments” to read:

Transportation and Public Works Department as lead agency, in coordination with Caltrans, ~~and~~ ACTC, and City of Lone.

FEIR page 4.14-18 in Section 4.14.3 the fourth sentence under “Significant after Mitigation,” (for Mitigation Measure 4.14-2) has been revised to read as follows:

“However, the table of identified unfunded road improvement projects from the County’s CIP contained in the Technical Appendices of the 2004 RTP indicates that more than \$96 million in local road improvements had no foreseeable funding source at that time (ACTC 2004:VII-2).”

FEIR Chapter 10, page 1-487, RTC Foothill2-776-778 – insert an “r” in front of “aising” so sentence reads, “...that would also entail raising the Lower Bear...”

General Plan, Economic Element – Page E-17 contains a section on AEDC which no longer exists – should it be deleted? The reference to AEDC has been replaced with “lead economic development entity” in the Implementation Plan.

Implementation Program – Program C-5: Tribal Consultation, page P-36: The following text will be added:

“3. Upon request by an affiliated tribe, consult with the affiliated tribe regarding the development of a burial treatment plan for the treatment and disposition of Native American human remains and associated funerary objects.”

Implement Program D-6 Historic Preservation, Cultural Resources: Revised as follows:

“When evaluating discretionary projects with historical resources that are historic

structures, the County will use its review process to guide the applicant toward the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or use of the Secretary of the Interior's Standards for Rehabilitation; and the Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995). -The Secretary of the Interior's Standards for the Treatment of Historic Properties presume each historical resource is unique. -Thus, each significant resource presents its own identity and its own distinctive character. Character in this instance refers to those visual aspects and physical features that comprise the appearance of a historical resource. As commonly referred, character-defining features include the overall shape of the resource, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment (Nelson, ND). Following the Secretary's Standards will result in the retention of as many key character-giving defining features as possible in the protection, preservation, restoration, or renovation of cultural resources such as historic buildings, structures, objects, landscapes, or sites, where feasible. When possible, project applicants shall also strive to maintain or restore original proportions, dimensions, and elements of historic buildings or structures and preserve or restore features of historic objects, landscapes, or sites. Applicants may be required to use historic preservation techniques and standards to maintain the historical integrity of historic buildings or structures (including the Historic Building Code [Title 24, Part 8]) where mandated. Where restoration or renovation is undertaken to meet the proposed use of the owner, upgrades to plumbing, electrical, HVAC, and interior arrangements will be allowed. An expansion that meets building code guidelines will be permitted so long as the style of the expansion matches the original structure. Individuals that meet the Secretary of Interior's Standards for architectural preservation will be used to determine that the impact on the historical resource resulting from the expansion is mitigated to a less-than-significant level.

When evaluating discretionary projects with historical resources that are not historic structures, including but not limited to archaeological sites, significant impacts will be avoided or mitigated using the framework established by CEQA Guidelines Section 15126.4(b)(3). Preservation in place will be the preferred manner of mitigating impacts to archeological sites. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the resource, will be prepared and adopted prior to excavation. Such studies will be deposited with the California Historical Resources Regional Information Center. If an artifact must be removed during excavation or testing, curation may be an appropriate mitigation."

General Plan – throughout the document correct all “R-1A” to “R1-A” (e.g., pg. LU-14 Table LU-3).

Land Use Diagram – due to sale of property, change from PS, Public Service to A-G, Agricultural-General the 5.04 acre Oro Madre Moose Lodge property on Ostrom Rd., being APN 014-170-020-000, to be consistent with surrounding A-G designation.

General Plan, Safety Element – Add to pg. S-18 so it reads:

“The Implementation Plan sets forth implementation programs to carry out the above goals and policies. These include Programs P-6 (effective county services), P-12 (emergency response), D-1 (development proposal evaluation), D-2 (fire-safe development), D-10 (evacuation planning and routes), C-3 (transportation coordination), C-4 (interagency coordination), and F-3 (fire services funding) which are incorporated into this Safety Element as though set forth in full.”

General Plan, Conservation Element – on page C-17 amend second sentence in the second paragraph to read as follows:

“Many of the larger privately-owned land holdings are located in Timber Production Zones (TPZs), the largest of which are owned by Sierra Pacific Industries.”

General Plan, Open Space Element – will be revised on page OS-3 as follows:

“Camanche and Pardee Reservoirs allow both motorized and non-motorized boating, ~~waterskiing, jet-skiing, swimming~~ and fishing. Camanche Reservoir also allows waterskiing, jet-skiing, swimming.”

General Plan, Open Space Element – page OS-3 - Revise last paragraph under “*Undeveloped Recreation Areas*” to read:

“Pacific Gas and Electric Company (PG&E) owns and manages several reservoirs within the Eldorado National Forest. These reservoirs are open for public use. The largest and most popular of PG&E’s reservoirs include Bear River, Salt Springs, and Silver Lake Reservoirs. Lake Tabeaud, located outside of the Eldorado National Forest in southern Amador County south of the historic Town of Clinton, is a day use recreation area also operated by PG&E.”

D. Correspondence

AUG 19 2016

PLANNING DEPARTMENT

12870 Burnt Cedar Lane
Pine Grove, Calif. 95665
August 19, 2016

Felicia Marcus
State Water Resource Control Board
P.O. Box 100
Sacramento, California 95812-0100

Dear Ms. Marcus:

I compelled to write to you concerning an article, "Water districts: We're OK for 3 dry years" by Philip Reese of the Sacramento Bee who wrote on 8-17-16. In May of this year the SWRCB "asked California's 411 urban water districts to evaluate how much water they would need in the next three years if drought continued and whether their supplies would meet that demand." "About 85 percent of the state's water districts told the water board that they believe they have adequate supplies to further handle continued drought and should not be subject to state mandated conservation targets, according to results released Tuesday by the water board."

On the face of it, this appears to be good news but wait; on the other hand, it may be nothing more than an attempt to put a good face on what may be only a temporary reprieve of more droughts to come? An interesting quote by "Tracy Quinn, a policy analyst with the Natural Resources Defense Council." deserves attention. Quinn "said her research indicates water districts are overstating the strength of their supplies. She said is unlikely that almost nine out of 10 districts would have adequate supply to meet three more years of drought." Quinn went on to say: "The requirements of the regulations allowed water districts to be overly optimistic. The zero percent (conservation targets) we are seeing aren't real numbers." Tracy Quinn's observations brings to mind a telling comment by Governor Brown, "the state must take permanent action to mitigate the likelihood of more frequent droughts." Is this to suggest that the water agencies will now go to "a normal operating mode"?

Your Board is to be congratulated in the aim to make the local water agencies more responsible in protecting present on line customers as to their water needs. However are the many states water agencies factoring in drought as a PERMANENT CONSIDERATION to minimize the hazard of future droughts?

In a very real sense your Board has already given those involved in water planning a superb guide line as to the limitations of each water agency's water supply. This is found in the Board's email notice of 4-24-14 that stated: "The State Water Resource Control Board expects to allow limited diversions of no more than 50 gallons of water per person per day for public health and safety needs." Knowing the amount of water at its lowest in the reservoirs over an extended period of period of drought, say 4-5 years, the planning agencies are now able to predicate their planning to the above criteria.

This planning for the local water agency may be OK, since they may have enough water to meet "their normal needs." Does "their normal needs" include the granting of building permits that would be needed for the water to service the building permits? Now this may pose a problem for the SWRCB. This is because other water agencies whose areas are deficient as to their water supply, such as Southern California, will need water from areas that have more water, like Northern California to satisfy their "normal needs" that would include the granting of building permits. Of particular note, the SWRCB has not defined what is a "normal water need?" .

The issuance of building permits moves in the direction of population growth which has been a driving force for the increasing the demand for water to service the building permits. In this respect a brief review of the SWRCB'S 1991 Drought Hearings held in Sacramento on January 29th and 30th is in order. The Sacramento Bee, at the conclusion of the Drought Hearings featured an article, "No plan surfaces to save water." However two things became very apparent: 1. The need for water storage and 2. Population growth was overwhelming the state's diminishing water supply. Some of the comments are listed below:

1. Assemblyman David Knowles His district included Amador County. " We are looking at unprecedented population growth which simply tells us that we may be back to the same meeting five or ten years hence with all of our present storage capacities full wondering how on earth are we going to divide the limited resources that we have at our disposal for all of the new thirsty lips that we have to service in the State of California."
2. Carl Boronkay, General Manager of the Metropolitan Water District "We have tremendous growth occurring throughout the state and particularly in Southern California....Now putting together population growth and the concurrent demand and no progress in a firm water supply... People take the water for granted. They cannot do so anymore."
3. Assemblyman Jim Costa (now U.S. Congressman) "Some of the strategies that we used in 1977 to deal with the drought at that time will not be effective as we look at the state with significantly more people and more demand on its resources." "We should plan as these dry conditions will continue for some time to come. We have been growing by 700,000 people annually the las five years....If we expect the most rosy scenarios, I think we will be doing a disservice to the public."

It is obvious the population growth of California is impacting the state's water supplies. Unfortunately the history of the those in charge of the water supply for the last 25 years appear to be in denial that population growth, exacerbated by drought is causing water consumers grave concern as to their future water supply.

Bob Reeb, a member of the water community, and 1991 General Manager of the El Dorado County Water Agency said it best. "There is a limit to the number of people California's water resources can support. No one has quantified that limit. " I submit the Drought Safety Standard does, plus the SWRCB email notice of 4-24-14.

Yours sincerely

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AUG 19 2016

PLANNING DEPARTMENT

Wendell G. Peart, DVM Former Member Amador Water Resource Advisory Committee
Copies: Amador County Planning Commission

- Nancy McFadden, Executive Secretary for Governor Brown
- Senator Robert Hertzberg, Chairman, Senate Governance & Finance Committee
- Assemblywoman Susan T. Eggman, Chair, Assembly Local Gov't Committee
- Ken Alex, Director of Governor Brown's Office of Planning & Research
- President, East Bay Municipal Utility District
- Richard Forester, President, California State Association Counties
- John Viegas, Chairman, Regional Council of Rural Counties
- Paul Wegner, President, California Farm Bureau
- Congressman Jim Costa
- Quentin Kopp, California Superior Court Judge (Retired)
- Phil Ozenick, Placer County Supervisor, 1990-1994
- Kurtis Alexander, Reporter, San Francisco Chronicle
- Philip Reese, Reporter, Sacramento Bee
- Editor Los Angeles Times
- Interested Persons

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PLANNING DEPARTMENT

Water districts: We're OK for 3 dry years

Bee 8-17-96

California regulators won't force 85 percent of urban water districts to reduce use this year after they report they have adequate supplies to handle continued drought.

"We've got fires going on up and down the state - tremendous impacts," said Max Gomberg, climate and conservation manager at the State Wa-

BY PHILLIP REESE
preese@sacbee.com

State officials will not force most California water districts to reduce water use this year, even as they caution that the five-year drought persists and note that drought-fueled wild-

fires continue to wreak havoc.

The State Water Resources Control Board in May asked California's 411 urban water districts to evaluate how much water they would need in the next three years if drought continued - and whether their supplies would meet that demand. Districts that certified their

supplies are adequate do not face mandatory water-use cuts. Those with inadequate supplies must set conservation goals proportional to their anticipated shortfall.

About 85 percent of the state's water districts told the water board that they believe they have adequate supplies to handle continued drought and should not be subject to state-mandated conservation targets,

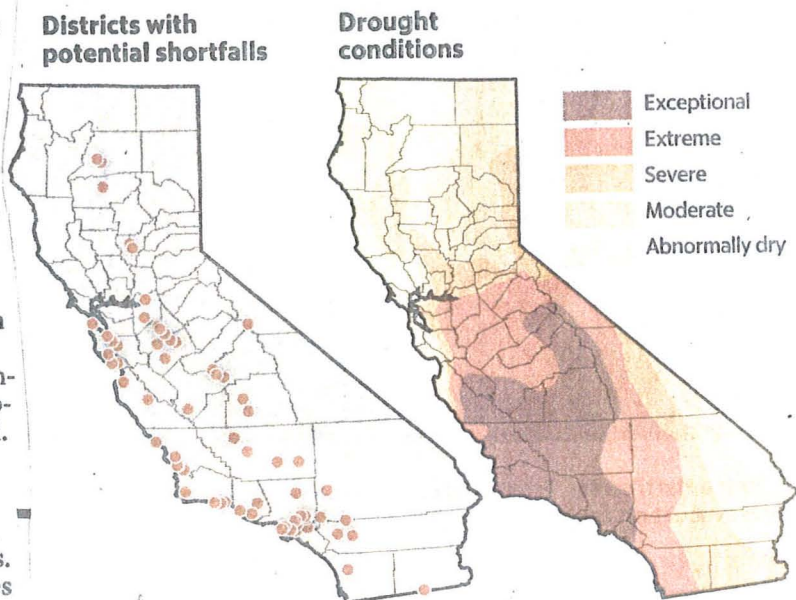
according to results released Tuesday by the water board.

A relatively normal amount of rain and snowfall in Northern California last winter helped ease drought conditions, but 60 percent of the state remains in severe, extreme or exceptional drought, according to the National Drought Mitigation Center. The state's reservoirs remain strained, with all but two of the 12 major reservoirs in California below average water depths for this time of year.

Water board Chair Fel-

California's water shortfalls

More than 80 percent of the state is in some level of drought, but only about 70 water districts expect shortfalls if the drought lasts three more years.



Sources: State Water Resources Control Board; U.S. Drought Monitor

The Sacramento Bee

icia Marcus said the state's relaxed approach to urban conservation is a response to improved conditions in the north state. But she encouraged Californians to continue

to conserve water, even if it's not mandated.

"It's a question of degree," she said. "A bit of relaxation is OK. Abandoning water conservation is not."

Marcus and other water board officials said the requirements for passing the so-called "stress test" undertaken by water districts were stringent, and should be enough to ensure that the state will not overdraw its urban water supply. If they prove too lax, regulators said, the state is prepared to toughen them.

ter Resources Control Board. "We're still reeling as a state from the impacts of the drought. The water we can conserve in our urban areas is a bulwark against further impacts."

The stress test results were not audited by state officials. Regulators essentially are relying on the honesty of water districts. "We're not going to go looking under rocks to see if they are fudging," Gomberg said. "If someone else does that, we will take a look. Our role is not to be the arbiter except to the extent that there is something that is clearly erroneous."

Tracy Quinn, a policy analyst with the Natural Resources Defense Council, said her research indicates water districts are

overstating the strength of their supplies. She said it is unlikely that almost nine out of 10 water districts would have adequate supply to meet three more years of drought.

"The requirements of the regulations allowed water districts to be overly optimistic," she said. "The zero percent (conservation targets) we are seeing aren't real numbers."

Eliminating mandatory targets for most of urban California is the wrong approach to promoting efficient water use, Quinn said. "My primary concern is the mixed message, the terrible message," she said. "We are still in this unprecedented drought."

Of the state's 411 water districts, just 35 completed the stress test and concluded they would have a shortfall if there were three more years of drought. Most of those will face state-mandated targets under 20 percent. Another 32 districts did not complete the stress test and instead opted to maintain the conservation targets the state imposed for much of the last year. The rest certified their supplies were adequate and will not face state-mandated targets.

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AUG 22 2016

PLANNING DEPARTMENT

12870 Burnt Cedar Lane
Pine Grove, California 95665
August 20, 2016

Ray Lindstrom: Chairman
Amador County Planning Commission
810 Court Street
Jackson, California 9542

Dear Ray:

I failed to enclose the cover letter to relative to the article, "Water districts: We're OK for 3 dry years" that was printed in the Bee on 8-17-16. So I am so enclosing.

I felt there were some shortcomings in the article that ought to be discussed as the reporter would have no knowledge of these shortcomings, hence the letter. For example a water agency's "normal needs" was not defined." Does the term "normal needs" include the issuance of "building permits"? This important subject, "building permits", is not addressed. The planning authorities should be so advised. Perhaps most important of all is the ever increasing causes of population growth appear to be ignored.

Your comments would be appreciated

Yours truly



Wendell G. Peart, DVM Former Member Amador Water Resource Advisory Committee

Water districts: We're OK for 3 dry years

Bee 8-17-96

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BY PHILLIP REESE
preese@sacbee.com

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Water board Chair Fel-

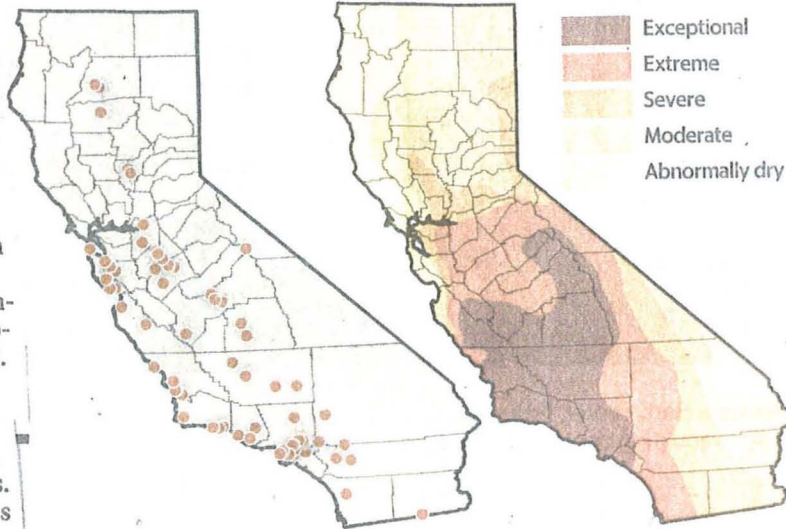
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Districts with potential shortfalls

Drought conditions



Sources: State Water Resources Control Board; U.S. Drought Monitor

The Sacramento Bee

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AUG 22 2008

PLANNING DEPARTMENT



Fw: AC General Plan vs. On-site Sewage Disposal

1 message

Caryl Callsen <caryl@volcano.net>
To: planning@amadorgov.org

Mon, Aug 22, 2016 at 4:50 PM

The following was sent to me by Rich Farrington. He and I are neighbors and this came up in a conversation we had. Please pass on to the other commissioners.

Thank you,
Caryl Callsen

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AUG 22 2016

PLANNING DEPARTMENT

From: Rich Farrington
Sent: Monday, August 22, 2016 3:45 PM
To: Caryl Callsen
Cc: Lynn Morgan
Subject: AC General Plan vs. On-site Sewage Disposal

During our discussion about AWA and sewage disposal in the County recently, you asked me to document my comments.

In my capacity as AWA Director for District 3, I have heard many complaints from AWA wastewater customers about the high cost of their monthly bills. These complaints come from customers on Community Leachfield Systems that were approved by the county years ago. This type of system is where a sewer pipe connects each lot and the liquid is disposed of in a single leachfield on a large lot. Solids are collected in a tank on each lot. It is costly for AWA to manage these systems to meet State standards and costs are increasing. Nitrate levels in the groundwater under these systems is increasing. The State has a limit on this. These systems were put in where subdivisions either don't have adequate soil conditions, lot sizes, or slope, or a combination of these factors prevented standard on-site waste disposal systems on each lot, the standard system being a septic tank and leachfield on each lot.

The monthly cost to customers and increasing groundwater pollution were apparently not considered important when these systems were approved by the County in the past. Currently, AWA rates on customers in Community Wastewater Leachfield Systems ranges from \$96 to \$117 a month and the range is rising. Because of the complaints I've received, the cost to customers should be a critical factor.

I think the way to account for this is to avoid Community Leachfield Systems by NOT allowing lots that are too small, are too steep, or that do not provide adequate soil type & depth for on-site sewage disposal.

I started reviewing the General Plan documents, but I've run out of time and I couldn't find what could be an appropriate place to address this issue in planning direction. I know that the California Subdivision Map Act does allow for denial of proposals because of inability to meet physical requirements. I recommend that the County Plans prevent the use of Community Leachfield Systems in the future. Maybe the Staff can provide appropriate planning direction to to this.

I'd be happy to answer any questions that you have.
Thanks,

Rich Farrington
AWA Director, District 3
295-7424



Planning Department <planning@amadorgov.org>

FEIR, General Plan and Implementation Plan

1 message

Gary Reinoehl <digshistory@volcano.net>

Mon, Aug 22, 2016 at 10:44 AM

To: planning@amadorgov.org

Planning Commissioners-

I have continued reviewing the General Plan Update (ACGP), and the Final Environmental Impact Report (FEIR) and the Implementation Plan (IP). I am providing the following comments on the documents and their consistency.

Cultural Resources

The ACGP only contains Goals regarding cultural resources. There are no mitigation measures contained in the ACGP, only in the IP. The Mitigation Measures as they appear in the IP are stated below. These are standard mitigation measures that appear in General Plans and EIRs throughout California. These would not need to be changed and as such should be incorporated in the ACGP, not in a separate document. Please add these mitigation measures to the ACGP.

Response:

The Implementation Plan is a set of standards, proposals, and measures proposed to achieve the goals and policies set forth in the General Plan. The Implementation Plan would be adopted separately from the General Plan to allow efficient updating as a means to improve implementation of the General Plan. Although some cities and counties do integrate implementation measures into their general plans, many do not. There is no requirement in the Government Code that the General Plan and Implementation Plan be integrated into one document.

With the Implementation Plan as a freestanding document that is directly linked and cross-referenced to the General Plan, the County maintains the flexibility to regularly update the Implementation Plan without the necessity of amending the General Plan. This flexibility is important to the County as a means to address the changes that occur over time and that may affect the County's vision, the availability of funding for, and future tools and technology that may be used to, implement the General Plan.

Many, but not all, Implementation Programs are also EIR mitigation measures. EIR mitigation measures also include additional actions not included in Implementation Programs. Once adopted as part of the CEQA findings, all EIR mitigation measures, including those Implementation Programs that are EIR mitigation measures, become incorporated into the General Plan. See CEQA Guidelines Section 15091(a)(1). Future modifications to those mitigation measures may require General Plan amendments and additional CEQA review, depending on the nature of the modifications. Changes to the Implementation Programs in the Implementation Plan which are not EIR mitigation measures will not require changes to the General Plan.

The Implementation Plan includes 48 Implementation Programs of which 25 are wholly or partially FEIR mitigation measures. The 48 Implementation Programs include 182 "subsets" of Implementation Programs, 98 of which are FEIR mitigation measures.

Implementation Plan

Program D-6: Historic Preservation, Cultural Resources

a. The objective of Amador County's Implementation Plan Program D-6 is to substantially reduce or avoid impacts to cultural resources through preservation in place. Data recovery as a mitigation measure would only be implemented when preservation or mitigation is not feasible. Through the discretionary review process, the County will work with applicants to assure their projects comply with state and federal laws that preserve and protect cultural resources, including historic resources and archeological sites. These mitigation measures would be developed by an archaeologist that specializes in prehistoric or historic archaeology, and/or an architectural historian (as appropriate) that meet the Secretary of Interior's Standards. With regard to traditional tribal cultural places, preservation of values would be the preferred method of protecting a sacred area from adverse impacts. If preservation is not feasible, then one or more of the alternative methods outlined in CEQA Guidelines Section 15126.4(b)(3) may be implemented. The County will work with applicants to comply with state and federal laws that preserve and protect cultural resources, including historic resources and archeological sites.

b. When evaluating discretionary projects, the County will use its review process to guide the applicant toward the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or use of the Secretary of the Interior's Standards for Rehabilitation; and the Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995). The Secretary of the Interior's Standards for the Treatment of Historic Properties presume each historical resource is unique. Thus, each significant resource presents its own identity and its own distinctive character. Character in this instance refers to those visual aspects and physical features that comprise the appearance of an historical resource. As commonly referred, character defining features include the overall shape of the resource, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment (Nelson, ND). Following the Secretary's Standards will result in the retention of as many key character-giving defining features as possible in the protection, preservation, restoration, or renovation of cultural resources such as historic buildings, structures, objects, landscapes, or sites, where feasible. When possible, project applicants shall also strive to maintain or restore original

proportions, dimensions, and elements of historic buildings or structures and preserve or restore features of historic objects, landscapes, or sites. Applicants may be required to use historic preservation techniques and standards to maintain the historical integrity of historic buildings or structures (including the Historic Building Code [Title 24, Part 8]) where mandated. Where restoration or renovation is undertaken to meet the proposed use of the owner, upgrades to plumbing, electrical, HVAC, and interior arrangements will be allowed. An expansion that meets building code guidelines will be permitted so long as the style of the expansion matches the original structure. Individuals that meet the Secretary of Interior's Standards for architectural preservation will be used to determine that the impact on historical resource resulting from the expansion is mitigated to a less-than-significant level.

c. Where restoration or preservation of a cultural resource is not feasible, applicants shall document the resource and retain the information in a secure location, but publicly accessible location. Access to confidential information will be conducted pursuant to federal and state laws, including but not limited to the California Public Records Act, Government Code § 6250 et seq., and the Information Practices Act of 1977, Civil Code § 1798 et seq. Archaeological collections will be curated according to the *Guidelines for the curation of Archeological Collections* (State Historical Resources Commission (1993), and will be funded by the project applicant.

Paleontological Resources

I could not find anything in the ACGP that referenced Paleontological Resources. In addition, I could not find any mitigation measures in the IP that deals with Paleontological Resources. The FEIR refers to *Implement Mitigation Measure 4.5-2, Impose Standard Conditions on Development (related to paleontological resources)* which only appears in the FEIR, not in the IP or the ACGP. The mitigation measure referenced in the FEIR is a standard mitigation measure that appears in General Plans and EIRs throughout California. This would not need to be changed and as such should be incorporated in the ACGP, not in a separate document. Please add this mitigation measures to the ACGP.

Response:

Paleontological resources are discussed in detail in FEIR Section 4.6, "Geology, Soils, Mineral Resources, & Paleontological Resources." Please refer to the Errata List included in the staff report for the August 23, 2016 Planning Commission meeting. The word "paleontological" has been removed from the first bullet point of Mitigation Measure 4.5-2. The FEIR includes a mitigation measure specifically related to paleontological resources. See Mitigation Measure 4.6-9: Paleontological Resource Assessment on page 4.6-27 of the FEIR. See also the response directly above.

Thank you for your consideration.

Respectfully,

Gary Reinoehl



Planning Department <planning@amadorgov.org>

Fix the general plan

1 message

Christine <bwren122@comcast.net>
To: planning@amadorgov.org

Sun, Aug 21, 2016 at 10:45 AM

Please get it right. Save the valuable asset we have, the Mokelumne River from any dam destruction. Make sure we have enough clean drinking water and clean air. Do not allow Amador County to become another L.A. Metropolis. Preserve our trees!!!

Thank you,
Barranca

RECEIVED
Amador County

AUG 22 2016

PLANNING DEPARTMENT



Planning Department <planning@amadorgov.org>

The general plan

1 message

Steve <ogdesign@volcano.net>
To: planning@amadorgov.org

Sat, Aug 20, 2016 at 5:21 PM

The general plan needs more focus on keeping Amador County from becoming a suburb of Sacramento and Stockton.

Scenic corridor along 88 should not allow more mini storage, thrift stores and predatory big chains like dollar general.

Steve & Jo Ogburn
Pioneer

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Amador County

AUG 22 2016

PLANNING DEPARTMENT

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.bof.fire.ca.gov
(916) 653-8007



Susan C. Grijalva
Planning Director, Amador County
810 Court Street
Jackson, CA 95642

RECEIVED
Amador County

AUG 23 2016

PLANNING DEPARTMENT

Via email

August 23, 2016

Dear Ms. Grijalva,

The State Board of Forestry and Fire Protection (Board) is required to review and provide recommendations to the safety element of county and local government general plans when such plans are being amended. This review is in accordance with Government Code (GOV) § 65302.5, which requires the Board to review the fire safety elements when the general plan contains State Responsibility Areas or Very High Fire Hazard Severity Zones.

Attached please find the Board's review, completed in conjunction with the CAL FIRE Land Use Planning Program, of the Amador County Safety Element. The Board appreciates the County's coordination with CAL FIRE Land Use Planning staff and their responsive attitude to revising the safety element to meet Government Code requirements as well as the fire safety needs of Amador County residents. The Board strongly encourages the County to prioritize data collection and mapping to improving fire protection planning, or coordinating with partners with mapping and data capabilities that could support Amador County planning. In addition, looking ahead to recovery planning and pre-planning for post-disaster would provide further protection for Amador County residents from wildfire.

Pursuant to GC § 65302.5(b)(4), the Board of Supervisors shall consider these recommendations prior to adopting this draft element. Should the Supervisors choose not to accept some or all of the Board's recommendations, they shall communicate their reasons in writing to the Board.

For assistance revising the Safety Element to address the Board's recommendations, please contact Edith Hannigan, Board Staff, at edith.hannigan@bof.ca.gov or (916) 653-2928, or Captain Carmel Mitchell, CAL FIRE Land Use Planning, at carmel.mitchell@fire.ca.gov or (530) 410-5142.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Keith Gilliss".

J. Keith Gilliss
Chair, Board of Forestry and Fire Protection

CC via email: Chief Pete Muñoa, Battalion Chief Chad Moxley, Captain Carmel Mitchell, CAL FIRE Land Use Planning

Amador County

CAL FIRE Land Use Planning

General Plan Safety Element Assessment Tier 1

June 27, 2016

Board of Forestry and Fire Protection



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Tier 1 List of Recommendations

Purpose and Background: The State Board of Forestry and Fire Protection (Board) is required to review and make recommendations for the safety element of general plan updates in accordance with Government Code (GC) 65302.5. The review and recommendations apply to those general plans with State Responsibility Area (SRA) (Public Resources Code (PRC) 4125) or Very High Fire Hazard Severity Zone Local Responsibility Area (VHFHSZ LRA) (GC 51177(i), PRC 4125).

The statutory requirements for the Board review and recommendations pursuant to GC 65302.5 (a)(1) and (2), and (b) are as follows:

- *“The draft elements...to the fire safety element of a county’s or a city’s general plan...shall be submitted to the Board at least 90 days prior to... the adoption or amendment to the safety element of its general plan [for each county or city with SRA or VHFHSZ].”*
- *“The Board shall... review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element....”*
- *“Prior to adoption of the draft element..., the Board of Supervisors... shall consider the recommendations made by the Board... If the Board of Supervisors...determines not to accept all or some of the recommendations..., the Board of Supervisors... shall communicate in writing to the Board its reasons for not accepting the recommendations.”*

Methodology for Review and Recommendations: The Board established a standardized method to review the safety element of general plans. The methodology includes 1) examining the safety element for inclusion of factors that are important for mitigation of wildfire hazard and risks, and 2) making recommendations related to these factors. The evaluation factors and recommendations below were developed using CAL FIRE technical documents and input from local fire departments.

Enclosed is the most expansive set of recommendations suggested by the Board, known as a Tier 1 Assessment. These recommendations are directed at communities that include:

- Overall high population densities; or
- High proportion of SRA or 20% or more of a city’s acreage is VHFHSZ LRA; or
- Population centers in or adjacent to VHFHSZ SRA, if there is no designated VHFHSZ LRA in the county; or
- Within the context of neighboring jurisdictions, the location of VHFHSZ in the jurisdiction creates an overall picture of contiguous fuels that threaten population or economic centers.

As local fuels, boundaries, populations, and other variables change throughout time, Board staff have the discretion to re-assign a jurisdiction into a lower or higher assessment tier. Staff will consider:

- Variations in population and population density; or
- Changes in proportion of land designated VHFHSZ (lower or higher); or
- Firefighting capabilities (paid, volunteer, equipment, etc) and contract changes; or

- Past planning efforts and involvement of organizations such as local Fire Safe Councils and new initiatives or efforts that have emerged over time; or
- Changes to the context of VHFHSZ within the region – does the VHFHSZ in a jurisdiction combine with neighboring fuels to create a continual pattern of very high fire risk in a way that it hadn't previously?

A full list of communities to be evaluated under Tier 1 are listed below.

Counties (alphabetical)				
Alameda	Glenn	Monterey	San Diego	Solano
Alpine	Humboldt	Napa	San Joaquin	Sonoma
Amador	Kern	Nevada	San Luis Obispo	Stanislaus
Butte	Lake	Orange	San Mateo	Tehama
Calaveras	Lassen	Placer	Santa Barbara	Trinity
Alameda	Los Angeles	Plumas	Santa Clara	Tulare
Alpine	Madera	Riverside	Santa Cruz	Tuolumne
Contra Costa	Marin	Sacramento	Shasta	Ventura
Del Norte	Mariposa	San Benito	Sierra	Yolo
El Dorado	Mendocino	San Bernardino	Siskiyou	Yuba
Fresno				

Cities (alphabetical by county)				
Alameda	Los Angeles con't	Napa	Riverside con't	San Mateo
Oakland	Glendale	Calistoga	Lake Elsinore	Hillsborough
Butte	Glendora	Nevada	Murrieta	San Carlos
Paradise	Hidden Hills	Calistoga	San Bernardino	Woodside
Contra Costa	Irwindale	Grass Valley	Big Bear Lake	Santa Barbara
El Cerrito	La Canada Flintridge	Nevada City	Colton	Santa Barbara
Lafayette	La Habra Heights	Truckee	Grand Terrace	Santa Clara
Orinda	La Verne	Orange	Highland	Los Gatos
Richmond	Los Angeles	Aliso Viejo	Loma Linda	Monte Sereno
El Dorado	Malibu	Anaheim	Rancho Cucamonga	Saratoga
Placerville	Monrovia	Brea	Redlands	Shasta
South Lake Tahoe	Palmdale	Laguna Beach	San Bernardino	Redding
Lake	Palos Verdes Estates	Laguna Niguel	Yucaipa	Shasta Lake
Clearlake	Pasadena	Lake Forest	San Diego	Siskiyou
Los Angeles	Rancho Palos Verdes	Newport Beach	Encinitas	Dunsmuir
Agoura Hills	Rolling Hills	Rancho Santa Margarita	Escondido	Fort Jones
Avalon	Rolling Hills Estates	San Clemente	Poway	Mount Shasta
Azusa	San Dimas	Yorba Linda	San Diego	Weed
Beverly Hills	Santa Clarita	Placer	San Marcos	Tuolumne
Bradbury	Sierra Madre	Colfax	Santee	Sonoma
Burbank	Westlake Village	Plumas	San Luis Obispo	Ventura
Calabasas	Whittier	Portola	Atascadero	Moorpark
Claremont	Marin	Riverside	Pismo Beach	Ojai
Diamond Bar	Mill Valley	Banning	San Mateo	Simi Valley
Duarte	Monterey	Beaumont	Belmont	Thousand Oaks
	Carmel	Calimesa	Half Moon Bay	

Review Process and Timeline

The county/local jurisdiction and CAL FIRE Land Use Planning staff will receive and review technical guidance documents, the Board assessment, and relevant information from CAL FIRE and the Governor's Office of Planning and Research.



The county or local jurisdiction will work closely with CAL FIRE Land Use Planning staff during the development of the general plan and the safety element in particular.



At least 90 days prior to the adoption or amendment of the General Plan: The county or local jurisdiction will submit the safety element to the Board of Forestry & Fire Protection for review. Jurisdictions are encouraged to send safety elements to the Board prior to the 90 day statutory requirement for greater collaboration.



No more than 60 days later: The Board will consider staff recommendations and approve as-is or with changes at the next Board meeting. This deadline may be modified upon mutual agreement between Board staff and local jurisdictions.

Tier 1 General Plan Safety Element Recommendations

Jurisdiction: Amador County	Notes:	CAL FIRE Unit: AEU	Date Received: 6/23/2016
County: Amador County	LUPP Reviewer: FC C Mitchell	UNIT CONTACT: Darin McFarlin	Date Reviewed: 6/27/2016

GENERAL COMMENTS TO UNIT/JURISDICTION

The following comments are based on the State Board of Forestry and Fire Protection (Board) Safety Element Assessment documents. These comments are not those of the Board and are only intended to provide guidance to the local Unit or local government jurisdiction.

After a review of the General Plan Safety Element, the following recommendations below have been made in reference to Fire Hazard Planning (General Plan Technical Advice Series) and Office of Planning and Research (OPR).

General Recommendations for the Safety Element (SE): The Amador County Safety Element was pre-reviewed and given pre-recommendations prior to submittal to BOF. The Amador County plan has been updated to include majority of the recommendations and forwarded to the BOF for final review.

- Provide reference (links) to any Fire Department Mutual Aid and Automatic Aid Agreements throughout the County.
- Provide reference and policy identifying the assets at risk relating to the wildfire threat within the Safety Element.
- **Recommend reference to this website with all other plans.** <http://www.caloes.ca.gov/PlanningPreparednessSite/Documents/14%20Recovery%20Executive%20Summary%2010-30-13.pdf>
- Other recommendations provided in “additional comments” by each topic.

Please click on the appropriate box to “check” whether the plan satisfies each point. Standard recommendations are included in the checklist but please highlight or add additional comments as necessary.

1.0 Wildfire Protection Planning

1.1 General Plan references and incorporates County or Unit Fire Plan. Yes Partial No

Recommendation: Identify, reference or create (if necessary) a fire plan for the geographic

scope of the General Plan. General Plan should incorporate the general concepts and standards from any county fire plan, fire protection agency (federal or state) fire plan, and local hazard mitigation plan. Identify or reference the local Unit Fire Plan and, if applicable, the Community Wildfire Prevention Plan.

Priority: High Medium Low N/A

Recommendation: Ensure fire plans incorporated by reference into the General Plan contain evaluations of fire hazards, assessment of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring components.

Priority: High Medium Low N/A

Additional Wildfire Protection Planning Recommendations:

Pre-recommendations have been incorporated into the SE prior to this final review.

2.0 Land Use Planning:

2.1 Goals and policies include mitigation of fire hazard for future development. Yes Partial No

Recommendation: Establish goals and policies for specific ordinances addressing evacuation and emergency vehicle access; water supplies and fire flow; fuel modification for defensible space; and home addressing and signing.

Priority: High Medium Low N/A

Recommendation: Specify the local ordinances, code sections, or regulations addressing the above standards, particularly any ordinances that address right-of-way, easement, and other reasonable offsite and onsite improvements for a division of land which qualifies for a Parcel Map rather than a Tentative/Final Map under the Subdivision Map Act.

Priority: High Medium Low N/A

Recommendation: Develop fire safe development codes used as standards for fire protection for new development in State Responsibility Area (SRA) within the entity's jurisdiction that meet or exceed statewide standards in Title 14 California Code of Regulations Section 1270 et seq.

Priority: High Medium Low N/A

Recommendation: Adopt, and have certified by the BOF, local fire safe ordinances which meet or exceed standards in 14 CCR § 1270 for State Responsibility Area.

Priority: High Medium Low N/A

Recommendation: Consider mitigation of previously developed areas that do not meet Title 14 California Code of Regulations Section 1270 et seq. or equivalent local ordinance.

Priority: High Medium Low N/A

2.2 Disclose wildland urban interface hazards, including Fire Hazard Severity Zone designations

and other vulnerable areas as determined by CAL FIRE or fire prevention organizations. Describe or map any Firewise Communities or other fire safe communities as determined by the National Fire Protection Association, Fire Safe Council, or other organizations. Yes Partial No

Recommendation: Specify whether the entity has a Very High Fire Hazard Severity Zones (VHFHSZ) designation pursuant GC 51175 and include a map of the zones that clearly indicates any area designated VHFHSZ.

Priority: High Medium Low N/A

Recommendation: Adopt CAL FIRE recommended Fire Hazard Severity Zones including model ordinances developed by the Office of the State Fire Marshal for establishing VHFHSZ areas.

Priority: High Medium Low N/A

Recommendation: Discuss and/or include local fire hazard maps.

Priority: High Medium Low N/A

- 2.3 The design and location of new development provides for adequate infrastructure for the safe ingress of emergency response vehicles and simultaneously allows civilian egress during an emergency: Yes Partial No

Recommendation: Develop a policy that approval of parcel maps and tentative maps is conditional based on meeting regulations adopted pursuant to §4290 and 4291 of the Public Resources Code, particularly those regarding road standards for ingress, egress, and fire equipment access.

Priority: High Medium Low N/A

Recommendation: Develop pre-plans for fire prone areas that address civilian evacuations to temporary safety locations.

Priority: High Medium Low N/A

- 2.4 When approving parcel maps and use permits, consideration is given to providing adequate water supply infrastructure that meets zoning and fire protection needs. Yes Partial No

Recommendation: Develop a policy that approval of parcel maps is conditional based on meeting zoning requirements and fire safe development codes.

Priority: High Medium Low N/A

Additional Land Use Planning Recommendations:

Pre-recommendations have been incorporated into the SE/HMP prior to this final review.

3.0 Housing/Structures and Neighborhoods:

- 3.1 Incorporation of current fire safe building codes. Yes Partial No

Recommendation: Adopt building codes for new development in State Responsibility Areas or incorporated areas with VHFHSZ that are based on those established by the Office of the State Fire Marshal in Title 19 and Title 24 CCR, referred to as the “Wildland Urban Interface Building Codes.”

Priority: High Medium Low N/A

- 3.2 Identification and actions for substandard fire safe housing and neighborhoods relative to fire hazard area. Yes Partial No

Recommendation: Identify and map existing housing structures that do not conform to contemporary fire standards in terms of building materials, perimeter access, and vegetative hazards in VHFHSZ or SRA by fire hazard zone designation.

Priority: High Medium Low N/A

Recommendation: Identify plans and actions to improve substandard housing structures and neighborhoods. Plans and actions should include structural rehabilitation, occupancy reduction, demolition, reconstruction, neighborhood –wide fuels hazard reduction projects, community education, and other community based solutions.

Priority: High Medium Low N/A

Recommendation: Identify plans and actions for existing residential structures and neighborhoods, and particularly substandard residential structures and neighborhoods, to be improved to meet current fire safe ordinances pertaining to access, water flow, signing, and vegetation clearing.

Priority: High Medium Low N/A

- 3.3 Consideration of diverse occupancies and their effects on wildfire protection.

Yes Partial No

Recommendation: Ensure risks to uniquely occupied structures, such as seasonally occupied homes, multiple dwelling structures, or other structures with unique occupancy characteristics, are considered for appropriate and unique wildfire protection needs.

Priority: High Medium Low N/A

- 3.4 Fire engineering features for structures in VHFHSZ. Yes Partial No

Recommendation: Ensure new development proposals contain specific fire protection plans, actions, and codes for fire engineering features for structures in VHFHSZ. Examples include codes requiring automatic sprinklers in VHFHSZ.

Priority: High Medium Low N/A

Additional Housing/Structures and Neighborhoods Recommendations:
Pre-recommendations have been incorporated into the SE prior to this final review.

4.0 **Conservation and Open Space:**

- 4.1 Identification of critical natural resource values relative to fire hazard areas. Yes Partial No

Recommendation: Identify critical natural resources and other “open space” values within the geographic scope of the General Plan.

Priority: High Medium Low N/A

- 4.2 Inclusion of resource management activities to enhance protection of open space and natural resource values. Yes Partial No

Recommendation: Develop plans and action items for vegetation management that provides fire damage mitigation and protection of open space values. Plans should address protection of natural resource financial values, establishment of fire resilient natural resources, protection of watershed qualities, and protection of endangered species habitats. Actions should consider prescribed burning, fuel breaks, and vegetation thinning and removal

Priority: High Medium Low N/A

Recommendation: Establish goals and policies for reducing the wildland fire hazards within the entity’s boundaries, especially on vacant residential lots and greenbelts and, with the relevant partners, on adjacent private wildlands or federal lands with fire hazards that threaten the entity’s jurisdiction.

Priority: High Medium Low N/A

- 4.3 Integration of open space into fire safety effectiveness. Yes Partial No

Recommendation: Establish goals and policies for incorporating systematic fire protection improvements for open space. Specifics policies should address facilitation of safe fire suppression tactics, standards for adequate access for firefighting, fire mitigation planning with agencies/private landowners managing open space adjacent to the GP area, water sources for fire suppression, and other fire prevention and suppression needs.

Priority: High Medium Low N/A

- 4.4 Urban forestry plans relative to fire protection. Yes Partial No

Recommendation: Ensure residential areas have appropriate fire resistant landscapes and discontinuous vegetation adjacent to open space or wildland areas.

Priority: High Medium Low N/A

Recommendation: Evaluate and resolve existing laws and local ordinances which conflict with fire protection requirements. Examples include conflicts with vegetation hazard reduction ordinances and listed species habitat protection requirements.

Priority: High Medium Low N/A

- 4.5 Mitigation for unique pest, disease and other forest health issues leading to hazardous

situations. Yes Partial No

Recommendation: Establish goals and policies that address unique pest, disease, exotic species and other forest health issues in open space areas for purposes of reducing fire hazard and supporting ecological integrity.

Priority: High Medium Low N/A

Additional Conservation and Open Space Recommendations:

Pre-recommendations have been incorporated into the SE prior to this final review.

5.0 Circulation and Access:

5.1 Adequate access to high hazard wildland/open space areas. Yes Partial No

Recommendation: Establish goals and policies for adequate access in Very High Fire Hazard Severity Zones that meet or exceed standards in Title 14 CCR 1270 for lands with no structures, and maintain conditions of access in a suitable fashion for suppression access or public evacuation.

Priority: High Medium Low N/A

5.2 Standards for evacuation of residential areas in high hazard areas. Yes Partial No

Recommendation: Goals and policies should be established to delineate residential evacuation routes and evacuation plans in high or very high fire hazard residential areas.

Priority: High Medium Low N/A

5.3 Incorporate a policy that provides for a fuel maintenance program along roadways in the agency having jurisdiction. Yes Partial No

Recommendation: Develop an adaptive vegetation management plan that considers fuels, topography, weather (prevailing winds and wind event specific to the area), fire ignitions and fire history.

Priority: High Medium Low N/A

5.4 Adequacy of existing and future transportation system to incorporate fire infrastructure elements. Yes Partial No

Recommendation: Establish goals and policies for proposed and existing transportation systems to facilitate fire infrastructure elements such as turnouts, helispots and safety zones.

Priority: High Medium Low N/A

6.0 Defensible Space

- 6.1 Develop geographic specific fire risk reduction mitigation measures using fuel modification.
Yes Partial No

Recommendation: Include policies and recommendations that incorporate fire safe buffers and greenbelts as part of the development planning. Ensure that land uses designated near very fire hazard severity zones are compatible with wildland fire protection strategies/capabilities.

Priority: High Medium Low N/A

- 6.2 Fuel modification around homes. Yes Partial No

Recommendation: Establish ordinances in SRA or VHFHSZ for vegetation fire hazard reduction around structures that meet or exceed the Board of Forestry and Fire Protection's Defensible Space Guidelines for SRA and the Very High Fire Hazard severity zones, including vacant lots.

See http://www.bof.fire.ca.gov/pdfs/Copyof4291finalguidelines9_29_06.pdf

Priority: High Medium Low N/A

Recommendation: Reduce fuel around communities and subdivisions, considering fuels, topography, weather (prevailing winds and wind event specific to the area), fire ignitions and fire history.

Priority: High Medium Low N/A

- 6.3 Fire suppression defense zones. Yes Partial No

Recommendation: Establish goals and policies that create wildfire defense zones for emergency services, including fuel breaks or other staging areas where WUI firefighting tactics could be most effectively deployed.

Priority: High Medium Low N/A

Additional Defensible Space Recommendations:

Pre-recommendations have been incorporated into the SE prior to this final review.

7.0 Emergency Services:

- 7.1 Map/describe existing emergency service facilities and areas lacking services, specifically noting any areas in SRA or VHFHSZs. Yes Partial No

Recommendation: Include descriptions of emergency services including available equipment, personnel, and maps of facility locations.

Priority: High Medium Low N/A

Recommendation: Initiate studies and analyses to identify appropriate staffing levels and equipment needs commensurate with the current and projected emergency response

environment.

Priority: High Medium Low N/A

7.2 Assessment and projection of future emergency service needs. Yes Partial No

Recommendation: Ensure new development includes appropriate facilities, equipment, personnel and capacity to assist and support wildfire suppression emergency service needs. Future emergency service needs should be:

- Established consistent with state or national standards.
- Developed based on criteria for determining suppression resource allocation that includes elements such as identified values and assets at risk, ignition density, vegetation type and condition, as well as local weather and topography.
- Local Agency Formation municipal services reviews for evaluating level of service, response times, equipment condition levels and other relevant emergency service information.

Priority: High Medium Low N/A

7.3 Adequacy of training. Yes Partial No

Recommendation: Establish goals and policies for emergency service training that meets or exceeds state or national standards.

Priority: High Medium Low N/A

7.4 Inter-fire service coordination preparedness/mutual aid and multi-jurisdictional fire service agreements. Yes Partial No

Recommendation: Adopt the Standardized Emergency Management System for responding to large scale disasters requiring a multi-agency response. Ensure and review mutual aid/automatic aid and other cooperative agreements with adjoining emergency service providers.

Priority: High Medium Low N/A

Additional Emergency Services Recommendations:

Pre-recommendations have been incorporated into the SE prior to this final review.

8.0 Post Fire Safety, Recovery and Maintenance:

The post fire recommendations address an opportunity for the community and landowners to re-evaluate land uses and practices that affect future wildfire hazards and risk. They also provide for immediate post-fire life and safety considerations to mitigate potential losses to life, human assets and critical natural resources.

8.1 Evaluation of redevelopment. Yes Partial No

Recommendation: In High and Very hazardous areas, ensure redevelopment utilizes state of the art fire resistant building and development standards to improve past 'substandard' fire safe

conditions.

Priority: High Medium Low N/A

- 8.2 Long term maintenance of fire hazard reduction mitigation projects. Yes Partial No

Recommendation: Provide polices and goals for maintenance of the post-fire-recovery projects, activities, or infrastructure.

Priority: High Medium Low N/A

- 8.3 Reevaluate hazardous conditions and provide for future fire safe conditions. Yes Partial No

Recommendation: Incorporate goals and policies that provide for reassessment of fire hazards following wildfire events. Adjust fire prevention and suppression needs for both short and long term fire protection.

Priority: High Medium Low N/A

Recommendation: Develop burn area recovery plans that incorporate strategic fire safe measures developed during the fire suppression, such as access roads, fire lines, safety zones, and fuelbreaks, and helispots.

Priority: High Medium Low N/A

- 8.4 Post fire life and safety assessments. Yes Partial No

Recommendation: Develop frameworks for rapid post-fire assessment and project implementation to minimize flooding, protect water quality, limit sediment flows and reduce other risks on all land ownerships impacted by wildland fire.

Priority: High Medium Low N/A

Recommendation: Identity flood and landslide vulnerability areas related to post wildfire conditions.

Priority: High Medium Low N/A

Recommendation: Establish goals and policies that address the intersection of flood /landslide/post fire burn areas into long term public safety protection plans. These should include treatment assessment of fire related flood risk to life, methods to control storm runoff in burn areas, revegetation of burn areas, and drainage crossing maintenance.

Priority: High Medium Low N/A

Recommendation: Encourage rapid post-fire assessment, as appropriate, and project implementation to minimize flooding, protect water quality, limit sediment flows and reduce other risks on all land ownerships impacted by wildland fire.

Priority: High Medium Low N/A

- 8.5 Restore sustainable landscapes and restore functioning ecosystems. Yes Partial No

Recommendation: Develop burn area recovery plans, evaluation processes and implementation actions that encourage tree and biomass salvage, reforestation activities, create

resilient and sustainable landscapes, and restore functioning ecosystems.

Priority: High Medium Low N/A

- 8.6 Incorporate wildlife habitat/endangered species considerations. Yes Partial No

Recommendation: Establish goals and policies for consideration of wildlife habitat/endangered species into long term fire area recovery and protection plans, including environmental protection agreements such as natural community conservation plans.

Priority: High Medium Low N/A

- 8.7 Native species reintroduction. Yes Partial No

Recommendation: Incorporate native species habitat needs as part of long term fire protection and fire restoration plans.

Priority: High Medium Low N/A

Additional Post Fire Safety, Recovery and Maintenance Recommendations:

A link was referenced to post incident recovery, however recommend that Amador County develop its own recovery plan for the County to include a recovery plan for all disasters. Refer to Cal OES website:

<http://www.caloes.ca.gov/PlanningPreparednessSite/Documents/14%20Recovery%20Executive%20Summary%2010-30-13.pdf>

- 9.0 **Terrorist and homeland security impacts on wildfire protection:**

These recommendations are included to address fire protection needs related to terrorist acts or other homeland security preparedness and response actions. Both preparedness and incident response can adversely impact fire protection. Adverse effects include substantially decreasing emergency resources' availability, responsiveness and effectiveness by diverting resources, interrupting communications, or restricting emergency access.

- 9.1 Emergency response barriers. Yes Partial No

Recommendation: Identify goals and policies that address vital access routes that if removed would prevent fire fighter access (bridges, dams, etc.). Develop an alternative emergency access plan for these areas.

Priority: High Medium Low N/A

- 9.2 Prioritizing asset protection from fire when faced with a lack of suppression forces.

Yes Partial No

Recommendation: Identify and prioritize protection needs for assets at risk in the absence of response forces.

Priority: High Medium Low N/A

Recommendation: Establish fire defense strategies (such as fire ignition resistant areas) that provide adequate fire protection without dependency on fire resources (both air and ground) and could serve as safety zones for the public or emergency support personnel.

Priority: High Medium Low N/A

9.3 Communication channels during incidents. Yes Partial No

Recommendation: Establish goals and policies consistent with the Governor's Blue Ribbon Fire Commission of 2005 for communications and interoperability. Example goals and policies should address fire personnel capability to communicate effectively across multiple frequency bands and update and expansion of current handheld and mobile radios used on major mutual aid incidents.

Priority: High Medium Low N/A

Additional Recommendations:

Develop a disaster recovery plan specific to Amador County necessity by priority in the future to meet your goal and policy for the plan.

*NOTE:

The old safety element was pre-reviewed and CALFIRE LUPP and Amador County Planning Officials worked on the updated 2016 SE. Majority of the recommendations discussed were added to the new document.

Additional recommendations made per this current review document.



Comments on General Plan Update

Tom <tomi@volcano.net>

Tue, Aug 23, 2016 at 4:17 PM

To: andyrupts@volcano.net, Caryl Callsen <caryl@volcano.net>

Cc: c/o Planning Director Susan Grijalva - <planning@amadorgov.org>

Dear Commissioners,

I wrote a memo to you regarding the general plan. It was part of the comments submitted by the Foothill Conservancy on 8/17/16. It appears on pages 351 to 357 of the staff report.

I was concerned that you may have missed my memo. The staff report does not separately note my memo in the table of contents on page 4. Also, on page 445, the staff report does not respond directly to any of the legal points in my memo.

For your convenience, I have attached a copy of the memo to this email.

Sincerely,

Tom Infusino

P.S. I apologize for not getting this email to the rest of the commissioners directly, but I do not have all the commissioners' email addresses.



Infusino Memo to PC 8-15-16.pdf

542K

To: Amador County Planning Commission
From: Thomas P. Infusino, Esq.
Re: Thank you and Response to Staff Testimony on 7/19/16
Date: 8/15/16

I. Introduction.

My name is Tom Infusino, and I am providing this analysis on behalf of myself, the Foothill Conservancy, and its members.

We are writing to thank the Planning Commission for its actions on July 19, 2016. Thank you for also recognizing that evening that it was premature to recommend approval of the General Plan Update. Thank you for your attention to the concerns expressed by those people who commented during your meeting. Thank you for your thoughtful comments after the public testimony.

We are also writing to urge the Planning Commission to:

- 1) Identify the discrete tasks that your planners and consultants need to complete to create a functional general plan,
- 2) Recommend that the Board of Supervisors direct the planning staff and consultants to complete those discrete tasks, and
- 3) Upon completion of those tasks, to return to the Planning Commission for a recommendation to the Board of Supervisors regarding the general plan.

We hope that you will make and approve a motion on August 23 to direct staff to complete a finite list of discrete tasks and to bring the General Plan Update back to you upon completion of those tasks. This will help the County produce a general plan that meets some of the basic legal requirements and function as a guide to orderly development and resource conservation.

II. We respectfully request that the Planning Commission accept these timely comments, despite the close of the public comment period.

At your July 19 meeting, you properly closed the public comment period, prior to receiving oral reports from your staff and consultants, and prior to deliberating and taking action to continue the meeting.

However, we could not make the comments below during the public comment period, because they relate directly to the subsequent oral reports from your staff and consultants, and to your subsequent comments. Because of this, we respectfully request that you accept these comments as timely. If you need to re-open the public comment period to accept these comments, we respectfully request that you do so. In any case, we request that you retain a copy of these comments for the administrative record.

III. We want you to understand both sides of the issues, before acting on the late night, off the cuff, assertions of your staff and consultants.

We understand that your staff and consultants were doing their best on July 19 to address your

critical concerns, with short general answers, without an opportunity to do research, and at an hour long after the usual end of the work day. These circumstances are plagued with the likelihood for misunderstandings and misstatements. Therefore, we feel compelled to address some of the staff and consultant assertions, so that you may benefit from a more detailed treatment of your concerns. We hope that the subsequent staff report for your August 23 meeting will also help provide clarification and additional information you need.

A) There is a requirement in state law that a general plan have an implementation plan document.

On July 19, your consultant Mr. Goldman stated, “There is no particular requirement in state law that a general plan have an implementation plan document.” (Audio File 4, 7-19-16, Approx. 6:10 ff.) Actually, there *is* a requirement for the planning department to make general plan implementation recommendations to the Board of Supervisors. (Government Code, sec. 65400; Attachment 1 – Government Code Sections). Such an implementation plan is required *after* adoption or amendment of a complete, valid, and functional stand-alone general plan. It is not to be used as an alternative location for essential parts of the general plan itself.

B) There is a regional geographic trend to include implementation measures the general plan document.

On July 19, your consultant, Mr. Goldman, went on to state, “And there’s no clear trend as to whether they (implementation plans) are stand-alone documents, or actually part of the general plan itself.” (Audio File 4, 7-19-16, Approx. 6:25 ff.)

Actually, there is a regional geographic trend: every county that borders Amador County includes implementation measures in the body of the general plan. (See Attachment 4 – Excerpts of Neighboring Plans.) There are at least two good reason for this. First, existing state law requires that implementation measures be included in the Housing, Open Space, and Noise elements. (See Attachment 1 – Government Code Sections 65583, 65302, 65564.) Second, the Governor’s Office of Planning and Research’s General Plan Guidelines have been recommending including implementation measures in every element of the general plan since 1990. (OPR, General Plan Guidelines, Nov. 1990, pp. 14-20; OPR, General Plan Guidelines, 2003, pp. 46, See Attachment 2 – General Plan Guidelines.)

Another reason may be to ensure that all the elements have equal legal status, with no element being subordinate to another. (*Sierra Club v. Board of Supervisors of Kern County* (1981) 126 Cal.App.3d 698.) The presence of implementation measures in only three elements may give the policies in those elements a practical effect not afforded to the policies in the remaining elements of the general plan. For example, action will be taken on existing implementation measures in the Housing Element, while achieving policies in elements lacking implementation measures could be given last priority or ignored,

C) There is at least one wrong way to provide for general plan implementation.

On July 19, Mr. Goldman concluded his discussion of implementation plans by stating, “Again, there is no wrong way or right way to do it.” (Audio File 4, 7/19/16, Approx. 7:10.)

Actually, there is at least one wrong way to do implementation plans, and the County’s draft implementation plan reflects this. The County has split out a *required* general plan component (standards), and then placed them in an *optional* separate document called an implementation plan. This is a wrong way to provide for general plan implementation. (See Government Code, sec. 65302 [Attachment 1]; Excerpt from proposed Implementation Plan pp. P-16, P-20, P-27, P-28, and P-29; [Attachment 5].) This eliminates an essential general plan component. With regard to the standard setting the allowable hours of construction noise, for example, this converts a binding general plan standard into a nonbinding option that can be eliminated at the pleasure of the board of supervisors, as this provision is in neither the Noise Element of the proposed general plan nor the mitigation monitoring plan. This is directly in contrast to the legislative intent that general plans include standards, have a legally binding effect, and have some degree of stability regarding their content. (See Government Code, Sections 65358; 65402, 65454, 66474 [Attachment 1].)

Also, current law required that implementation measures be included in the general plan elements for housing, for open space, and for noise. (Government Code Sections 65583, 65564, 65302 [Attachment 1].) Yet implementation measures for the open space and noise elements of the general plan are instead listed in the separate implementation plan. (See Attachment 5 - Excerpts from Implementation Plan, pp. P-15 to P-21; P-26 to P-29; P-35, P-37-38.) Again, this eliminates an essential general plan component. With regard to those implementations not listed in the Mitigation Monitoring and Reporting Plan, it makes these provisions subject to removal at the pleasure of the board, removes any certainty for their application, and houses them in an optional document that has no legally binding effect. This ignores the clear legislative intent that general plans include these essential components, have a legally binding effect, and have some degree of stability regarding their content. (See Government Code, Sections 65358; 65402, 65454, 66474 [Attachment 1].)

We encourage the Commissioners to compare the policy excerpts of general plans of neighboring communities, and those from the proposed Amador County General Plan, at least as to form. (See Attachments 4 & 6.) The Amador County General Plan excerpts includes goals and policy directions, but are missing the requisite standards and objectives to give that direction clarity. They are also missing the implementation measures required to put the open space element into action. By contrast, the General Plans of neighboring counties include these required general plan components. If every other County around us can manage to follow these basic general plan rules, why can’t we?

The good people of Amador County, and those who will come to live and to invest here in the future, deserve a valid general plan to guide orderly development and provide for resource conservation. You have the opportunity now to fix the plan, and we encourage you to do so.

D) Implementation measures that are also in the Mitigation Monitoring Plan are commitments, and changing or deleting them may require CEQA review.

On July 19, with regard to changing general plan mitigation measures, your CEQA legal consultant, Mr. Al Herson, stated, “That would require a look at whether the change to that mitigation measure would require more CEQA compliance, because you are basically changing the general plan.” (Audio 4, 7/19/16, approx. 12:10.)

We agree. In fact, we believe that the time it will take to address CEQA compliance for mitigation measure changes will essentially erode any perceived flexibility associated with keeping the mitigation measures out of the general plan itself. Thus, we strongly encourage the County to include the mitigation measures in the general plan.

Changing or deleting a general plan mitigation measure after the plan is adopted is an involved process. First, the County must make some showing that the mitigation measure has proven infeasible. Second, the County may need to prepare a supplemental environmental review to determine if removing the mitigation measure substantially increases the impacts of the general plan. Third, the County may need to adopt a new statement of overriding considerations for the general plan. (See *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342; *Lincoln Place Tennant’s Association v. City of Los Angeles* (2005) 130 Cal.App.4th 1491; Pub. Resources Code, sec. 21081; CEQA Guidelines, sec. 15093.) The time that this process takes will swallow the perceived “flexibility” of leaving mitigation measures out of the general plan text. Thus, it makes sense to put these measures in the general plan.

It also makes sense to put mitigation measures into the general plan because that is where they belong. CEQA requires that mitigation measures be required in or incorporated into the project. (Public Resources Code, sec. 21081; *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) The most obvious way to comply with this requirement is to include the mitigation measures in the general plan.

In addition, including the mitigation measures as *enforceable policies* in the plan would make the document much easier for the public, Planning Department staff, your commission, and the supervisors to use. Just as there ought to be a one-stop-shop for building permits, there should a comprehensive, integrated one-stop document for county planning.

E) Implementation measures that are not in the Mitigation Monitoring Plan can be changed as frequently as the Board likes.

On July 19, Mr. Goldman was asked how often implementation measures that are not mitigation measures could be changed by the Board of Supervisors. He responded, “As frequently as the - at the pleasure of the Board.” (Audio File 4, 7/19/16, approx. 7:25.)

First, this begs the question, “Why does the County need more flexibility to change the general plan than that which is already provided for in state law?” A general plan can be amended four times per year. (See Attachment 1 – Government Code Sections.) Some counties spread these four times evenly over the year. Thus, a general plan can be amended approximately every 90 days. Some use permits take months to process. Land use projects like subdivisions and public works projects take

years to process. Given the time it takes to process discretionary projects, why would any County need more than the 90 days of flexibility to change a general plan that is already provided for in state law?

Also, this begs some interesting questions for project approval. If a project is not consistent with many of the optional implementation plan provisions, can the Board just approve the project by eliminating the implementation plan provisions before adopting the project? Is the Board free to replace the provisions back into the implementation plan at its next meeting? How does this result in the orderly development desired by the Legislature when it approved land use law? How is an applicant to know what to expect before they begin their project?

Finally we note that the Commission can partially meet Commissioner Callsen's objective to reduce the impacts of the plan by making a commitment to more of the implementation plan provisions. This need not hamper the practical flexibility of the plan, as the implementation measures can include appropriate circumstances for waivers and variances. In addition, we have proposed a list of mitigation measures to help meet Commissioner Callsen's objective. (Attachment 3 – Terrell Watt, Recommended Mitigation Measures.)

F) Ad-hoc project-specific mitigation creates too much uncertainty, too much risk, too much unnecessary cost, and too much community discord.

On July 19, after the close of public comment, Commissioner Byrne addressed the problems presented by ad-hoc mitigation imposed on a project-by-project basis and in the absence of clear standards. Similarly, Commissioner Lindstrom noted how difficult it can be for commissioners to impose conditions on wine tasting rooms and events when the general plan includes no clear notice of these regulations, and includes contrary statements regarding support for such endeavors.

These commissioners put their fingers on a serious deficiency in the proposed general plan: it leaves unspecified a list of critical and potentially costly development requirements and limitations. Ultimately, the degree to which meeting these requirements and limitations is easy or a burden will rest entirely on the nearly unbridled discretion of the County, on a project by project basis.

CEQA has recognized the problem with deferring mitigation until a specific project is proposed. When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures until a specific project is proposed. (*Citizens for Quality Growth v. City of Mount Shasta* (3 Dist. 1988) 198 Cal.App.3d 433, 442.)

Under the proposed General Plan, until a project gets to the Planning Commission or Board of Supervisors approval phase, neither a developer nor a neighbor will have the answer to a number of basic questions:

Does the project have to connect to a public water and wastewater systems or not? (Imp. Plan, p. P-15; MMR Plan, p. 42.)

Will the public water system need to be upgraded to meet emergency water demands? (Imp. Plan, p. P-19; MMR Plan, p. 33.)

Does the project as proposed make “adequate provision of emergency services”? (Imp. Plan, p. P-15; MMR Plan, p. 46.)

How far must the project be setback from neighboring agricultural lands or forest lands? (Imp. Plan, p. P-17, MMR Plan, p. 7.)

How much of the mineral resource land in the project must remain available for mineral extraction? Does the project provide for sufficient setbacks from neighboring mineral resource lands to enable extraction to occur there? (Imp. Plan, p. P-17, MMR Plan, p. 26.)

Does the residential project need to include a school site, and must the school be in operation prior to project occupancy? (Imp. Plan, p. P-18.)

Will the development need to provide land for “cemeteries, wastewater treatment plants, and solid waste disposal facilities”? (Implementation Plan, Program P-16, subd. (a), p. P-14).

For which historic buildings in the project must the applicant comply with standards for treatment of historic properties? (Imp. Plan, p. P-22.)

Does the project do enough to reduce greenhouse gas emissions? (MMR Plan, p. 29.)

Each of these issues must be worked out on a case-by-case basis, without the guidance of recognized standards in the general plan. A project can be rejected based upon the Board of Supervisors’ answer to any one of these questions. The Board is free to apply different standards and requirements to different projects and different applicants can see different results. This makes location or investment in Amador County far too speculative.

If the proposed project location has neighboring agricultural land, forest land, or mineral extraction; or is near a water or sewer line, or will result in school children moving to the area, or includes historic buildings, then the investor has no idea what hurdles he will face to move his project forward. He may not know the costs of mitigation and general plan compliance until late in the process (at the Planning Commission or Board of Supervisor approval), long after investing much time and expense in the project. To justify that investment risk, the investor needs to reap a higher reward, which in turn results in unnecessarily higher prices for goods, services, and homes.

A good general plan would inform that market by mapping the areas in the County where emergency water flows are sufficient, and where a project will be expected to connect to water and sewer. A good general plan would identify an effective minimum setback for development from agricultural lands, forest lands, and mineral lands, so that investors could factor those standards into their land acquisition decisions, and developers could design their projects to meet or to surpass these standards. A functional general plan is one that allows a person to look at a specific parcel, and determine what uses he/she can make of the parcel. (Barclay & Gray, *Curtain’s California Land Use and Planning Law*, 2014, p. 31.) Because so many of the critical issues that should have been resolved by the general plan have been deferred until the project-specific approval stage, the general plan fails the functionality test.

Similarly, neighbors of the proposed project have no way of knowing how much of the impact burdens they may be called upon to shoulder. Neighbors with concerns about the continued

viability of their agricultural and/or mineral operations, their water supply, and their emergency services will be forced to participate in the review of each development to protect their property interests and rights. As a result, they are compelled to appear repeatedly to argue over the same issues for each project, simply to ensure that sufficient mitigation measures and general plan-related conditions are applied to the project. By approving a substandard general plan, and arbitrarily applying changing standards and conditions, the County would provide these project critics with the legal ammunition to battle new development. This creates an unnecessary degree of property interest insecurity and public discord.

In addition, ad-hoc mitigation creates too many opportunities for inequitable treatment of project proponents, and of residents burdened by development impacts. As Commissioner Byrne put it, “If you are in with the in you can get your project done.” (Audio File 4, 8-19-16. approx.15:25 ff.) Under such a plan, project approvals can remain more about which public officials like the project proponent, and less about how the project harms or enhances the community. Similarly, existing residents can be overburdened by development impacts and costs, in order to improve the bottom line of a favored developer.

Finally, treating every project as a custom project, needing negotiated standards, creates a higher workload for the County’s very small planning staff. This can cause delays in project processing that result in additional costs to the investors and subsequently to the consumers. These delays can also drive investors to other places where their projects can be processed more efficiently.

Taken together, these circumstances are far from the orderly development sought to be achieved through the adoption of general plans.

IV. Please direct staff and consultants to complete a general plan that can function as a guide to orderly development and resource conservation.

The County has come a long way toward completing a functional general plan. The remaining tasks necessary to complete that process are finite. We we encourage the Planning Commission to

- 1) Identify the discrete tasks that your planners and consultants need to complete to create a functional general plan,
- 2) Direct the planning staff and consultants to complete those discrete tasks, and
- 3) Upon completion of those tasks, to return to the Planning Commission for a recommendation to the Board of Supervisors regarding the general plan.

This will help the County produce a general plan that meets some of the basic legal requirements and can function as a guide to orderly development and resource conservation while attracting investment and economic development.