KELLY WOOSTER COMMENTS ON DRAFT ZONING CODE UPDATE

Section 17.01.050 Applicability (p.2)
"B" and "D" – Comments made at March 6, 2024 Meeting

Table 17.04.020 (p.20)

Large Vehicle and Equipment Sales, Service and Rental are prohibited in the AP and RA zones, and allowed only with an AUP in GF and A1 Zones. I suggest "Service" should be a permitted use on all Resource zones. Ranchers, farmers and loggers, and people clearing brush with heavy equipment, need to service and repair their equipment and vehicles on site, no matter what the resource zoning may be.

Lumber Mill/Sawmill – prohibited in A1, AP and RA Zones.
There are several small sawmills on ranches in Calaveras County. Typically they mill heavy, rough-cut boards for corrals, either for use on the ranch or for other ranchers, from logs either from the rancher's property or obtained from other sources, for example, salvage logs from the Caldor Fire.
This small scale use of logs should be encouraged. Basically it's processing natural resources that otherwise may be wasted. I recommend Lumber Mill/Sawmill be a permitted use in the A1 and AP Zones.

Table 17.04.020 (pp.21-22, 248)

Feed Lot

Defined at p. 248: "An open, fenced lot where cattle and other livestock are fed prior to slaughter or transport, and which may include auction or other sales activities."
"Livestock" is not a defined term, but Section 17.42.060, defining "Animal Production", refers to "livestock, including cattle, sheep, goats, pigs, horses, llamas, rabbits…", but excludes "feedlots".

"Animal production operations" are permitted in the GF, A1, AP and RA zones, including raising, production and sale of livestock, under Section 17.25.070, Animal Production, p.134. Feed Lots, which are excluded from permitted livestock production, are only allowed in the A1 and AP zones, with an AUP required for parcels less than 20 acres in size. Contiguous parcels under common ownership do not count cumulative towards a total of 20 acres.

"Livestock" typically will be kept in "an open, fenced lot", and will move from it – either slaughtered or live (thus being transported) at some point. And they may be "fed" something, grass or brush, and likely hay and/or supplemental feed (molasses, protein meal, etc.).
So, if the "livestock" happens to be kept on a parcel zoned A1 or AP of less than 20 acres, they are in a "feed lot" And to keep one horse in a corral and feed it hay on such a parcel will require an AUP unless the horse never leaves the parcel. Anyone keeping a few sheep or goats on such a parcel and feeding them some hay, or maybe just "feeding" them grass, will need an AUP. So will weaning calves on hay in a fenced lot or corral for a month or two, or less.

A "Feed Lot" is not allowed in the RA zone. Keeping of animals in the RA zone is not covered in Section 17.25.60. Animal Keeping (pp.133-134), either. So keeping and feeding a horse or a few sheep or goats in the RA zone is effectively prohibited, by virtue of the expansive definition of "Feed Lot", unless one never "transports" the animals, dead or alive, out of the corral or lot.

The problem is that none of this works. I suspect that the concern is the potential, so far never realized in the County, of a large commercial feed lot continuously feeding thousands of animals, next to and upwind from a town. But under this draft such a feedlot would be a permitted use on any A1 or AP parcel of 20 acres or more. The acreage provision does not make sense, especially since it doesn't count contiguous, commonly owned parcels.

The solution is to just treat "Feed Lots" like other "Animal Production", i.e., don't exclude them from the definition of "Animal Production". In fact, feed lots are a way to raise and produce livestock. Delete "Feed Lot" from Table 17.04.020 on p.21 (That removes the unworkable acreage provision). Then, if an AUP requirement for feed lots is desired, deal with the subject in Section 17.25.070, Animal Production (pp. 134-135), similar to the draft treatment of dairies. An exclusion of feed lots in RA zones could be included there. And an AUP could be required for feed lots by listing them (as is done with dairies) in Section 17.25.070, such as

> "Feed Lots": Confined feeding operations of livestock, 2000 (or pick a different number) heads.

Delete any separate definition of a Feed Lot. The existing one doesn't work and the above should cover the subject.

Section 17.16.060. Demolition or Alteration of Structures 75 Years of Age or Older (p.84)

Subsection A calls for a cultural resource study prior to the demolition (but not "alteration", reference to which has been deleted) of any structure 75 years of age or older.
Subsection B provides that a CUP is required where the cultural resource study finds the proposed demolition or alteration has the potential to impact historical or architecture [sic] significance of the structure or site…"

This is difficult to understand.

First, I don't know why "site" is included. Second, why would a CUP be required to demolish a structure – it will be destroyed – what is left to impose a condition about?
Third, Subsection B's reference to the cultural resources study finding an alteration has a potential impact doesn't fit with no such study being required for an alteration by Subsection A.

This Section 17.16.060 apparently implements Measure COS – 8G of the General Plan, which simply would "require a cultural resource study prior to demolition of buildings 75 years of age or older". I suggest just follow the General Plan provision and, accordingly, limit the zoning section to "buildings", not "structures" which would include things like old fences or corrals.

Section 17.16.080 B. Stream and Wetland Setbacks (p.87)

Subsection B reads:

> Stream and Wetland Setbacks. All new development shall be setback a minimum 50 feet from the top of bank line of intermittent or perennial stream and from the outer edge of wetland habitat determined by a field survey. This required setback may be adjusted with Administrative Use Permit approval where the Planning Director determines, based on a qualified biologist's recommendation, that a different setback is appropriate to adequately protect the stream or wetland from degradation, encroachment, or loss.
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> 1. *Development.* For the purposes of this Section, development is as defined in Chapter 17.43, Definitions, and includes structures, buildings of any type, swimming pools, driveways, parking areas, patios, platforms, decks, liquid storage tanks, and broken concrete rubble, earth fill or other structural debris or fill.

There are exceptions in subparagraph "2", but they include only activities and development related to restoration and enhancement of the stream and riparian habitat or storm drainage, erosion control and streambank stability or access improvements, etc., approved by the County and any other agency with jurisdiction over them.

"Development" is defined (at p.254):

> "Development. Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance: and any use or extension of the use of land".

These provisions would prohibit a rancher from clearing brush, or sawing out a fallen tree on a trail, within 50 feet of a stream to allow livestock access to water. It would forbid any "use of land" within the setback area, such as livestock even grazing there. A landowner could not disturb the land in any way within 50 feet of any intermitted or perennial stream.

I suspect that this was not the intent, and I know it is unacceptable.

Section 17.16.080 B appears to be trying to implement General Plan Measure COS-3C:

> Stream and Wetland Setback Guidelines
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> For new development, adopt building and/or grading setback standards for intermittent and perennial streams (as identified on USGS topographic maps and verified by field survey) and wetlands. The standards may contain a provision for reduction of the setback based on a qualified biologist's recommendation. In the interim, require new development to identify wetlands and riparian habitat areas. Where feasible, the developer shall designate a buffer around each area sufficient

to protect them from degradation, encroachment, or loss or shall develop a mitigation compensation plan consistent with state and federal policies.

The General Plan defines "development", twice:

> Development, Discretionary
> Applications for development projects that require approval by the Planning Director, Planning Commission, or Board of Supervisors for which conditions may be applied and that may be denied by the approving authority and which may be subject to the California Environmental Quality Act (CEQA). Examples are general plan amendments, zone changes, tentative maps and use permits.
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> Development, Ministerial
> Applications for development projects that are subject to a set of adopted standards and for which no discretion is used in applying the standards. Examples are building permits and well permits. General Plan Glossary, pp GL 2-3.

The fix here is to make the definition of "development" the same as it is in the General Plan, so that it covers only applications for development projects submitted to and which require approval by the County.

Then, decide if the setbacks apply to only discretionary development projects or include ministerial ones as well. The latter may be overkill given that in many areas the only flat or gentle usable slopes are near a stream or gulch bottom.