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5/25/11

Amador County Board of Supervisors
Amador County Planning Commission
810 Court Street
Jackson, CA 95642

Re: Preliminary Draft General Plan

Dear Supervisors & Commissioners,

My name is Tom Infusino and I am writing on behalf of the Foothill Conservancy.

As you know, the Foothill Conservancy is a nonprofit organization that seeks to restore, protect, and sustain the natural and human environment in and around Amador and Calaveras Counties. The organization represents a real constituency in your county: most of its members live in Amador County or own land here. The Foothill Conservancy believes that by working together we can bring communities to prosperity without needless destruction of that which is unique and special about the area. That is why we have been trying to constructively participate in the General Plan Update process by reviewing potential planning consultants, participating on the GPAC, taking part in subsequent General Plan Update workshops, and submitting scoping comments on the General Plan Update EIR. The Foothill Conservancy's vision for this area includes protected scenic quality, conserved forest lands, restored natural diversity of native plants and animals, and balanced economic development that is ecologically and socially sustainable. The Foothill Conservancy is headquartered along Highway 88 in Pioneer.

The General Plan Update will set the County on a course that will affect many of the aspects of Amador County that residents value most, including our scenic beauty, natural places, cultural and historical resources, ability to travel freely and safely, rural quality of life, rivers and creeks, dark night skies, small towns, agriculture, schools, and much more. As a locally-based organization largely made up of local residents and taxpayers, the Foothill Conservancy has and will continue to make a good-faith effort to put forward solutions to maintain these and other aspects of local life, and to craft a good, legally defensible general plan.

I) General Comments

A) Services and Infrastructure

The county needs to ensure that development occurs in locations and at a pace that will not overwhelm available services and infrastructure. Weak policy language that only “encourages” or “guides” certain types of development or requires the county to only “consider” the adequacy of services and infrastructure will not accomplish that common-sense goal.

B) On Common Ground

When the county began the general plan update process, its goal was to produce a plan that most local residents would support and to avoid plan-related conflict. That begs the question: Is there common ground on which to build a general plan? With that in mind, we took a look at two different planning and development surveys sponsored by two different local groups: a June 2010 (presumably) scientific telephone survey of 350 residents done by a professional polling company for the Amador Association of Realtors and an April 2008 informal online survey conducted by the Foothill Conservancy and agricultural, business and individual co-sponsors. The two surveys had some similar questions and also some different areas of focus. To answer the common ground question, we focused on the similar questions. They show that local residents want to:

- Focus development in towns and cities rather than promote sprawl.
- Protect working landscapes (forests, ranches and farms).
- Protect the natural environment.
- Protect cultural and historical resources.
- Promote economic development that will create more jobs.
- Make parks and recreation sites part of the county mix.

Both surveys also show that local residents think the county’s relatively slow growth rate in recent years has been about right. They also value good planning and personal property rights.

These common ground goals are also embodied in the draft general plan vision statement and some are mentioned in the plan introduction. Yet it appears that the vision statement and the common ground ideas have been somewhat forgotten as the general plan has been edited over the last couple of years. The plan should provide assurances that the aspects and attributes of Amador County and county life local that residents value today are going to last into the future, which requires a plan with strong, clear goals, policies and implementation measures. The county general plan should not leave matters up to the whims of the real estate market or the economy. In addition, economic development needs to be supported with a more detailed plan. Please refer to the City of Petaluma economic information we provided during the development of the economic element for how that can be done.

C) Property rights

Early in the general plan update review process, we submitted a proposed statement regarding property rights for the general plan. Please include it in the final plan to provide assurances to property owners that the plan will not violate their property rights and assurances to the public that the plan is legally defensible.

D) Plan structure

We found it very confusing to have the implementation measures in the back of the plan, disconnected from the related goals and policies in the body text. It makes the plan hard to use and understand, and there is really no way to tell if the goals and policies are fully addressed by the implementation measures.

To make the plan a more user- and reader-friendly document, please reorganize it so that the related goals, policies, and implementation are found together in the text. If a set of implementation measures serves more than one section, cross-referencing would solve having to print the same information in more than one section. In the final digital version of the plan, the text could also be hyper-linked.

II) Specific Comments

A) Amador County “Heart of the Mother Lode” section and public lands statements

The Miwuk people have been here for thousands of years, but only get one paragraph in the county’s history. That seems unbalanced. In addition, some of the information in the Miwuk section appears to be in error. For example, tule elk and pronghorn were valley species; upland tribes hunted deer and other large mammals. Our understanding is that local native people were “Northern” Miwuk. “Eastern” Miwuk is a term used for their language. Please have someone with local native cultural expertise rewrite this section of the plan and provide more detail on the local native people’s contributions to our county’s culture. Current uses of public lands should include a reference to continued cultural uses by Native Americans who gather material on the forest for baskets and other uses, and use the forest in other traditional cultural ways.

The reference to local forests providing timber for the county’s needs “for generations to come” is misplaced, since the logging carried out here is not focused on producing products for local use.

We are all proud of our county’s heritage, but it is important to recognize that social values and the uses of public lands do change over time. As the county grows and changes, it is important to recognize not only the county’s fine traditions but also that the majority of the county’s residents may neither participate in those traditions nor necessarily support public land management that gives them preference over all other uses. The language related to use of public lands and “custom and culture” is biased so that it excludes a number of ways the Amador County public uses and enjoys public lands today. Quiet, nonconsumptive forms of recreation are omitted in favor of consumptive uses. The social and economic value of nonconsumptive, low-impact recreation may be as great as or greater than the uses supported in the plan.

We suggest adding the following language in the public lands section:

Public lands within Amador County provide a wide range of recreational activities for residents and visitors alike. Those activities include family camping, hiking, backpacking, birding, wildflower watching, snowmobiling, ATV and jeep use, rock climbing, downhill and cross-country skiing, gold panning, horseback riding, nature study, photography, fly fishing, snowshoeing, cycling, rafting and kayaking. Public land recreation brings thousands of people to the county each year. Those visitors spend money that supports local guides and outfitters as well as grocery stores, gas stations, restaurants, hotels and motels and other retailers.

C) Land Use

The fire protection policies should include stronger language and be mandatory.

Please restore protections for eligible scenic highways as well as existing ones (see page CM-12). The plan notes that local residents value the county's scenic beauty and vistas, and everyone acknowledges they are important to the county's tourism industry, yet there is nothing in the plan to protect those aside from the weak and limited highway provisions. See suggested language to resolve under Open Space, below.

The town center concept recognizes the importance of developing mixed use centers where businesses and homes already exist. Please retain it in the plan. We support use of form based codes in the town centers and regional service centers, as well as green development and low-impact development.

We remain concerned that without stronger provisions in the plan, development will continue to occur all over the county instead of being focused in the town centers and RSC, so the county will not meet its goal of reducing energy use by reducing vehicle miles traveled. The alternative we suggested for the EIR should be evaluated as a solution.

In the town centers, why not allow denser development even for projects that do not help the county meet its need for lower-income housing? Our traditional towns are very densely developed.

The good conversion-avoidance language in the GF district description should also be included in the AG district description to make clear that it is the county's goal to avoid converting ag land to other uses.

The Golden Vale SPA should be dropped. If the developer wants to apply for a general plan change in the future, they can. Prematurely converting this agricultural land to a more densely developed use is not consistent with the county's goal of avoiding ag land conversion.

The East Bay Municipal Utility District's lands are classed as AG, for the most part, but it appears to us that they should be OR since the land is being used for river-based recreation now and may be used for recreational trails in the future (in addition to grazing). Grazing is explicitly allowed in the OR district, but recreation is not explicitly allowed in AG.

Regarding water, the plan should not refer to a lack of "capacity." What is lacking is *infrastructure capacity*, not actual water supply availability. The county has enough water available from existing water rights and projects to more than meet its projected demand.

How does the land use element correlate to the circulation element? That relationship is not clear in the plan.

Due to the organization of the plan, it is difficult to tell whether the goals and policies in the Land Use Element are actually going to be implemented.

D) Transportation and Mobility

1) Goals and Policies

The disconnect between the Goals and Policies and the Implementation section is a real problem. As noted above, without checking back and forth, one cannot tell if all of the goals and policies have been provided with implementation measures.

The "Issues, Goals and Policies" cover Roadway Circulation, Alternative Transportation and Scenic Highways, but there is no mention of either rail or air transportation in any of the goals or policies. Please rectify this in the final plan.

2) Implementation

The General Plan covers the implementation of Transportation and Circulation measures in a disjointed manner on pages P-12 through P-40

It was refreshing to see the words "will" and "must" used throughout the implementation plan. These are words that denote mandatory and not optional measures.

Implementation of the Scenic Highway Corridor is covered by a proposed ordinance to be adopted by December 2011 and is discussed on pages P-12 and P-13. The standards are contained in the 1985 Scenic Highways Element which is given as a reference. While the plan does mention the items to be considered in developing the ordinance, including enhanced design review along the corridor which would cover colors, signs, etc., there is no specific mention of maintaining a visual corridor of natural landscape and trees, just "landscaping." When preparing the ordinance, please seek the retention of the existing corridors of trees and protection of scenic vistas.

The implementation of a major plan element like "Transportation and Circulation" should not be covered in such a disjointed manner. It is really quite difficult to determine if implementation of all of the Goals and Policies has been addressed adequately or even addressed at all.

E) Economic Element

There is no need to include a reference to pursuing water for continued economic growth, because the county has a great deal of water available now and for the future. (See, Foothill Conservancy *Focus*, Spring 2011, p. 6, at www.foothillconservancy.org)

The economic development strategy should add “recreation” and “cultural-historic tourism” to the list of targeted sectors on page E-8.

Please add the Amador Council of Tourism and its description to economic organizations listed, or move the grapegrowers to the paragraph that includes ACT at the end. Why not describe all of the groups instead of picking some over others?

Agri-tourism is identified as the county’s “greatest economic opportunity”? What is the basis for that? It may be an important opportunity, but is likely not the greatest opportunity. (See page E-21.) High-paying medical services, small-scale manufacturing, the knowledge economy and other economic opportunities may be just as great. To our knowledge, there has been no study conducted on the county’s economy or economic growth sector potential since the mid 1990s.

Please restore the policy requirement for fiscal impact analyses. This will provide a good policy link to the related implementation measure. If local government cannot meet the needs of development, that is not in the best interest of business and the local economy.

The Mokelumne River should be specifically named as a tourism draw. It attracts thousands of people every year for picnics, birding, cycling, wildflower watching, swimming, water play, gold panning, camping, kayaking, hiking, rafting, rock climbing, fishing and hunting.

Please restore the policy related to identifying and protecting key cultural and historic sites.

Regarding the phrase “Economically Viable” Agriculture, we note that this modifier is not used for any other sector. Why is agriculture the only category that has to be economically viable? Not tourism, timber, etc? If one wants to farm as a retired person or be otherwise employed while growing livestock or crops, will the county not allow this? Please delete the modifier so this is not a qualification imposed by county government on landowners who wish to engage in agricultural pursuits even if they don’t make a profit. The county should be enhancing and expanding farming and ranching, not limiting it.

Please add “affordable” to the water reference in the introductory paragraph: “Provision of adequate, affordable, water for farming is also a critical need for farmers.” It is neither wise nor fiscally responsible to pursue water projects that will yield water that farmers cannot afford. JVID sells water for \$12 an acre foot. New water from a dam would cost more than \$500 an acre foot, making it unaffordable for nearly every crop grown in Amador County.

The plan needs an agricultural land conversion mitigation policy. We provided many samples in our scoping comments to help you as you draft one. See more, below.

We suggest changing the term “Timber Resources” to “Timber and Other Forest Resources.”

We also suggest a new policy: “Encourage the use of small-diameter wood products, brush, nontimber forest products, and forest ‘waste,’ and support the establishment of value-added businesses that utilize those products.

Please refer to the City of Petaluma economic information we provided during the development of the economic element.

F) Conservation Element

In the Farmland Section on page C-9, there should be a fourth designation, “Rangeland or Farmland of Local Importance.” El Dorado County’s definition of Farmland of Local Importance could be a good example to follow: “Lands that do not qualify for the Prime, Statewide, or Unique designation but are considered Existing Agricultural Lands, or Potential Agricultural Lands. Timberlands are excluded.

The section on hydroelectric projects should include references to the FERC licenses that govern each project.

On page C-10, please add “affordable” to water reference for agriculture. (See the note on water in the Economic Development section above.)

The cultural resource sensitivity map does not appear to be correct. The Eldorado National Forest includes a Mokelumne Special Archaeological District. There are many documented, high-quality sites throughout the Mokelumne River canyon, yet much of it is marked “moderate” sensitivity on the map. The special archaeological area should be marked “high sensitivity.”

Please add “and other forest products” to the timber resource section.

Page C-21 suggested text edits (deletions in strike-thru, additions underlined):
Development of reclaimed water should play an important role in providing sustained water supply for appropriate uses and extending finite supplies. Conservation and efficiency must also be expanded as ~~an~~ important mechanisms to extend available water supplies to avoid the expense of developing new water supply projects. ~~in addition to developing new water supply projects to meet future water demands.~~

We encourage you to review our edited version of the draft Calaveras County Water Element that we submitted with our scoping comments, and to adapt these good policies for the Amador County general plan. They are based in sound analysis of current water conditions and planning, not abstract belief about water supplies and needs.

The Cultural Resource section should reference Chaw’Se Indian Grinding Rocks State Historic Park, the Mokelumne Special Archaeological District, and other important cultural resource sites.

Please restore the deleted policy requiring solar on projects of more than 6 units.

G) Open Space element

Because of the disjointed organization of the plan, it's impossible to tell if there the draft general plan includes an "action plan" for open space preservation as required by Government Code sec. 65564.

On page OS-2, we suggest this edit (additions underlined): Recreational uses include camping, hiking, hunting, fishing, cycling, horseback riding, target shooting, off-road vehicle use, hiking, birding, wildflower viewing, rock climbing, photography, cross-country and downhill skiing, snowshoeing, snowboarding, and snowmobiling. In addition, numerous rivers and lakes offer water sports like boating, canoeing, whitewater and flat water kayaking, rafting, sailing, and swimming.

Correction: No permit is needed for entry into the Mokelumne Wilderness. Permits are required for overnight camping.

Add gold panning, picnics, birding, wildflower viewing, fishing, photography and rafting to uses of BLM land along rivers.

To EBMUD land description, add fishing, kayaking and rafting on the Mokelumne River.

Since the BLM and Forest Service have found the North Fork and main stem Mokelumne eligible for National Wild and Scenic River designation, that should be acknowledged as a fact in the plan.

In the paragraph on PG&E reservoirs – Silver Lake is owned and managed by the El Dorado Irrigation District now, not PG&E. Please make this correction.

Currently, landowners are not compensated for the scenic and other valuable benefits that their working landscapes provide to county residents and visitors. To ensure just compensation and protection for agricultural land, timberland, habitat and oak woodland, we need replacement mitigation for lands converted to other uses. We suggest:

For every acre of rangeland, cropland, timberland, special species habitat or oak woodland or savannah subdivided for residential, commercial or industrial development, the applicant shall permanently conserve four acres of comparable land in Amador County by means of a conservation easement or other deed restriction. *Exemption:* Agricultural and timberland owners who convert five acres or less of their own land to a non-agricultural or non-timber use.

Also, consider another a new policy to conserve scenic and habitat resources:

The county will develop an oak woodland conservation plan that ensures that local oak woodlands continue to thrive and provide important wildlife habitat as well as scenic beauty. The plan will focus on developing incentives for the conservation of oak woodland and savannah.

To ensure the maintenance of the county's scenic beauty and vistas, consider these policies and implementation measures:

On agricultural and timberlands within the viewsheds of State Highway 88, State Highway 49, State Highway 16, and major collector roads, development will be clustered and designed to minimize the visual impact to the viewshed.

On agricultural and timberlands within critical viewsheds, development will be required to minimize the visual impact to the viewshed.

On state highways and major collector roads, the county will require the design of commercial and industrial development to be compatible with Amador County's historic and vernacular architecture.

Implementation: The county will conduct an aesthetic viewshed study to define critical viewsheds in Amador County and develop a viewshed protection ordinance. The county will develop and implement an impact fee program to finance the purchase or lease of scenic easements in the critical viewsheds defined in the study.

The county will develop a design ordinance for commercial and industrial development to ensure compatibility with the historic and vernacular architecture of Amador County.

To ensure protection of the dark night sky, please consider these policies and implementation measures:

The county shall protect the views of the dark night sky and its celestial features throughout Amador County.

The county shall formulate and implement development standards that include lighting and other design provisions for residential, commercial and industrial development to minimize glare and maintain the county's dark night skies.

Implementation: The county will develop a dark night skies ordinance to protect that the public's ability to view and enjoy the features of the nighttime sky.

1) Vegetation and Wildlife

“North Fork Mokelumne” in the sentence on fish should be “North Fork and Main Stem Mokelumne River.” The upper Mokelumne River is considered potential restoration habitat for salmon and steelhead, and that should be noted.

While listed species *are* considered special-status species, not all special status species are listed under the ESA or CESA, so the plan language is misleading. Other rare or threatened species are considered special status and must be protected, including DFG species of special concern, certain California Native Plant Society Species, US Forest Service special species, etc.

On page OS-5, the text states “Plants are not as heavily protected as animal species *and are only protected when a take occurs on federal land or by federal action.*” Impact

analysis and mitigation for special status plants is required under CEQA for state projects, local government projects, and for private projects needing the discretionary approval of the state or a local government. Please make this correction.

H) Governance Element

The Federal Energy Regulatory Commission should be added to the list of federal agencies with responsibility within the county, since it issues and governs licenses for power projects in the county.

I) Safety Element

The mining and hazardous materials sites should be expanded to rivers where mercury is an issue. Pardee and Camanche will soon have public health advisories as a result of mercury (both lakes) and other heavy metals (Camanche) found in fish. Sections of the county also contain dangerous forms of asbestos in serpentine formations. Those should be detailed and mapped in the plan, and there should be asbestos-related policies to protect public health and safety.

Suggested edit to Policy S-2.2: Guide new development to areas where adequate fire protection, roads, and water service are available to support fire response and safe fire evacuation.

J) Glossary

“Blue-line stream.” Delete and use “Perennial stream: A creek or stream or river that flows through most or all of the year.”

“Encourage” – since this is policy language, it ought to be defined and in a more concrete way than in the glossary now. Suggest “To urge, stimulate, foster or support.”

Add: “Intermittent stream: A creek or stream that flows during only part of the year.”

The “large retailer” definition seems arbitrary. Please restore earlier definitions.

K) Implementation plan

Economic Development Plan

Recommended addition: Identify a targeted business development plan that will assist local businesses in identifying markets, forming, expanding their operations, and adding employees.

Suggested edit: The County will seek ~~Community Development Block Grant Technical Assistance~~ funding from a variety of sources for a Business Attraction and Development Study. If funded, the County will initiate this study and include the and results will be included in the Economic Development Plan.

P-3 Future Water Supply – suggested edit

- b. The County will consult with water suppliers as they pursue water and wastewater plans to develop adequate water supplies ~~through expansion of surface water storage, conjunctive use of surface water and groundwater, water conservation, and water recycling.~~

Program P-11: Farmland Agricultural lands– suggested edits

- a. It is the County's objective to maintain ~~agricultural lands key farmlands~~ for agricultural and agritourism uses and reduce impacts related to conversion of ~~agricultural lands Farmland (Prime Farmland, Farmland of Local or Statewide Importance, and Unique Farmland)~~ to other uses. The County will ~~seek to keep Farmland agricultural lands in agricultural designations when land use or zoning changes are proposed in the unincorporated area.~~ For future changes to nonagricultural designations that affect ~~Farmland agricultural areas~~, the County will reduce or avoid loss of ~~agricultural land~~ ~~Farmland to the extent feasible.~~
- b. The County will also work with cities and LAFCO to promote the protection of ~~agricultural land Important Farmland~~, including identifying alternatives to expansion of spheres of influence into ~~agricultural areas of Important Farmland~~.

Program D-4, Biological Resources. This program needs a provision for avoiding development in wildlife corridors. Please drop the phrase “to the extent feasible.”

Program O-2, Ag. viability: The plan needs a program to work with Mother Lode Land Trust and others to encourage estate planning that keeps agricultural lands intact.

The plan needs a program to protect scenic and natural resources that attract tourists, including the Mokelumne River.

F-2 Future Water supplies – suggested edit

- b. Consult with the Amador Water Agency to find adequate, ~~affordable~~ water for agricultural users. Agricultural water users should be encouraged to utilize ~~surface water supplies, reclaimed water, or treated wastewater, or groundwater that is being regularly recharged.~~ Encourage the Amador Water Agency to develop an agricultural water fee scale.

Program F-3: It is good to have an impact fee for fire protection funding, but impact fees cannot cover staffing and fire engines don't drive themselves. The plan needs a program to ensure adequate fire and emergency medical staffing.

L) Please Don't Forget to Evaluate our Alternative in the EIR.

As noted in our scoping comments, we feel the EIR should include a Success Through Accountability alternative. This alternative would balance the noncommittal goal and policy language with quantified objectives the County would strive to achieve, specific standards the County would enforce, identified programs the County would try to implement, designated funding sources the County would seek, and mitigation implementation and effectiveness monitoring the County would employ to track its progress, all grounded in the consensus general plan vision statement developed by the GPAC. This alternative would include a map that better ensures the focusing of growth in existing communities. This alternative would include an Agricultural Element. The land use map would more closely reflect the amount of growth that can be accommodated with transportation, water supply, wastewater disposal, and other infrastructure within the time frame of the plan.

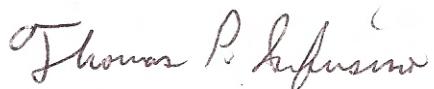
That alternative could, for example:

- Set public safety goals and thresholds for rural development by creating a public safety overlay that would not allow the creation of new parcels of less than 40 acres in areas classified as high or very high fire risk until those areas have adequate fire evacuation routes and 24/7 paid fire and EMS response year-round (not counting CalFire).
- Set real, measurable standards to ensure continued preservation of agricultural lands, forest lands, open space, wildlife habitat, scenic beauty, and historic and cultural resources.
- Set circulation standards that address not only Level of Service, but also noise, protection of habitat, cultural and historical resources, and scenic beauty.
- Establish standards for protecting natural, cultural and historical resources critical for local tourism and recreation income, including mines, historic sites, prehistoric sites, rivers, lakes, and scenic beauty.
- Establish standards that ensure the construction of workforce housing and child care facilities.
- Establish standards for green residential, commercial, and industrial construction as supported by the entire GPAC.
- Establish standards for greenhouse gas reduction that would apply to all projects requiring a tentative map.
- Include performance measures and benchmarks to be met at years 5, 10, and 15 of the general plan, along with options to be implemented if the standards are not being met.

As EBMUD learned the hard way last month, a program EIR is supposed to, “Allow a Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” (CEQA Guidelines, sec. 15168.) We feel that including the above-described alternatives in the EIR would provide the opportunity for the County and its citizens to consider a broad range of policy alternatives.

Thank you for your time and attention to these important matters.

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Infusino". The signature is fluid and cursive, with "Thomas" and "P." stacked vertically above "Infusino".

Thomas P. Infusino,
For the Foothill Conservancy