

**ORDINANCE NO. 1777**

**AN ORDINANCE AMENDING TITLE 19 OF THE AMADOR COUNTY CODE BY CREATING CHAPTER 19.50, DESIGN STANDARDS AND FINDINGS**

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION 1. Recitals of Fact.

**WHEREAS**, the Amador County Board of Supervisors adopted the 2016 General Plan Update on October 4, 2016; and

**WHEREAS**, the Board of Supervisors desires to implement certain goals and policies of the 2016 General Plan Update through the adoption of design standards and required findings for specific discretionary projects described herein; and

**WHEREAS**, all notices and public hearings mandated by the State Planning Law and Title 19 (Zoning) of the Amador County Code have been adhered to by the Amador County Planning Commission and Board of Supervisors; and

**WHEREAS**, the Board of Supervisors adopts this ordinance because the public necessity, convenience, and general welfare require such an amendment.

SECTION 2. Title 19, Zoning, of the Amador County Code is hereby amended by adding the following new Chapter 19.50, Design Standards and Findings:

**Chapter 50, Design Standards and Findings**

**Section 19.50.010 - Standards and findings for discretionary projects of 5 or more units or 5 or more lots in the high- and very-high fire hazard severity zones.**

Approval of residential discretionary projects of 5 or more units or 5 or more lots proposed in zones of high and very-high fire hazard severity, as defined and mapped by CalFire, is subject to the County making all of the following findings concurrent with project approval:

1. On balance, the economic, legal, social, technological, and other benefits, including regional or statewide benefits, outweigh any increased risk of wildland fire to public health and safety.
2. Fire-related impacts will be mitigated to the extent feasible.

3. Fuel breaks and funding for their maintenance will be included to protect homes and wildlands if requested by local fire authorities, including CalFire.
4. Water or other fire suppression resources will be provided onsite for structure fire suppression if requested by local fire authorities.
5. The development meets the following minimum quality of life standards related to wildland fire response and evacuation:
  - a. The project is served by an existing fire station capable of providing an average fire response time of no more than 15 minutes or will be served by a new fire station equipped and staffed for comparable response, as defined by local fire officials.
  - b. Roads serving the project meet applicable County and State standards to handle evacuation needs and emergency response in case of wildland fire.
  - c. Building design, location, materials, and landscaping meet or exceed the following standards, subject to approval by local fire authorities:
    - i. Structures will be located to allow fire engine access
    - ii. Landscaping conforms to state defensible space standards
    - iii. Buildings will be isolated from unmanaged, flammable natural vegetation by hardscapes or regularly maintained, modified fuel zones
    - iv. Buildings are designed to minimize the risk of structure fire from wind-blown, wildland-fire embers
    - v. Building materials will meet or exceed state standards for fire resistance.
    - vi. Homes and community buildings will be equipped with automatic fire sprinklers or other equally protective fire suppression measures as allowed by state law.

**Section 19.50.020 – Required findings for discretionary approvals in the Agricultural-General General Plan land use classification.**

Approval of any discretionary action that divides a parcel, increases the legal parcel density or intensity, or requires approving a discretionary use permit in the Agricultural-General (AG) land use classification is subject to the County making all of the following findings concurrent with project approval:

1. Feasible measures will be implemented to mitigate the project's significant adverse impacts, if any, on adjoining or nearby agricultural lands and operations.

2. The County action does not induce conversion of adjoining and/or nearby agricultural lands to other uses by extending public water supply, public wastewater treatment, or public roads to the project, or alternatively, the County action has specific measureable public benefits that outweigh the conversion of agricultural lands to other uses by the extension of the public water supply, public wastewater treatment, or public roads to the project.

**Section 19.50.030 – Required findings for discretionary approvals in the Agricultural-Transition General Plan land use classification.**

Approval of any discretionary action that divides a parcel or increases the legal parcel density or intensity, or requires approving a discretionary use permit in the Agricultural-Transition (AT) land use classification is subject to the County making all of the following findings concurrent with project approval:

1. Feasible measures will be implemented to mitigate the project's significant adverse impacts, if any, on adjoining or nearby agricultural or timberlands and operations and to minimize the likelihood of those lands converting to nonagricultural or non-timberland uses.
2. Any parcels subject to the County action remain suitable for rural ranchettes, limited animal husbandry, and family garden, orchard, or supplementary agricultural income.

**Section 19.50.040 - Standards and findings to protect biological resources for discretionary use permits and new subdivisions of 10 or more lots.**

Approval of discretionary use permits and subdivisions of 10 lots or more is subject to the County making all of the following findings concurrent with project approval:

1. The project has specific, measurable public benefits that outweigh its harm to the County's sensitive biological resources identified as special status, sensitive natural communities, jurisdictional wetlands and state-identified wildlife corridors.
2. Where avoidance of adverse impacts to these biological resources is infeasible, such impacts will be mitigated to the extent feasible.
3. Native trees and tree canopies will be maintained to the extent feasible unless removal or modification is required to comply with fire-safe building standards or to otherwise protect lives and property.
4. New residential, commercial, industrial, or agricultural structures, excluding bridges and appurtenant roads constructed in compliance with state standards, shall meet the following standards:
  - a. The structure is set back 100 feet on either side of year-round and perennial streams or 50 feet from intermittent streams, where an intermittent stream is

defined as a stream that may receive appreciable quantities of water from numerous sources including snowmelt and groundwater, and that ceases to flow during dry periods.

- b. In the event that a structure cannot meet the above standard, the applicant may apply for a variance for the structure subject to a finding that the structure cannot feasibly be relocated on the parcel to avoid adverse impacts to aquatic resources, in which case any adverse impacts shall be mitigated to ensure no net loss of riparian habitat consistent with adopted General Plan EIR Mitigation Measure 4.4-2 (Riparian Habitat Protection) reproduced below in full.

“Mitigation Measure 4.4-2: Riparian Habitat Protection

“If projects require encroachment into the riparian habitat, project applicants will be required to develop a riparian habitat mitigation plan. The mitigation plan will include the following:

- implementation of Best Management Practices (BMPs) while working near riparian habitats to avoid inadvertent damage to riparian vegetation to be retained. BMPs will include establishment of nodisturbance buffers around the outer edge of the riparian vegetation to prevent root and crown damage, soil compaction, and implementation of standard BMPs to reduce erosion and water quality impacts, and introduction and spread of invasive species. Exceptions to riparian buffers will be granted to permit necessary road and bridge repair and construction, trails construction, and other recreational access structures that are water dependent, such as docks and piers;
- methods to be implemented to avoid and/or compensate for impacts on riparian habitat at a ratio adequate to offset the loss of riparian habitat functions and values. At a minimum, riparian habitat losses will be compensated at a 1:1 ratio;
- identification of mitigation sites and criteria for selecting these sites;
- site-specific management procedures to benefit establishment and maintenance of native riparian plant species;
- monitoring protocol, including schedule and annual report requirements (compensatory riparian habitats shall be monitored for a minimum period of five years);
- ecological performance standards and corrective measures if performance standards are not met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

Mitigation may be accomplished through preservation, replacement, restoration or enhancement of degraded habitat, reestablishing riparian vegetation in areas that historically supported it, or

purchase of credits at an established mitigation bank, such as the Cosumnes Floodplain Mitigation Bank. Compensatory mitigation will be provided within Amador County to the extent feasible and available; however, certain impacts may be compensated at an agency-approved mitigation bank

in an adjacent county if required by CDFW and an agency-approved mitigation bank is not available in Amador County. If a proposed project requires work on the bed or bank of a stream, or other water body, the project applicant will also obtain a streambed alteration agreement under Section 1602 of the Fish and Game Code from CDFW prior to project implementation, and will implement all requirements of the agreement in the timeframes required therein.”

**Section 19.50.050 - Economic impact analysis for new commercial development of 5,000 square feet or more.**

Before approving any new commercial development of 5,000 square feet or more that is a discretionary decision, the County shall require and review an applicant-funded analysis of the development's economic impact on the viability of existing businesses, conducted by a qualified, County-selected consultant. Such an analysis shall be part of the public record for the project.


SECTION 3. This ordinance or a summary thereof shall be published in the manner prescribed in Government Code Section 25124 and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted at a regular session of the Board of Supervisors of the County of Amador, held on the 11th day of September, 2018, by the following vote:

AYES: Supervisors Morgan, Axe, Forster and Crew

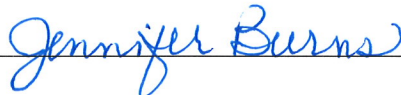
NOES: Supervisor Oneto

ABSENT: None

  
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Lynn A. Morgan  
Chair, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County, California

By  \_\_\_\_\_