



Chairman Ray Ryan
Amador County Planning Commission
810 Court St
Jackson, CA 95642

October 9, 2020

Re: Proposed tentative map extensions for Palisades VI and Timber Creek subdivisions
By e-mail transmittal

Dear Chairman Ryan and Members of the Commission:

Thank you for this opportunity to comment on the above-referenced proposed tentative map extensions at Kirkwood. Foothill Conservancy has been engaged in land use processes in the Kirkwood area since development of the 2003 Kirkwood Specific Plan. We hope you will consider and address our concerns.

In brief, we urge the commission to deny the subdivision map extensions. The developer has had ample time to complete the final maps for the projects and the map approvals rely on an outdated 2003 Kirkwood Specific Plan that has not been reviewed for consistency with or updated since the county adopted its new general plan in 2016 (see our quick analysis, attached). In addition, subdivisions of 10 or more units are now subject to Amador County Code section 19.050.040, which would require the county to make specific findings regarding their impacts to biological resources. That has not been done.

Specific plans (and projects approved under them) must be consistent with the county general plan

The Kirkwood Specific Plan was approved in 2003 based on a 2002 EIR, and to our knowledge, it has never been reviewed for consistency with the 2016 Amador County General Plan. We have asked the county for the documentation of such review and have been informed that none exists.

Under the basic legal requirement for vertical consistency in local land use planning, all planning documents and approvals subordinate to the general plan must be consistent with the general plan. Reviewing the Kirkwood Specific Plan for consistency with the county general plan must take place as the first step in this process.

If after that review, the county finds that the Kirkwood Specific Plan is inconsistent with the general plan, including its goals and policies, the county must update the plan for consistency and in doing so, perform a new CEQA analysis.

The county should reject further development proposals at Kirkwood, including these map extensions, pending that review and analysis.

The Kirkwood Specific Plan needs a supplemental EIR due to changed circumstance and new information

If the county finds that the specific plan is consistent with the general plan, a supplemental EIR is still required. The specific plan needs a supplemental EIR before projects under the plan can be exempt from CEQA analysis. The section states,

Since 2002, there have been substantial changes to the circumstances under which the specific plan has been undertaken. They include changes in fire severity, size, and frequency in California; increasing impacts of climate change; and potentially, the Kirkwood Meadows Public Utility District's capacity to provide wastewater treatment and propane to new projects.

In addition, there is a great deal of new information available today that was not known and could not have been known in 2002. There is new data on traffic congestion and accidents, the frequency of highway closures in winter (which block outside emergency response to Kirkwood), the lack of employee housing at Kirkwood (made worse by the recent Red Cliffs fire), new listings under the federal Endangered Species Act (specifically, Yosemite toad and Sierra Nevada yellow-legged frog), increased use of nearby national forest recreation sites, the Kirkwood Meadows Fire Service Master Plan (attached), KMPUD annual reports (attached), the Amador Fire Safe Council 2016 High County Community Wildfire Protection Plan, and a new Amador County Regional Transportation Plan.

New CEQA analysis would also incorporate the revisions to CEQA put in place since 2002, including new requirements for analysis of greenhouse gas emissions and for analyzing traffic impacts based on vehicle miles traveled.

Further, since adoption of the 2003 specific plan, there have been notable increases in traffic in Amador County west of Kirkwood. New CEQA analysis needs to take those offsite impacts into account.

In addition, in fall 2018, the Amador County Board of Supervisors approve the 10-year review of the Kirkwood Specific Plan and its mitigation measures. While Tri-Tac concluded that the mitigations were largely being followed, it noted that specific areas needed to be addressed. Those must be considered as part of the environmental analysis for an updated specific plan or supplemental EIR.

The areas recommended for action in the Tri-Tac Report (subsequently supported by our Planning Commission and board of Supervisors) include:

- Mitigation Measure 4.2 (dd) Implementation of a revised Grazing Management Plan
- Mitigation Measure 4.3.4 (b) Implementation of a Noxious Weed Management Plan.
- Mitigation Measure 4.7 (b) Traffic Control (specifically, the potential need for new traffic studies)
- Mitigation Measures 4.10 (a) and 4.10 (b) Employee Housing (which is newly important considering the recent loss of the Red Cliffs employee housing to fire).
- Mitigation Measure 4.02 (v) Street Sweeping.

According to county staff, street sweeping is occurring in some locations, and a traffic study conducted of the Highway 88/Kirkwood Meadows Drive intersection, but the other plans and recreation studies have not been completed.

Applicant's CEQA checklist is flawed and outdated

The applicant's CEQA checklists are flawed in several respects (no solid waste from a subdivision?) and does not include analyses currently required by CEQA (GHG emissions, vehicle miles traveled, etc).

Conclusion

We ask the county to reject the proposed tentative map extensions pending a detailed review of the Kirkwood Specific Plan for consistency with the 2016 Amador County General Plan and implementation plan. If the county finds the specific plan is not consistent with the general plan, the specific plan must be updated before more projects can be approved pursuant to it. If the county finds the specific plan consistent with the general plan, the county must require the preparation of a supplemental EIR for the Kirkwood Specific Plan before processing projects subject to that plan. In addition, to approve these projects, the county must comply with section 19.50.040 of the Amador County Code.

Thank you for this opportunity to comment.

Sincerely,



Sherry Pease
Executive Director

Cc:

Erik Christeson, General Manager, Kirkwood Meadows Public Utility District

Nancy Trevett, Kirkwood Meadows Association

Warren Alford, Chief, Public & Legislative Affairs, CalTrans District 10

Attachments

Kirkwood Fire Services Master Plan

Kirkwood Meadows PUD Annual Reports

Foothill Conservancy re 2003 Kirkwood Specific Plan consistency with 2016 Amador County General Plan

2014 Amador LAFCO Municipal Services Review, KMPUD