

Tom Infusino, Facilitator
Calaveras Planning Coalition
P.O. Box 792
Pine Grove, CA 95665

Edith Hannigan
California Board of Forestry
(Sent by email.)

August 22, 2019

RE: The Calaveras County General Plan Update (GPU) allows County NOT to address key fire safety issues identified in the Board of Forestry's 2015 review of the draft safety element – The supervisors are to adopt plan in early September.

Dear Ms. Hannigan:

My name is Tom Infusino, and I am Facilitator of the Calaveras Planning Coalition. The CPC is a group of community organizations and individuals who want a healthy and sustainable future for Calaveras County. We believe that public participation is critical to a successful planning process. United behind eleven land use and development principles, we seek to balance the conservation of local agricultural, natural and historic resources, with the need to provide jobs, housing, safety, and services.

1. Have the BOF's 2015 concerns been addressed to your satisfaction?

I am writing to you because in 2015 the Board of Forestry reviewed the Calaveras County draft safety element. (Attachment 1 – BOF Review 2015.) That review identified a number of medium and high priority shortcomings in the Draft Safety Element regarding fire safety. These shortcomings could have devastating effects in a County where 89% of the land is classified as having either high or very high fire risk.

During the Calaveras County Planning Commission hearing on the General Plan Update held in May and June of 2019, Planning Director Maurer indicated that he has been in regular contact with you regarding the Safety Element. He did not indicate that you had any outstanding concerns.

If in fact you do not have any lingering concerns about the Safety Element, then you may find the content of this letter surprising, as we at the CPC have grave concerns. On the other hand, if you do have lingering concerns regarding the adequacy of the Safety Element, please make them known to the Calaveras County Board of Supervisors before early September, when they are scheduled to adopt the GPU.

2. The GPU has grave fire safety implications.

Many aspects of the General Plan Update pose a serious fire safety threat.

One threat is the extension of groundwater-dependent and intensive commercial and industrial development into forestlands and rangelands isolated from fire protection services. This increases the risk of ignitions in steep places with dry fuels and winds, without piped fire-flows, accessed by minimal rural roads, with lengthy response times for firefighters. Under these conditions, a wildfire could easily get out of control. As you can see from the land use designation table commercial recreation (including destination resorts) and industrial facilities will be allowed in areas without public water. (Attachment 2 - Land Use Element, Table LU-1.) Those designations could expand beyond the lands on the current land use designation map through future general plan amendments, as there are no fire safety limitations to prevent such amendments. (Attachment 2 – Land Use Element, LUD Map, page LU11.)

A second threat is the expansion of “Agritourism.” Many of these groundwater-dependent commercial uses will happen on isolated forests and ranchlands designated for Resource Production. Many of these uses are by right or ministerial permits, and therefore will not have fire hazard impacts reduced by CEQA review and mitigation measures. (Attachment 3 – 17.16.20 Permitted Uses include Agritourism; Attachment 4 – Resource Production Element, RP-1A, Attachment 5 – Agritourism Performance Standards; Attachment 6 – Agritourism Defined.) These land use designations dominate the county’s high and very high wildfire risk areas. (Attachment 3 - Land Use Element LUD Map, page LU11; Attachment 7 - Wildfire Risk Map.) Many of these lands are far from fire stations, where limited fire crews cover extensive mountainous districts, where response times are long. (Attachment 8- Fire Stations; Attachment 9 – Fire District Maps.)

As you well know, when a wildfire gets out of control in these sorts of areas, it can instantly wipe out families, homes, businesses, and the essential assets in major agricultural and forest operations that took generations to accrue. The 2015 Butte fire in Calaveras County is had some of those devastating characteristics. (Attachment 10 – Butte Fire Article.)

A third threat is the cumulative impacts of the aforementioned land uses in the context of a changing climate. As the area gets less rain, water will become scarcer, and fire risk will increase. As forests type convert from conifers to oak woodlands, commercial forest lands are likely to be converted more developed uses. This is especially likely along the Highway 4 corridor where TPZ land is immediately adjacent to existing communities in the very high fire risk zone. (Attachment 11 – 2015 Open Space Map.) The Resource Production Element calls for the County to amend its code to allow for the immediate rezone of lands that owners seek to remove from the TPZ. (Attachment 4 - Resource Production Element, Measure RP-3A.)

Of course, these fire safety challenges are in addition to the ordinary challenges associated with retaining volunteer firefighting crews, maintaining reliable equipment, and keeping up with the demand for services in a County with no development impact mitigation fees for emergency services, etc.

Given these fire safety threats, and in the wake of the 2015 Butte Fire, you would think that the GPU would ensure prompt implementation of all the instructions in the BOF 2015 Safety Element review to protect the county residents, homes, and businesses. The good news is the GPU's Safety Element does include policies reflecting the BOF recommendations. The bad news is that:

- (a) the Implementation Measures do not commit the County to do anything to improve fire safety by any particular time,
- (b) there are no specified fires safety requirements on new development projects,
- (c) there is no recognition that some areas are too dry, windy, steep, fuel laden, and poorly accessible that they are inherently unsafe for new developments (residential, special event, tourist lodgings, manufacturing, etc.) that will concentrate people in those areas,
- (d) there remains no coordinated post-fire recovery plan for the people, plants, and animals in the 2015 Butte Fire burn scar.

3. The GPU's Safety Element has four major flaws that will undermine achievement of the fire safety objectives inherent in the BOF's 2015 review.

(a) The Implementation Measures do not commit the County to do anything to improve fire safety by any particular time.

Many of the requests of the 2015 BOF review of the Safety Element were superficially incorporated into policies and implementation measures. However, the Safety Element deferred adoption of the fires safety implementation measures to an unspecified time in the future. The Safety Element includes no deadlines or priorities for implementing the following fire safety measures: S-3A to update the County Code to improve fire safety, S-3B to review fire district standards, S-3C to create a fire safety standards reference, S-3H to assist with fire district impact fee adoption, S-3I to formulate county standards and ordinances for fire safety, S-3J to amend the County Code to address post-fire rehabilitation, S-3K to create post-fire recovery plans, S-3N to evaluate the fire safety of the existing affordable housing stock, S-3O updating community plans to include wildfire safety, S-3Q securing funding for dead tree removal, and S-3U adopting an ordinance allowing the installation of temporary communication facilities during emergencies. (Attachment 12 - Safety Element.) This is critical weakness, as the GPU includes dozens of deferred programs without priorities or implementation deadlines. The only hope of getting fire safety reforms implemented is for people to convince the Supervisors that it is a priority during the Board's annual selection of general plan measures to implement. (Attachment 2 - Land Use Element, Tentative Annual Work Plan Measure LU-1.A.)

(b) Fires safety requirements for new development projects remain optional.

While new discretionary developments will get reviewed for fire safety as requested by the BOF, the County's application of fire safety measures to these projects remains optional. Implementation measure S-3S indicates that fuel reduction plans for new developments "should" consider fuel reduction in common areas, "should" address recording fuel management easements, and "should" encourage projects to become Firewise Communities. Thus, all these

fire safety efforts remain optional. Similarly, while measure S-3W calls for CalFire and fire districts to review proposed new developments, it only requires the County to “consider” the recommendations in those reviews. Again, the fire safety efforts for new developments remain optional. (Attachment 12 - Safety Element.)

The Community Wildfire Protection Plan provides guidance not only for meeting building requirements, but also for maintaining fire safe landscapes and communities. (See pp. 34-84 of the CWPP at <http://www.calaverasfiresafecouncil.org/CWPP.html> .) Clearly we know how to construct and maintain safer communities. However, unless optional Safety Element implementation measures become required, we will continue to build less fire safe neighborhoods, in less fire safe communities. If we are going to keep local employees and residents safe, this has got to change.

(c) There is no recognition that some areas are so dry, windy, steep, fuel laden, and poorly accessible that they are inherently unsafe for new developments that will concentrate people in those areas.

The overarching land use policy in the GPU is that **every legal lot** in the natural resource, residential, or mixed-use designations is suitable for residential development, no matter how dry, windy, steep, fuel laden, and poorly accessible. (Attachment 2 - Land Use Element, Table LU-1.) In addition, the GPU applies land use designation, policies, and implementation measures for residential, commercial, and industrial development across the entire land use map of the County, regardless of the unsafe fire conditions on the landscape. (Attachment 2 - Land Use Element, LUD Map, page LU11; Attachment 7 - Wildfire Risk Map.) This error is compounded, as future zoning is required to be consistent with these land use designations, again regardless of the unsafe fire conditions on the landscape. Development proposals can be approved and built if they are consistent with these inherently unsafe general plan land use designations and zoning categories. In these areas, CEQA’s fire safety impact mitigations measures are considered “infeasible,” because they would make development too expensive. If we are going to keep local residents and employees safe, this has got to change.

It is true that there is a class of people in Calaveras County who have the money and ability to live and work where ever they wish. They can choose to avoid fire risks. However, the majority of the people in Calaveras County have to take the jobs they can get, and live in the homes they can afford, where ever those may be. Where these parents live, their young children live with them. It is for the health and safety of these people that the County must establish a foundation of fire safe building and zoning codes, upon which all legitimate development is based. This is more than a matter of public safety, it is a matter of human decency. These people depend on the County to protect them from unnecessary incineration. Please help us to convince the Board of Supervisors that providing for the safety of the people of Calaveras County is not a burden they should unload, but an honor they should embrace.

(d) There remains no coordinated post-fire recovery plan for the people, plants, and animals in the 2015 Butte Fire burn scar.

Section 8 of the BOF review calls for burn area recovery plans, the use of state-of-the-art fire safe building techniques in redevelopment, and the restoration of wildlife habitat.

Nearly four years have passed since the Butte Fire burned through Calaveras County. A lot has been done. Emergency erosion control, hazardous material clean-up, and hazard tree removal have been done. PG&E has paid settlement funds, and road reconstruction efforts are under way. A new CWPP is in place identifying fire safety projects for future funding. However, these efforts continue to be independent, un-coordinated, and haphazard. There remains no post-fire recovery plan for the people, plants, and animals that reside in the burn scar. Opportunities are being missed to underground utilities, to build more fire safe buildings, to restore critical habitat, and to reconfigure transportation dead-ends and bottlenecks.

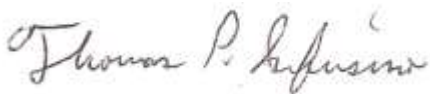
Today, nearly four years later, many families that remain in the burn scar are still living in substandard conditions as they wait to rebuild their homes. Meanwhile, the brush returns among the down logs and limbs across the dry and unshaded landscape. Residents fear the next round of fire will come soon.

4. Please convey your concerns to the Board of Supervisors.

The Board of Forestry has been given the responsibility to review and comment on updates to safety elements. (Government Code, Section 65302.5.) You have completed your obligation by reviewing the Draft Safety Element in 2015. We at the CPC thank you for your effort.

We realize that you are busy, and under no obligation to take any further action on behalf of the 45,000 people who reside in Calaveras County. However, 80% of Calaveras County is in a State Responsibility Area. Thus, the County's fire safety failures today are likely to cost the State of California a great deal in firefighting costs in the future. So, we humbly request that you communicate any lingering fire safety concerns of the BOF to the Calaveras County Board of Supervisors before they approve the GPU in early September. We have done all we can. They do not listen to us. They listened to you. Please comment as if somebody's life depends upon it; because somebody's life does.

Sincerely,



Tom Infusino, Facilitator
Calaveras Planning Coalition

P.S. Please send me a copy of what you send to the County.