



August 16, 2024

Amador County Planning Department  
Chuck Beatty, Planning Director  
810 Court St. Jackson, CA 95642

**RE: Comments on the Wicklow Way Specific Plan Draft Environmental Impact Report**

Dear Mr. Beatty:

Attached are the Foothill Conservancy's comments on the Wicklow Way Specific Plan Draft Environmental Impact Report (DEIR). As we previously discussed, the alternative described as the "Foothill Conservancy Alternative" in the DEIR is inaccurate and should have been based on our scoping comments and land use map submitted in February 2023 (and included in Appendix A of the DEIR). Thank you for acknowledging this at the public meeting on August 13<sup>th</sup>, and we look forward to analysis of the correct alternative being included in the FEIR.

We believe that the Specific Plan and DEIR can be improved to make Wicklow Way a project that better meets the County's affordable housing and economic development goals, as well as meets community needs for efficient infrastructure and services while conserving environmental resources. This can be accomplished by working with local cities, service providers, and the Local Agency Formation Commission to devise a clear and financially feasible public facilities financing plan covering each phase of Specific Plan buildout. We also believe that additional clear commitments, timing specifications, and performance standards are needed in the FEIR to properly support deferred mitigation.

Please feel free to contact us to discuss any of the comments submitted. We are pleased to work with your staff and the community to work toward a better future for Amador County.

Sincerely,

*Craig Baracco*

Craig Baracco  
Executive Director

## FOOTHILL CONSERVANCY COMMENTS ON THE WICKLOW WAY SPECIFIC PLAN/DEIR

### **Executive Summary**

Addressing public comments (including ours below, obviously will require some changes to the Executive Summary in the FEIR. The executive summary should describe the areas of controversy raised by agencies and the public regarding the Specific Plan in greater detail. The DEIR refers to letters in Appendix A and summarizes significant concerns about: project size; fit with adjacent land uses; provision of utilities and services; and financial feasibility, and summarizes these in a few words. The list of controversies should reflect a good faith effort at full disclosure of these issues, especially when the Lead Agency is also the land owner, the applicant, and the project proponent.

### **Project Description**

The Project Description (PP. 2-11 to 2-12) lists the project's purposes as provided in 2023 during scoping and as listed in the DEIR (on page 6-2) with respect to alternatives. The list of "objectives" is vague and does not answer important questions such as: how much of Amador's share of growth would the site need to accommodate the project's planning objective; what range of land use mixes would constitute a "balanced community" to meet the land use objective; what mixes of market rate and affordable housing types would meet the housing objective; what level of service would meet the traffic circulation objective; what amount of open space would suffice to meet the open space objective; and what revenues must the project generate to meet the fiscal contribution objective.

We understand that little of this technical and economic information is contained in the program EIR because much of that detail is to be provided at a later time. However, because this program EIR will be used to support future project approvals to build out the Specific Plan, those later details will be provided outside the public accountability of the CEQA process. Further detail on the proposed storm drainage system, noise control features, and size and financing of the wastewater and potable water treatment plants are needed for interested agencies and the public to gain better understanding of project effects.

The Amador County Local Agency Formation Commission (LAFCo) should also be listed among the agencies that may need to use this EIR.

### **Agriculture & Forestry**

The WWSP map for the WWSP shows that the low-density residential development on the west side of the WWSP project site abruptly borders a rangeland grazing operation. One of the objectives of the WWSP is to create "a sense of place and land use transition." This objective would be better achieved if there were a transition from the housing in the project to the neighboring grazing operations. Such a transition could be achieved if some of the oak woodland was left intact on the western edge of the project area adjacent to the low-density residential development.

### **Energy and Greenhouse Gas Emissions**

The DEIR indicates that PG&E will provide electricity and natural gas to the proposed project site. We were under the impression that residential and commercial natural gas service is being phased out

because its carbon footprint conflicts with efforts to reduce greenhouse gas emissions. We encourage the county to consider eliminating natural gas provision to the project site since this need can be met by alternative power sources with a lower carbon footprint.

The DEIR lists a number of Specific Plan features and potential mitigation measures related to the transportation sector intended to reduce greenhouse gas emissions when implemented in future development projects in the WWSP area. However, the analysis should also include a quantitative measure of the expected greenhouse gas reduction from these mitigation measures. This is important information needed when deferring CEQA mitigation measures.

### **Hydrology and Water Quality**

The DEIR (pp. 4-10-4-15) indicates that the project will include many Low Impact Development (LID) techniques to reduce stormwater runoff. It includes a map indicating that there will be two stormwater detention facilities--one with a capacity of 194-acre feet and located between the substation and a 9.1-acre commercial site, and the other with a 71 acre-feet capacity to be located on the site of a 9.7-acre wastewater treatment plant. It makes sense to put the detention ponds at the down-slope end of the WWSP site. Please indicate how deep these detention basins would have to be to accommodate anticipated runoff. After their construction at the proposed locations, will there be sufficient space left for the proposed commercial and the wastewater treatment plant uses? Is there any possibility the detention pond could overflow and disrupt operations at the electricity substation?

### **Population and Housing**

The DEIR states that the average household size in Amador County was 2.3 in 2010 and 2.6 in 2020, so trending toward larger household size over that decade. There is no discussion of expected change in trends over the coming decades. Why, then, is 2.4 persons per household used to calculate potential population impacts associated with the Specific Plan? Was this an error?

One of the WWSP objectives is to provide housing choices in varying densities to respond to a range of market segments, including opportunities for rental units and affordable housing.” However, page 10-12 of the Specific Plan indicates that development of each one of the 200 units of high-density housing is deferred until the third and final phase of project buildout, and would constitute 85% of the residential portion of that project phase. Given the relatively slow pace of development in Amador County and the relatively large size of this goal, this phase of the project may not be built for decades, if at all. Distributing the high-density housing into each phase of the project would better meet the objectives of the WWSP.

Why does the Specific Plan assume that any housing built to meet targets for low and very low-income households would be rental units? This overlooks the possibility of the Calaveras Habitat for Humanity affiliate expanding to include Amador County, a possibility that has been discussed for years and not eliminated. The Habitat for Humanity program is able to make home ownership achievable even to very low-income households.

The impact analysis concludes that the project would have both direct and indirect growth inducing impacts that are Significant and Unavoidable. Because no mitigation measures were deemed capable

of reducing impacts to Less than Significant, none are proposed. CEQA requires that the County adopt feasible mitigation measures to reduce the potentially significant impact. Thus, it would be appropriate to describe mitigation measures that could reduce these potentially significant impacts, even if they cannot be reduced to Less than Significant. For example, implementing one of the two lower density alternative development scenarios would reduce these impacts. In addition, if there are feasible mitigation measures that could help ensure the county can fulfill its goals for providing workforce and affordable housing (such as transfers, credits, density bonuses, or subsidizing some parcels and soliciting proposals from affordable housing developers), these should be described.

### **Fire Protection Services**

Impact criteria are limited to physical impacts of building new facilities to maintain adequate levels of service. They should include creating increased risk of fire that could destroy the human environment in the area and creating increased demand for medical emergency response that could delay medical emergency response and harm human health in the area.

Providing a site for a fire station without providing funds for its construction and operation cannot fully mitigate the significant adverse impact of the project on fire protection services. There is reference to a future development agreement for financing and building public service facilities, but this does not mitigate impacts or meet the standards for deferring impact mitigation. The analysis should identify the facilities, staff and equipment that the Jackson Fire Department and the Amador Fire Protection District will need in place at each phase of development to adequately respond to this increased demand without allowing fire risk and medical response times to increase.

The mitigation discussion on p. 4.13-18 indicates that future projects in the WWSP area will be “subject to subsequent CEQA review.” This contradicts the statement on pages 1-1 to 1-2 of the DEIR explaining how future development consistent with the WWSP will generally qualify for CEQA exemptions. Please address this contradiction in the Final EIR.

### **Transportation**

The mitigation measure described on p. 4.14-14 indicates that contribution to a fair share fund will be required for future development within the WWSP to pay for signalization of two intersections. There is no indication of what the signalization will cost, what the fair share fee will be, or if there will be sufficient funding available to pay for signalization when it is needed. The Amador County Regional Transportation Plan identifies numerous road improvements needed over the next twenty years that are currently unfunded and will cost hundreds of millions of dollars. Thus, the proposed requirements suggested in the DEIR may not meet the mitigation needs identified.

The DEIR traffic study fails to fully disclose impacts on the surrounding road network including Stoney Creek Road, Hoffman Street, and Argonaut Lane. The 2008 Wicklow Way project EIR, which included comparable amounts of residential and commercial development, found significant impacts to intersections of these roadways. The full scope of traffic impacts should be disclosed, and foreseeable projects, such as the School Consolidation proposal and the extension of Sutter Street should also be factored into the analysis.

## **Public Utilities**

The WWSP includes commercial and public service land uses which can apply for non-discretionary building permits and be constructed once the specific plan is approved. There would be no later public CEQA review in which to more precisely disclose and evaluate water supply options. Thus, a specific and detailed evaluation of the water supply needs and options for meeting them should be completed at this point in the environmental review process.

The DEIR contains no description or evaluation of the potable water treatment plant proposed to serve the site. As the DEIR indicates, AWA actually has planned the size and identified the expense of such a treatment plant, but the agency has no assurance that such a plant can be feasibly financed at this time and feasibly paid off in the future. The Agency has already set in place a series of rate increases to pay debts for past infrastructure and cannot pass treatment plant expansion costs onto existing ratepayers. Since the local population has declined in recent years, it is not clear how long it might take for the specific plan area and other nearby areas to build out, to pay connection fees, and to fund repayment of any related water treatment expansion costs.

The DEIR assumes AWA will provide water service to development proposed in the specific plan after it upgrades its Tanner water treatment plant, and that a well will be installed for a backup water supply if needed. Neither option is feasible as proposed. The Amador County General Plan and EIR acknowledges that groundwater is not a reliable source of residential water supply for new development in this area, and AWA requires future projects to pay their share of the capital improvements needed to provide them water service. The DEIR provides neither sufficient detail to identify how much water is needed in each phase of development of the WWSP, nor a mitigation commitment from the County to provide the funds to AWA to make the necessary treatment plant expansions prior to sale of the land, permit approvals, or commencement of construction. The DEIR and Specific Plan should be revised to identify which phases of the project require how much water supply by when, what treatment capacity upgrades are needed to serve it, what the costs will be, and who will pay for them in a timely manner.

The DEIR points out that because project applicants must demonstrate the availability of water to get project approval, there will be no development without an expanded potable water supply, and therefore, the potential impact is insignificant. However, the method used in the past to 'prove' available water has been merely a will-serve letter from AWA. History has shown that AWA has failed to effectively use its will-serve letter system as a means of avoiding overtasking its potable water supply. Recent studies confirm that in all of AWA's service areas, potable water supply is oversubscribed. As the DEIR states on page 4.16-7, "Considering contractual obligations, the WTP has an existing and compounding deficit." This situation must be disclosed in the FEIR and additional safeguards identified to mitigate the impacts of potential water shortages from development in the specific plan area in the absence of expansion of the potable water treatment plant.

## **Alternatives**

Please provide a corrected alternatives analysis in the FEIR that reflects the proper Foothill Conservancy Alternative and contains sufficient analysis of a reasonable range of alternatives to

inform the public debate and the County's decision makers. Please provide similar land use maps--as well as a table of uses, units, and developed acreages--for all alternatives analyzed and not just for the proposed project--to facilitate the public's and decision makers' understanding of the options considered.

The DEIR concedes that the Offsite WWTP Alternative is technically feasible and that an offsite WWTP would reduce a potentially significant impact of the proposed project, odors. It acknowledges that AWA does not currently have the capacity to treat wastewater from the site but fails to disclose that the City of Sutter Creek is attempting to plan and finance an expansion and upgrade of an off-site WWTP to serve Sutter Creek and parts of Martel--and that the City of Jackson has already upgraded its WWTP which could serve the specific plan area. Please include analysis of a true Offsite WWTP alternative in the FEIR, as it is potentially feasible, would not affect the currently proposed flexible land use designation for a future public or quasi-public service use, and would substantially meet project objectives. The Hybrid Alternative that includes both an onsite and an offsite WWTP is not sufficient for evaluating an exclusively offsite WWTP alternative, as it would still have an onsite facility that would significantly impact a substantial population with odors.

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