

**From:** [Tom Infusino](#)  
**To:** [Don Parker](#); [Hector Lozano](#); [Michelle Plotnik](#); [Timothy Laddish](#)  
**Cc:** [Peter Maurer](#); [Gina Kathan](#); [Julie Moss-Lewis](#); [Annette Huse](#)  
**Subject:** RE: Comments on the Zoning Ordinance and Map Update on the June 5 & 6 Commission Agenda.  
**Date:** Monday, June 3, 2024 1:11:43 PM  
**Attachments:** [Zoning Map Comments 6-3-24 Final.docx](#)

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Hi Commissioners,

Attached are the CPC's comments on the Zoning Ordinance and Map Update. These comments focus on the Zoning Map Update. The Zoning Map Update has not been discussed in any detail at previous Planning Commission hearings. Please take the time to study the Zoning Map Update and make any necessary changes.

Attached to a subsequent email are some materials referenced in our comments.

Thank you for your thoughtful consideration of our comments.

With Gratitude,

Tom Infusino, Facilitator  
Calaveras Planning Coalition

From: Tom Infusino, Facilitator, Calaveras Planning Coalition

To: Calaveras County Planning Commission

Re: Problems with the Zoning Map Update outside of Community Centers

Date: 6/3/24

**I. Recommendations**

- A) Carefully study the zoning map and allowed uses in the TPZ and A1 zones in five isolated areas discussed below: the TPZ, East of Rail Road Flat/Sheep Ranch Road, the District 2 Interior, the San Andreas to City of Angels Corridor, and the Hogan Reservoir to Highway 4 Rangeland.
- B) Consider ways to limit fire-prone and accident-prone uses to reduce wildfire fire and other emergency risks in the most isolated areas where fire risk is high, where roads are poor, where emergency response times are long, where emergency response equipment and staff may be limited, and where firefighting water may be scarce.
- C) Apply the Environmental Protection (EP) overlay now to suitable lands based upon existing County information.

**II. Background and Analysis**

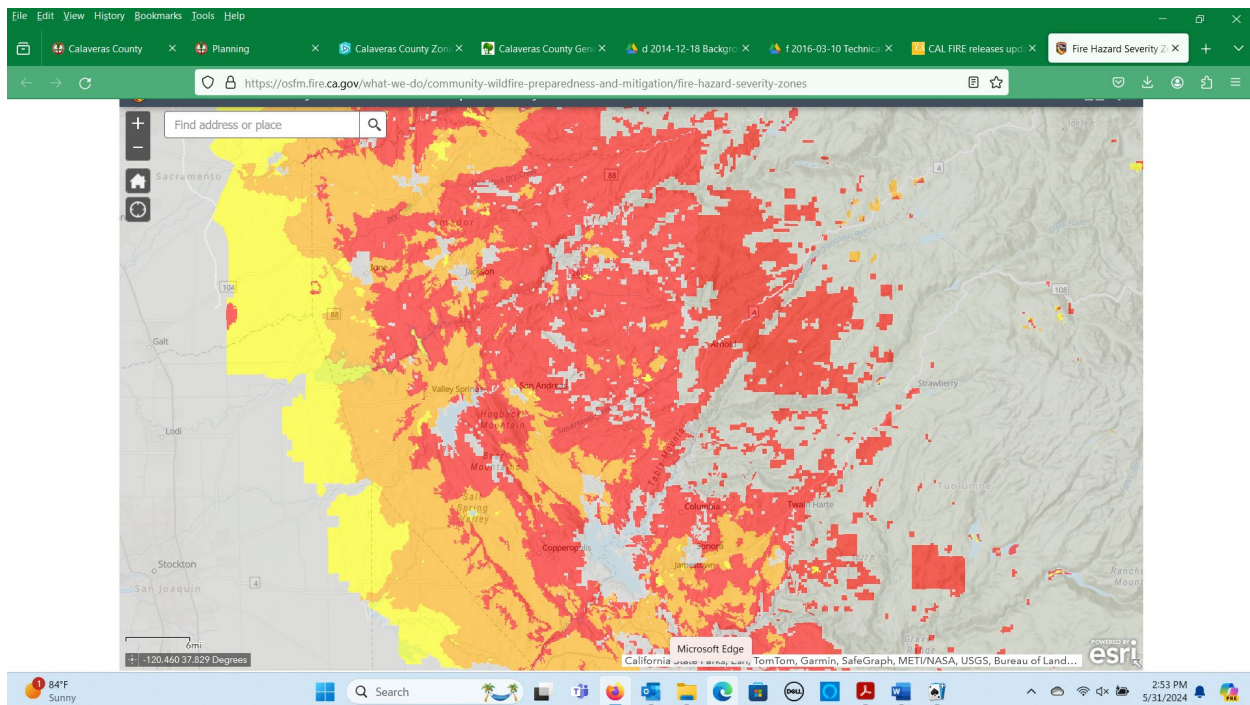
We at the CPC appreciate very much the work the Planning Commission did reviewing the text of the Zoning Ordinance Update from October 2023 through April 2024. Now it is time to give some needed attention to the way those zoning categories are applied on the land. Now it is time to address a couple of shortcomings of the Zoning Update Map.

There are two overarching problems with the zoning map outside community centers: a couple of by-right uses are inappropriately creating an unreasonable risk of harm to life and property and the Environmental Protection Overlay is not being fully applied on the map.

**A) It is time to allow hazardous by-right uses only in places prepared to respond to emergencies.**

**1) Two by-right uses compromise fire safety and emergency response.**

The first problem is that two kinds of by-right uses (lumber mills and public events) are being allowed by-right on lands that are too fire prone, too isolated from emergency response, and difficult to evacuate. This results in an unreasonable risk of harm to life and property from wildfire. We are all familiar with the high and very high fire risk that blankets Calaveras County. The State's 2024 Fire Hazard Severity Map below depicts very high risk areas in red, high risk areas in amber and moderate risk areas in yellow.



## 2) Land Zoned for by-right uses must be suitable for by-right uses.

A zoning code should reasonably define which activities can be done by-right and which activities should include conditions to protect public health, safety, and welfare. However, that is not enough. It is also incumbent upon a jurisdiction to ensure that those zoning categories are properly applied to parcels on the landscape so that the by-right uses do not unnecessarily adversely affect public health, safety and welfare.

While a Zoning Ordinance Map must be consistent with the General Plan Land Use Designation, these are not identical and redundant maps. They have two very distinct purposes.

The Land Use Designation Map in the General Plan identifies the general uses that the land may become suited for sometime during the life of the plan: twenty or more years. It is very likely that the land may not be suitable for all of the most dense and intense uses in the designation at the time of general plan adoption. Nevertheless, the land is suitable for some use in the designation, and it is conceivable that it may become suitable for additional uses with the extension of roads, water lines, power lines and other utilities and services.

The Zoning Map identifies the uses to which a parcel is suitable NOW. The parcel should be suitable for all of the allowed by-right uses NOW. The parcel may be suitable for additional uses after compliance with specified conditions in a use permit. If an allowed and unconditioned use is not suitable for a parcel now, then the parcel is not properly zoned.

The problem with the draft zoning map is that a couple of zoning categories (TPZ and A1) are being applied to allow by-right uses on lands that at this time are not suitable for those uses.

**3) A couple of the by-right uses (lumber mills and public events) create unreasonable risks of loss of life and property due to wildfires, because the parcels are too dry or overgrown, and isolated from emergency services, difficult to evacuate, steep, and/or windswept.**

A couple of the allowed uses in high and very high wildfire risk areas are known fire risks.

Our first concern is that a lumber mill is a by-right use on **ALL** TPZ lands. Lumber mills are notorious for fires and explosions. This is not surprising given the constant contained mix of saw dust, fuel oil, and sparks. The Ampine Mill in Amador County has caught fire 7 times in 15 years. Each time the fire was contained onsite because the mill is located in Martel where three separate fire stations are just a few minutes away. They were able to hold their own while awaiting mutual assistance crews from more distant locations. (Attachment 1, Ampine Mill Fire Article.) If that same mill was located 20 or 30 minutes or more from a fire station and surrounded by forest in the TPZ, the fires would have been out of control before the teams could respond.

As you heard in testimony from Ebbetts Pass fire officials, they have a hard time rapidly accessing parcels distant from Highway 4 on windy and narrow native surface roads deep in the TPZ. There is plenty of TPZ land for mills within a few miles of Highway 4. That would be the place for a mill. I know SPI would not build a mill in the middle of nowhere. However, as TPZ property gets sold in the middle of the TPZ, new owners may want to build a mill as well as buy the land. That kind of activity should not be by-right. If it is allowed, there will need to be serious conditions regarding on-site fire-fighting capability and emergency response. This is necessary not merely to avoid a wildfire, but also to protect the welfare of the 100 or more people who may be employed at the mill. (We understand that small, personal-use mills will be allowed by-right on A1 lands and subject to a use permit when put to commercial use in a rural home industry.)

Our second concern is that in the A1 zone special public events are allowed 12 times per year by-right as long as all the people and vehicles fit on 10 acres or 3% of the land, whichever is less (for example 4.8 acres for a 160-acre parcel and 9.6 acres for a 320-acre parcel). That could be hundreds of people every Saturday 12 weeks of summer. (Woodstock averaged 600 people an acre.) Or, that could be six Saturdays in May and June and another six Saturdays in September and October. Anticipated land uses at such events include alcohol consumption and open flames. (We would be similarly concerned about such events on isolated AP parcels, but if the Williamson Act is properly applied, we don't believe that the large concert events will be allowed by-right. If this presumption is incorrect, then please extend our concerns to public events on AP parcels as well.)

One complication of a public event is that it invites out-of-town tourists to an unfamiliar area with unfamiliar risks. For example, urban dwellers used to outdoor concerts on daily-watered lawns adjacent to paved parking lots may not know to avoid parking on the dry grass or dropping a cigarette on a Calaveras A1 parcel. They may be used to concerts where Rock Med personnel are on site to provide first aid for serious injuries. They may be unaware of the distance and time it takes to get medical assistance in Calaveras County to or from an A1 parcel. They are used to driving home from concerts at night on paved and fully illuminated highways with incredibly detailed directional and safety signage. They may not be prepared to drive home on dark gravel roads without directional or safety signage.



A further complication is that there is actually a spectrum of parcels currently zoned A1. On one end of the spectrum is the kind of A1 parcel on a paved, two-lane, road near a fire station and medical clinic. The A1 parcels at the end of Gold Strike Road outside of San Andreas are an example of such a location.

In the middle of the spectrum are parcels dominated by overgrown brush, along one-lane paved roads, distant from fire stations. The parcel depicted below is on Jesus Maria Road amid the overgrown brush and snags of the Butte Fire Burn Scar, 25 minutes from the Moke Hill Fire Station and over 30 minutes from the Central Calaveras 1 Fire Station. Would any of you care to give a fire starting on this land a 30-minute head start before you began to put it out!



On the other end of the spectrum is the kind of A1 parcel that is on a one-lane gravel road, with no shoulder and few pull-outs, half an hour or more from the nearest fire station. The parcel depicted below is on the gravel part of Hogan Dam Road, 20 minutes from the southern end of Hogan Reservoir.





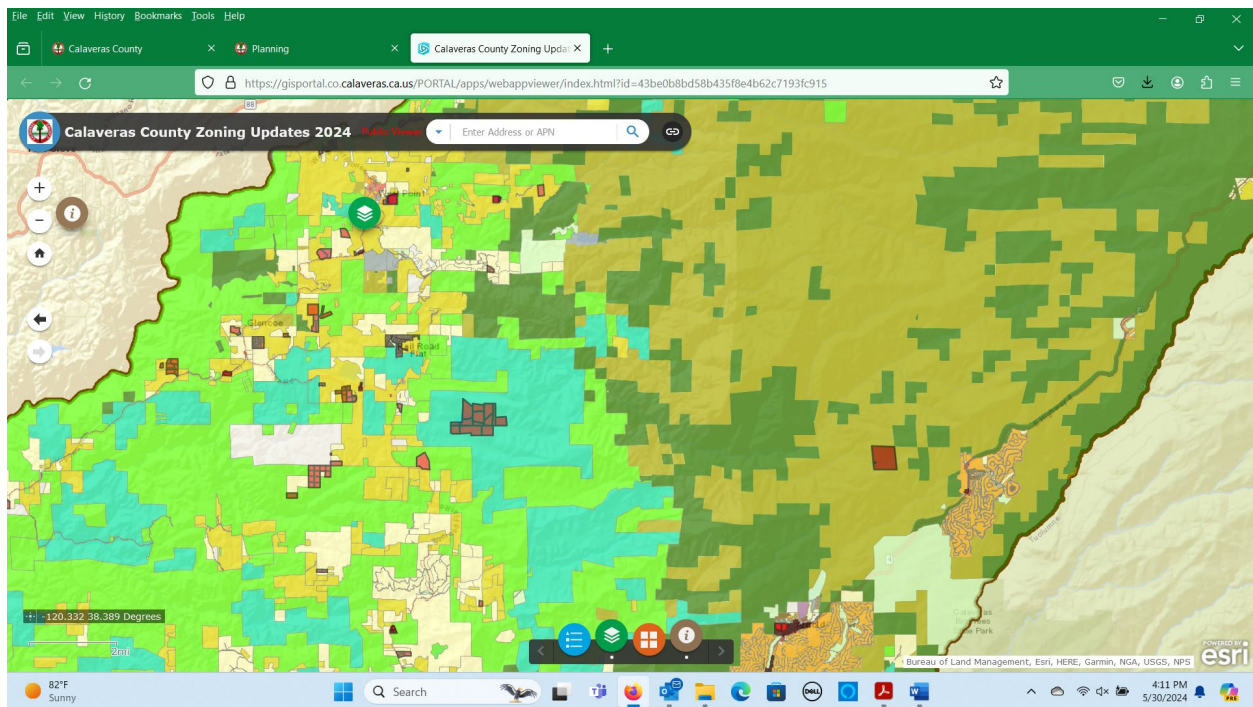
If we are going to allow for large public events like concerts with large numbers of people, then we need to allow these uses in places where emergency personnel can efficiently respond and on roads that can accommodate effective evacuation of lots of people and effective ingress of emergency vehicles. Unfortunately, the Zoning Code and Map Update does not limit these uses to such parcels but allows them on thousands of acres of unsuitable parcels.

**4) The CPC has concerns about how these fire and injury prone uses are allowed in five areas of concern.**

**a) In the TPZ.**

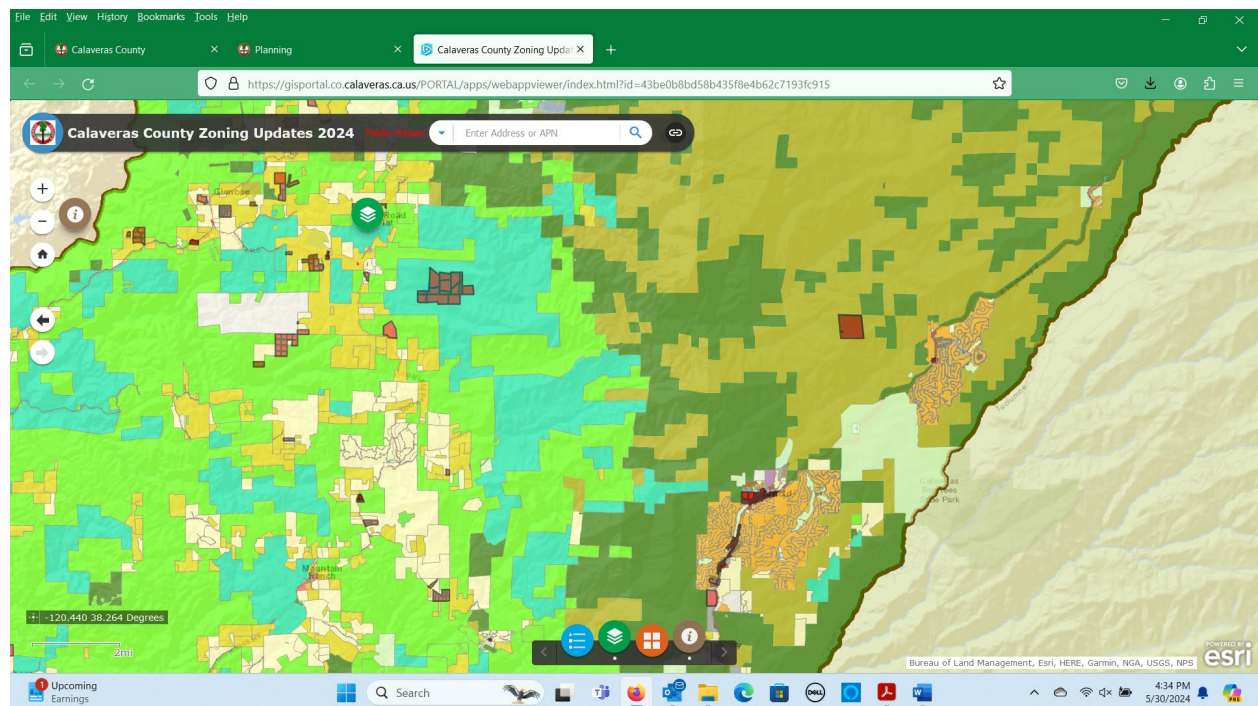
As noted above, our concern is that lumber mills should not be located too far off Highway 4 in the TPZ. Below is the map of the TPZ. **Please consider limiting lumber mills to within a few miles of Highway 4 in the TPZ.**





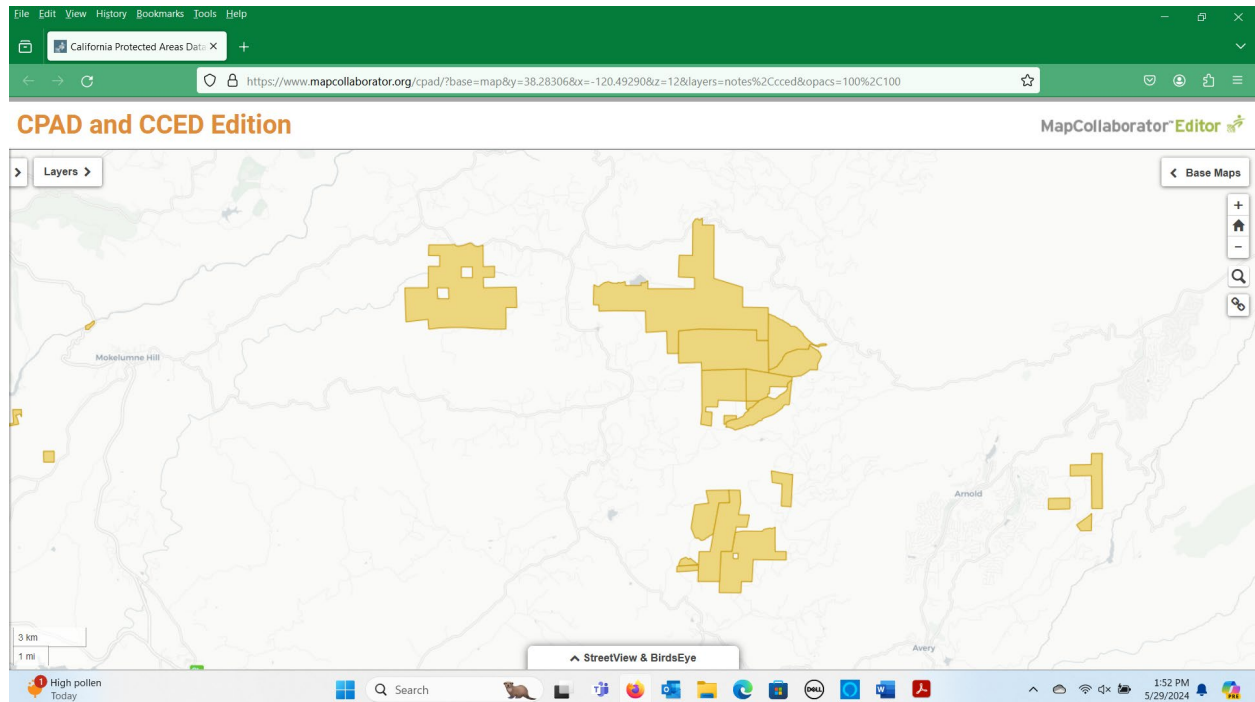
The TPZ is colored yellow-green on the right of the map.

**b) The Area East of Rail Road Flat/Sheep Ranch Road.**



This area is home to the Rail Road Flat deer herd. As depicted on the map above there is substantial public land adjacent to this area (colored dark green). As depicted on the map below in gold, the

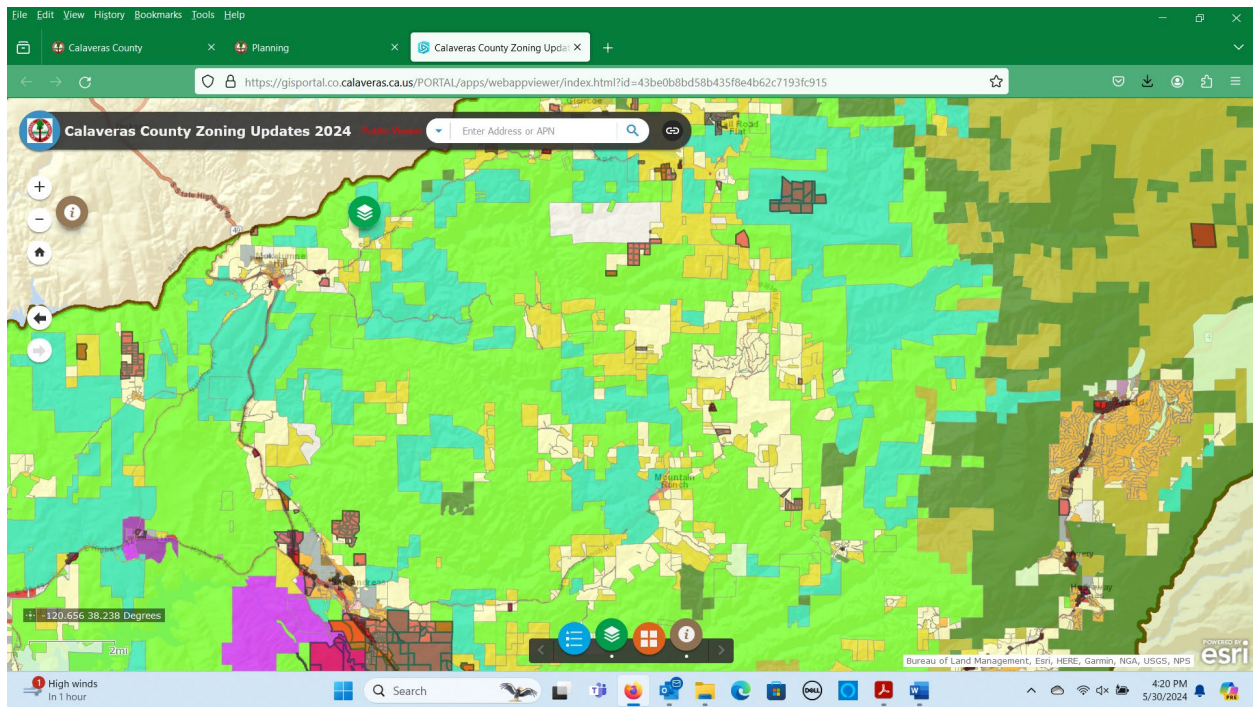
California Department of Fish and Wildlife also has conservation easements on thousands of acres of private land in this area.



Nevertheless, these lands float like islands in a sea of isolated A1 (light green) and AP (blue green) lands. A dry season fire started here is likely to be spread east and west by diurnal winds. Where fuel levels are high due to overgrown brush and/or tree mortality, a fire could easily spread to the upcountry public lands and TPZ lands. For example, the Caldor Fire started in Grizzly Flats in El Dorado County, roared up the Cosumnes River canyon and resisted east-west containment until it hit the unforested alpine slopes beyond Silver Lake. Do we really want to put these important wildlife habitat and natural resource lands at risk for the sake of some outdoor concerts?



### c) The District 2 Interior.



The communities of Supervisor District 2 are well served by volunteer fire departments and by the California Department of Forestry and Fire Protection stations.



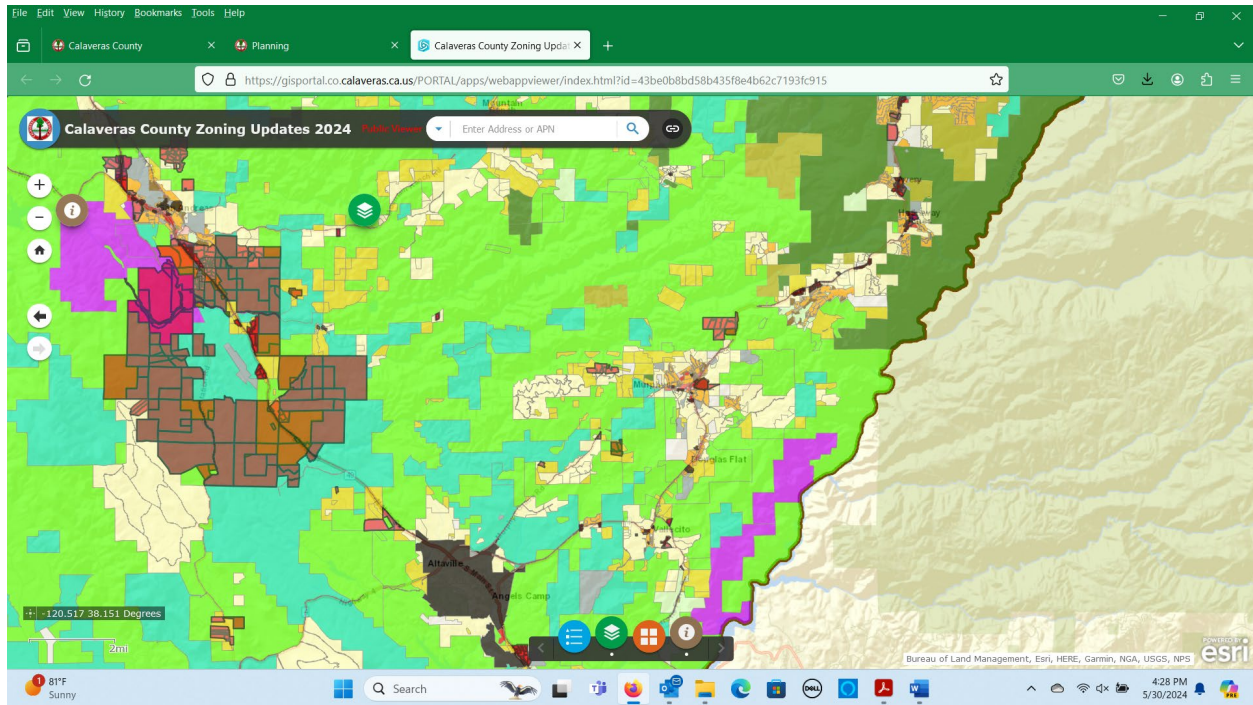
However, the real challenge comes in the interior areas of District 2 outside of the community centers.



For example, as pictured above, Jesus Maria Road crosses the interior of District 2 where the Butte Fire roared through in 2015. Now the snags in that area are surrounded by overgrown brush. It is not uncommon for a second fire to follow and burn such areas. For example, the Complex Fire in Tuolumne County was followed by the Yosemite Fire. The Cleveland Fire in El Dorado County in 1992 was followed by the King Fire. While the road is newly paved, it remains only one lane with no shoulders and a few small “pull-outs” (i.e. at driveways and intersections). Yet A1 lands are on both sides of the road as far as 30 minutes from the nearest fire station. Do we really want to risk lighting up this landscape for the sake of a public concert?

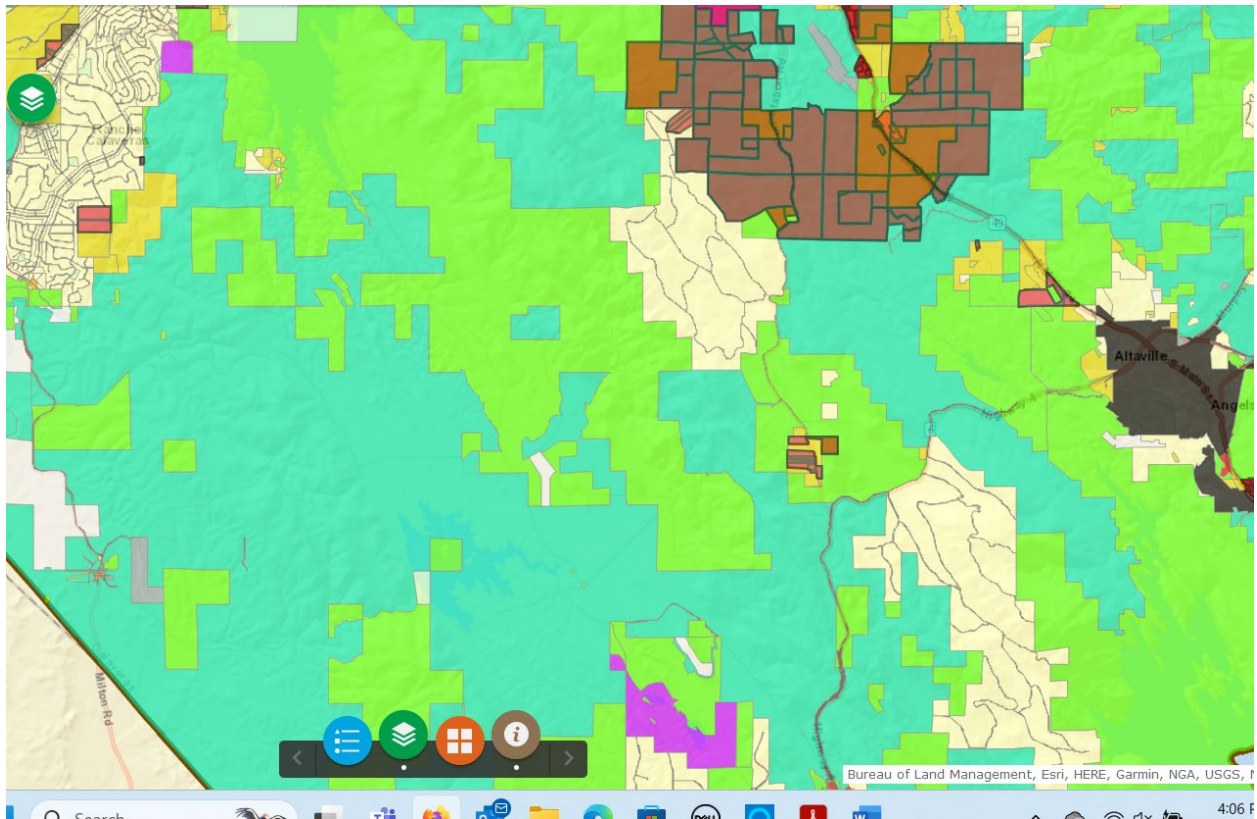


**d) The San Andreas to City of Angels Corridor.**



Again, our concern is the degree to which a fire started on more isolated A1 lands could be responded to and stopped before it grew too large and threatened communities. We will leave it for you to assess the degree to which fire departments from San Andreas, Murphys, Copperopolis and the City of Angels would be sufficient to respond to a fire on the A1 lands in this region while they awaited the mutual assistance crews from more distant jurisdictions.

**e) The Hogan Reservoir to Highway 4 Rangeland.**



As you can see from the map above, this area from Bear Mountain to the County's Western border is dominated by A1 (light green) and AP (blue green) lands. As you can see from the photo below, this area is rangeland and oak woodland. It is dry now (May), and will remain so for months (into October). (The photos in this memo were taken on May 30, 2024.)

Hogan Dam Road from Valley Springs to Silver Rapids Road is a paved two-lane road. The road beyond that is one lane, resulting in slower speeds and difficulty passing oncoming traffic. At the end of Hogan Reservoir, the road turns to gravel, cutting speeds in half. This gravel road goes through Salt Springs Valley and joins up with Hunt Road.





We hope that we can continue to rely upon the personal restraint of current land owners to use their land responsibly. However, by zoning the land for by-right large-scale public events, you are advertising to the world that people can buy these lands to do these activities. You are giving the exact wrong signal to the marketplace. You are enticing unwise people to come to Calaveras County to do unwise things in unsafe places. As Commissioners you have a chance to correct this mistake. Please do so.

**f) The County has been repeatedly warned about increasing wildfire danger.**

Throughout the updates of its general plan, zoning code, and zoning map, Calaveras County has been repeatedly warned of the dangers of wildfire and has been informed of the steps to take to reduce those dangers to reasonable levels.

Early in the General Plan Update process, CCWD explained that it is financially infeasible to extend public water lines to low density development. The lack of available firefighting water can severely limit firefighting efforts in isolated areas.

The LAFCO Municipal Service Review indicated fire stations serving some communities in the High and Very High Wildfire Risk category had poor response times, limited equipment, and insufficient funding to serve districts covering between 100 and 200 square miles accessed by marginal roadways.

CAL Fire completed an analysis of the 2014 draft safety element's treatment of fire safety across nine separate categories. Calaveras County's draft safety element was deficient in all nine categories.

In 2015, the Butte Fire burned over 60,000 acres and destroyed over 500 homes, mostly in Calaveras County.

Other California counties have had even worse fires. The Camp Fire showed that insufficiently maintained evacuation routes in forested landscapes can result in people being incinerated in their vehicles. East of Highway 49 Calaveras County has such a forested landscape. The Tubbs Fire showed how incredibly fast a windblown fire can spread across the rangeland between communities. West of Highway 49 Calaveras County has such rangeland.

Fire insurance carriers are leaving California in general and leaving Calaveras County specifically. The market is telling us that we are not doing enough to make the County fire safe. You can do something about that now.

This year CAL Fire came out with a new fire risk map for Calaveras County showing greater risks than the prior map in some areas. Some on the Board of Supervisors objected to the adverse effect it will have on insurance rates and insurance availability. If you want to reduce insurance rates and improve insurance availability, then do things to reduce the unreasonable risk of loss of property to wildfires, like locating ignition sources where the fire departments can get to them in time to put out a fire before it consumes a community.

Earlier this year you heard Ebbetts Pass fire officials testify about how difficult it would be to respond to a distant residential fire in the TPZ and how limited their ability is to safely and efficiently transport wounded people to a suitable medical clinic or hospital.

Given all of the warnings you have received, it seems prudent to make a couple of adjustments to the Zoning Code and Map Update at this time.

#### **B) It is time to apply the Environmental Protection Overlay (EP) on the Zoning Map.**

The second problem with the zoning map is that the Environmental Protection Overlay (EP) is not being applied to suitable land. The Zoning Code Update identifies the purpose and use of the EP overlay.

##### **17.10.010 Purpose**

*The purpose of the Environmental Protection (EP) Overlay Zone is to identify what protective measures may be necessary before new development can be approved on parcels or portions of parcels previously identified by the County as environmentally sensitive or flood-prone in environmental documents prepared by the County to comply with the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA).*

##### **17.10.020 Applicability**

*The EP Overlay Zone may only be applied to areas previously identified as environmentally sensitive through a site-specific discretionary approval process or legislative action.*

##### **17.10.030 Zoning Map Designation**

*An Environmental Protection (EP) Overlay Zone shall be noted on the Zoning Map by adding the designation “-EP” to the base zone.*

#### **17.10.040 Development within the EP Overlay Zone**

*No use of land, development, or ground disturbance shall occur within the EP Overlay Zone except as follows.*

*A. All use, development, and disturbance of land within the EP Overlay Zone shall be designed and sited to avoid disruption or degradation of the resource identified for environmental protection.*

*B. All use, development, and disturbance of land within the EP Overlay Zone shall be consistent with all mitigation or resource protection plans previously prepared for the area. If no such plan exists, a resource protection plan shall be prepared by the applicant and approved by the reviewing department based on a site-specific assessment prepared by a qualified professional expert in the relevant field(s) that contains the following:*

*1. An evaluation of the impact the use, development, or disturbance may have on the floodplain, inundation area, habitat, cultural resource, or other reason for application of the EP Overlay Zone and whether the proposed use, development, or disturbance will be consistent with the protection of the environmental resource.*

*2. Feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Mitigation measures shall be sufficient to reduce identified potentially significant impacts to a level of insignificance.*

*3. If a new resource protection plan is required to be prepared under this Section, the County department considering the application shall comply with CEQA (and, if applicable, NEPA) before approving the plan. The cost of the County’s compliance shall be borne by the applicant.*

#### **17.10.050 Required Findings**

*Approval of the use, development, or disturbance of a site located within the EP Overlay Zone shall not occur unless the applicable review body first finds that:*

*A. The review of the proposed use, development, or disturbance was undertaken in compliance with this Chapter.*

*B. A resource protection plan or mitigation plan as described in 17.10.030 has been approved for this project.*

*C. To the extent a new resource protection plan or mitigation plan was approved for this project, its review and approval was undertaken in compliance with the California Environmental Quality Act and, if applicable, the National Environmental Policy Act.*

*D. The proposed use, development, or disturbance complies with the approved resource protection plan or mitigation plan, and a copy of this approved plan is attached to these findings.*

Such zoning is very useful to inform the market place. People purchasing property for development are made aware of potential development costs and limitations. People looking to purchase property for impact mitigation offsets are made aware of places such offsets may be purchased. While some properties may become justifiably less valuable as a result, others will become justifiably more valuable as the workings of the market are improved with this information.

However, because it is a consumer protection provision with consequences for the current landowner, the application of the Environmental Protection Overlay must be initiated by the County. It is not reasonable to expect many property owners to spend tens of thousands of dollars to apply for an EP overlay to limit and complicate the use and sale of their own property.

There are ample lands where the County should apply the EP overlay now based upon existing studies. Let's go through the list of potential impacts from the CEQA Checklist and identify such areas.

### **1) Agriculture Resources.**

The CEQA checklist indicates that one of the potentially significant impacts of a project is the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide importance as shown on the map of the Farmland Mapping and Monitoring Program.

(See Attachment 2, 2020 State Farmland Map.) The parcels covered by these agricultural land categories could be put in the EP Overlay, so that their agricultural values can be known and preserved or the adverse impacts to those values can be mitigated.

### **2) Air Quality impacts.**

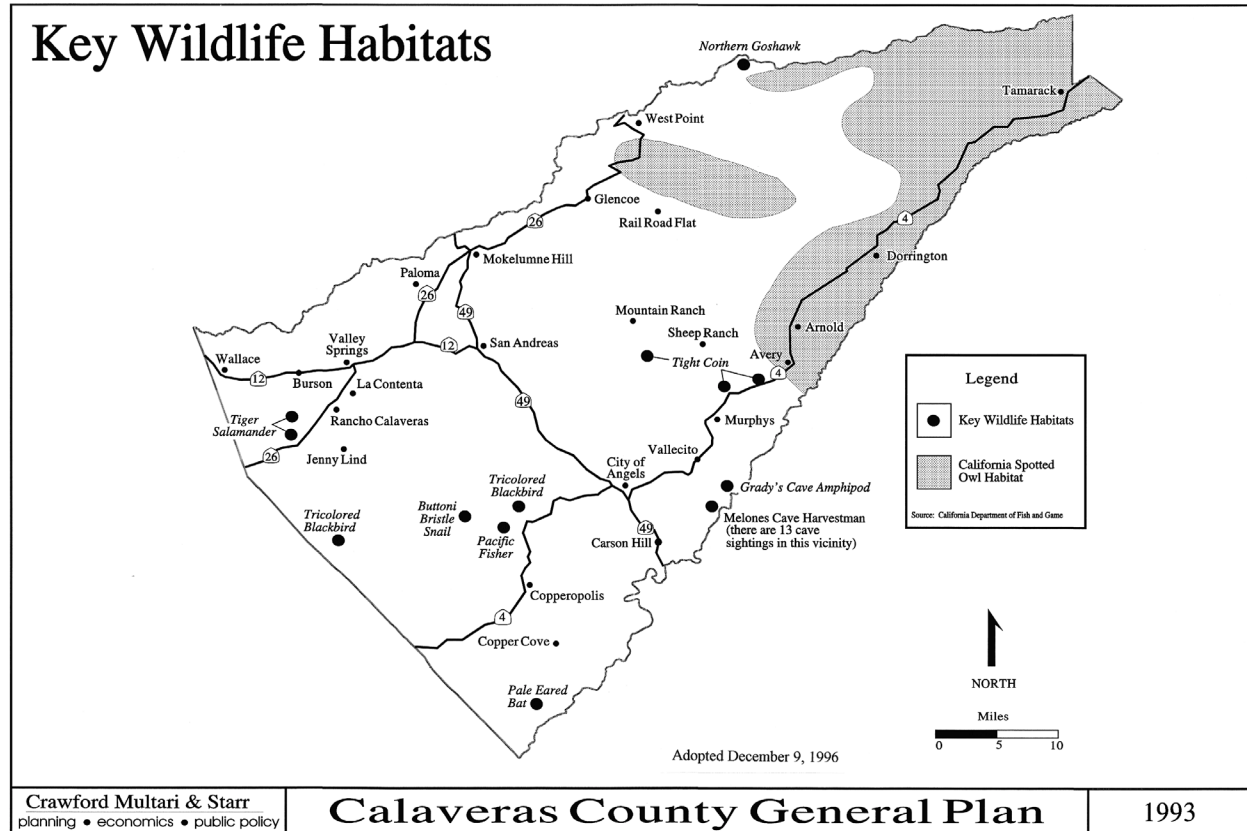
Another potentially significant impact of land uses is the exposure of sensitive receptors to significant pollutant concentrations. The County has many maps depicting lands where naturally occurring asbestos is found in significant concentrations. (See Attachment 3, 2014 General Plan Update Background Report, pp. 45 - 50.) The Background Report acknowledges asbestos deposits were historically mined near Copperopolis, Angels Camp, and Valley Springs. (Attachment 3, 2014 Background Report, p. 41.) In addition, the California Department of Conservation has confirmed that the areas where naturally occurring asbestos is likely in Calaveras County are near Valley Springs and Copperopolis. (DOC, A General Location Guide for Ultramafic Rocks in California, 2000.) The Background Report acknowledges that exposure to asbestos can cause health problems. (2014 Background Report, p. 141.)

There are options for addressing the presence of naturally occurring asbestos when considering land use activities. (Attachment 4, EPA, NOA Approaches to Reducing Exposure.) El Dorado and Tuolumne Counties have taken steps to avoid zoning these areas for development, and to impose special conditions on building permits in these areas to reduce exposure to asbestos. The parcels affected by asbestos in Calaveras County could be put in the EP Overlay, so that these potential impacts may be known, to avoid disturbance of naturally occurring asbestos, and/or to reduce exposures when disturbing naturally occurring asbestos.



### 3) Biological Resources impacts.

Another potentially significant impact of land uses is damage to the habitat of special status species or migratory species. The County has some public maps of some special status species habitat and migratory habitats. (See Attachment 3, 2014 Background Report, pp. 82-87; 1996 General Plan, Key Wildlife Habitats Map, Significant Wildlife Habitats Map.)



Certainly, the parcels on these public maps can be put under the EP Overlay so that their habitat values may be known and protected or the adverse impact to the habitat can be mitigated.

The County has access to other habitat databases and maps that are not public. The 2013 Monk and Associates Biological Resources Background Document included confidential figures 5 and 6 depicting special status species identification sites in Calaveras County. One reason for keeping these figures secret is to avoid the intentional degradation of such habitat. We at the CPC understand that the County may not be able to put parcels on these maps in the EP Overlay.

### 4) Historical Resource Impacts.

Another potentially significant impact is an adverse change to a historical resource. The 2014 Background Report lists some historic structures in Calaveras County. (See Attachment 3, 2014 Background Report, pp. 101 – 106.) Parcels containing these structures could be given the EP overlay to ensure that the historic resource values are known and conserved when a discretionary land use is approved.

#### **5) Hazardous Material Site.**

Another potentially significant impact occurs when a land use activity is carried on a site with toxic contamination. The 2014 Background Report lists EPA Superfund Sites for toxic contamination investigation and cleanup in Calaveras County. (See Attachment 3, 2014 Background Report, p. 150.) The EP overlay could be placed on these sites.

#### **6) Private Airport hazards and noise.**

A project may result in significant safety or noise impacts if it is located near a private airport. Property surrounding a parcel with a private airport could be put in an EP Overlay so that this fact may be known, and to ensure that future development of the property will not pose a safety hazard or result in excessive noise to the people who would live or work there.

#### **7) Groundwater depletion.**

Another potentially significant impact of land uses is groundwater depletion. The County and CCWD have maps of areas where groundwater is low or nil. (For example, 1996 General Plan, Groundwater Potential Map.) Parcels in these areas could be put in the EP Overlay so that the Planning Commission is aware of the risks of locating water-thirsty uses in the area and could condition projects appropriately.

It is important to condition projects to account for the fact that water is scarce in an area. This is especially important in Calaveras County where personal water use varies dramatically. The 2014 Background report noted that water use per residential unit varied from 303 gallons per day by CCWD customers up to 678 gallons per day for UPUD customers. (Attachment 3, 2014 Background Report, p. 168.)

#### **8) Flooding.**

Another potentially significant impact of land use is flooding. The County has maps of the 100-year flood hazard areas. (See Attachment 3, 2014 Background Report, p. 117.) I believe that the map has been updated since 2014. The 2014 Background Report estimated that over 141 million dollars of improved real estate and personal property are on 355 parcels in Special Flood Hazard Areas. It did not identify the number of unimproved parcels in the Special Flood Hazard Area. (Attachment 3, 2014 Background Report, p. 120.) Parcels in this area could be put in the EP Overlay to ensure that the location of development will remain outside or above the hazard area.

#### **9) Transportation impacts**

The General Plan still limits discretionary development based upon the level of service on roads. County Planning, Public Works and the COG have done studies to identify roads that are currently not meeting level of service standards. Please put the EP designation on parcels along such roadways. This will help buyers seeking a location for discretionary development that will generate traffic to avoid these parcels and to purchase other parcels better suited for their desired land use.

#### **10) Significant risk of loss, injury, or death from wildfire or inadequate emergency access.**

Another potentially significant impact of land use is harm due to wildfires or inadequate emergency access. The Calaveras COG has completed a study identifying areas at risk from barriers to emergency evacuation and response. (For a copy of the plan go to <https://calacog.org/project/evacuation-access->

[needs-assessment-and-preparedness-plan/](#) ) Over 700 barriers were identified in the County. Please consider applying the EP Overlay to areas at most risk due to the presence of these barriers.

## **11) Conclusions**

We hope that the County will begin to apply the Environmental Protection Overlay on the Zoning Map Update. If the County is not going to put parcels in the EP Overlay now, please consider putting additional layers into the County GIS, so that people can access this useful information in doing their due diligence when considering the purchase of property. If that is not feasible, please put these pdf maps on the County website to inform potential buyers. If we want to assert that we are a “buyer beware” County, then it becomes incumbent upon the County to provide the useful information it has to educate potential buyers. People cannot be wary buyers if the County hides critical information from them.

Properly using the EP Overlay to inform the marketplace is a great opportunity to substantially reduce development controversy. So many land use controversies are triggered by people who buy land with an idea for its use in mind but then later find that they have inadvertently purchased land not suitable for their intended use or subject to expensive impact mitigation. This comes up in both subdivisions and use permit situations. If we can more easily inform these potential purchasers, then we can reduce land use controversies.

It is often the case that good planning is thwarted by a lack of information. In this instance, we have the information to do good planning. Now is the time to do it.

If you are unwilling to provide this information prominently on your website, we at the CPC will do so on ours. However, we believe that the County is and should be the primary place people look for such planning information.

## **III. Additional Arguments in Support of our Recommendations.**

### **A) An ounce of prevention is worth a pound of cure.**

Staff may object that it will take additional time and money to fix the Zoning Code and Map Update. Yes, it will take more time to get the Zoning Code and Map Update done right. Yes, it will cost money to do that. Getting a job done right sometimes costs more money than doing a job badly. When what is at risk is the personal safety and private property of so many people another month or two of paying a consultant seems like a prudent step to take. An ounce of prevention is worth a pound of cure.

### **B) One size does not fit all.**

One problem with the Zoning Map is that it is trying to fit too few zoning categories across tens of thousands of acres of lands that are very different. A couple of fire-risky uses that would be reasonable to allow on a parcel that is on the main road, served by public water, and very near the fire department are not reasonable at the end of a long dirt road where there is no firefighting water supply, and the response time is over 30 minutes. The lands grouped into one zone are just too different. A1 lands may be grasslands on the County’s western border, brush fields in the Butte Fire Burn Scar, or forested lands to the east. When it comes to land use regulation in the TPZ and A1 lands in Calaveras County, one size simply does not fit all.

**C) Use permits give the County the opportunity to ensure that applicants for land uses are taking appropriate steps to reduce the risk of loss of life and property due to wildfire.**

It is true that not all applications for a use permit will be approved. However, requiring a use permit is not the same as the denial of a use. Use permits can be reviewed by the County Fire Marshal to ensure that the circumstances for the use and conditions on the use protect the safety of the public and firefighters. The permits can include periodic monitoring and reporting of compliance with conditions, and periodic review, reauthorization, or termination of the permit if needed. Use permits allow emergency responders to keep track of potentially dangerous uses so they can be prepared to safely and effectively respond to an emergency. By right uses do not afford the County these same opportunities to protect the public or emergency responders. We expect that as a result of the permit review process many applications for uses will be conditioned and approved.

It may be hard for you to imagine the difference that a use permit can make. Attached is an example of a use permit for a wedding venue distant from emergency services in the forest of Amador County. (Attachment 5, Sample Event Center Permit from Amador County.) The facility was originally built and operated without a use permit, as the owner assumed the use was allowed by-right. A medical emergency at an event triggered County planning to review the operation. Note how many conditions had to be put in place regarding fire safety, emergency access and evacuation and how many aspects of the facility were substandard due to construction and operation under a by-right presumption.

**D) Governments routinely make controversial decisions.**

One justification we keep hearing for avoiding issues during the ZOU is that the issue is controversial and that you should not bog down this update of the ZOU with controversial issues. Government is often called upon to make controversial decisions balancing personal freedom and public safety. In times of war people are conscripted into the military to protect the safety of our nation. In Calaveras County, during criminal trials every week the court sentences people to lose their freedom for months or years in order to keep the public safe from criminal activity. Controversial decisions involving personal freedom and public safety are an inherent part of governing. In these circumstances, not making a decision to resolve an urgent issue now may be the most controversial decision of all.

**E) Address fire risk on the Zoning Map today to get ahead of the January 1, 2026 deadline.**

The State requires an open space element in part to protect public safety. Open space uses can be limited to reduce ignitions. Open space fuel loads can be managed to reduce fire risk. Open space lands may contain fire breaks. Open space lands can provide access to emergency water for firefighting. In 2025 the County will be required to update its open space element in coordination with its safety element. By addressing the aforementioned fire safety issues in the Zoning Map this year, the County will avoid having to address them again next year.