



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

**TUOLUMNE COUNTY PLANNING COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET
September 6, 2023
6:00 p.m.***

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 536-1622 (Fleet)
(209) 533-5616 (fax)
(209) 533-5909 (fax – EHD)
(209) 588-9064 (fax – Fleet)
(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

*** The doors to the County Administration Center will be opened at 5:30 p.m.**

You may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (CDD@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting.

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Reports from Commissioners and Staff

** Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in-depth presentations or reports, as those matters should be placed on an agenda for discussion**

2. Report from the Agricultural Advisory Committee Representative

3. Minutes of the Meeting of August 16, 2023

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: 6:00 p.m.

NEW ITEMS:

- HATTON**, The proposed Zone Change RZ23-004, in advance of a Lot Line Adjustment, is to rezone a 1.37± acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum:Mobilehome Exclusion Combining) to RE-10:MX (Residential Estate Ten Acre Minimum:Mobilehome Exclusion Combining) and to rezone 2 portions of a 266.64± acre parcel (APN 071-320-025) as follows:

APN/Location/Acreage	GP/Zoning Before	GP/Zoning After
Central Portion (APN:071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: unchanged Zoning: RE-10
North Portion (APN:071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: unchanged Zoning: O

The proposed zone change is in advance of a proposed Lot Line Adjustment between APNs

076-080-001 and 071-320-025, whereby the north property boundary line would be extended at a northeasterly angle making it a 12.95± acre parcel and giving 1.37± acres to APN 071-320-025 by way of Lot Line Adjustment on the western boundary of APN 076-080-001.

The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday through Thursday, 8:00 a.m. 3:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

Any other materials related to the items referenced in this Agenda that are provided by the County to the Planning Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Planning Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

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SURFACE/MINERAL

RIGHTS OWNER: Diane & Orb Hatton

APPLICANT: David Ragland

DATE: July 24, 2023

PROJECT AND LOCATION

PROJECT

DESCRIPTION:

The proposed Zone Change RZ23-004, in advance of a Lot Line Adjustment, is to rezone a 1.37± acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum:Mobilehome Exclusion Combining) to RE-10:MX (Residential Estate Ten Acre Minimum:Mobilehome Exclusion Combining) and to rezone 2 portions of a 266.64± acre parcel (APN 071-320-025) as follows.

APN/Location/Acreage	GP/Zoning Before	GP/Zoning After
Central Portion (APN:071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: unchanged Zoning: RE-10
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The proposed zone change is in advance of a proposed Lot Line Adjustment between APNs 076-080-001 and 071-320-025, whereby the north property boundary line would be extended at a northeasterly angle making it a 12.95± acre parcel and giving 1.37± acres to APN 071-320-025 by way of Lot Line Adjustment on the western boundary of APN 076-080-001.

LOCATION:

The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

GENERAL PLAN:

The project site is designated Large Lot Residential (LR), Agricultural (AG), and Estate Residential (ER) by the 2018 Tuolumne County General Plan. The Tuolumne County General Plan indicates that both the proposed RE-10 and O zoning districts are compatible with the LR, HR, and AG designations.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Hatton

Zone Change RZ23-004 is proposed to facilitate a lot line adjustment to adjust property lines between two legal parcels. The lot line adjustment is a ministerial project as defined in Section 15369 of the *State CEQA Guidelines*, and is statutorily exempt from review under CEQA. Therefore, it can be seen with certainty that the proposed project will not have a significant effect on the environment.

RECOMMENDATION

Community Development Department Staff recommends approval of Zone Change RZ23-004 based upon the following findings, pursuant to Section 17.70 of the TCOC:

- A. The proposed Zone Change is consistent with the Tuolumne County General Plan.
- B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.
- C. The project site is suited to the uses permitted under the proposed zoning districts.
- D. The project is exempt from further environmental review pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

GENERAL INFORMATION

Site Description

1. The project site consists of a 256.85± acre parcel zoned AE-37 & O under Title 17 of the TCOC with the LR, AG, & ER General Plan land use designations. The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. The site of the zone change is undeveloped lakefront property that is used as pastureland. Trees found in the area include mainly blue and live oaks. Grey pine is sparsely found in the area. The groundcover vegetation is mainly grasses and native wildflowers. The surrounding land uses include low-density residential development, Don Pedro Reservoir, pastureland, and open space. Approval of the Zone Change would allow for lot line adjustment to be completed between Assessor's Parcel Number 071-320-025 and Assessor's Parcel Number 076-080-001.
2. The surrounding zoning districts include:

AE-37	Exclusive Agricultural, 37-acre minimum
RE-5:MX	Residential Estate, 5-acre minimum, Mobilehome Exclusion Combining
RE-2:MX	Residential Estate, 2-acre minimum, Mobilehome Exclusion Combining
O	Open Space

Project Description

3. The Zone Change is proposed in advance of a lot line adjustment proposed to occur between APNs 076-080-001 and 071-320-025. In the following Lot Line Adjustment, Parcel 1 (APN 071-320-025) would be 253.69± acres, Parcel 2 (APN 076-080-001) would be 12.95± acres, and no new additional parcels would be created as a result.

General Plan

4. The project site contains the Large Lot Residential (LR), Open Space (O), and Estate Residential (ER) General Plan land use designations. The LR designation provides for country estate-type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or to be left undisturbed. This designation is found in areas which have limited public services and serves as a buffer between urban and urbanizing areas and agricultural land. Typical uses allowed in the Large Lot Residential designation include one single family dwelling per parcel, one secondary dwelling when the parcel is twenty acres or larger, agricultural uses, such as crop production and grazing, roadside stands for agricultural products and public facilities. The Open Space (O) land use designation provides for the protection of important natural and cultural resources, serves as a buffer between incompatible land uses and limits development in hazardous areas. The designation can be used throughout the County to preserve scenic resources, archaeological resources, unique topography, vegetation, habitat, stream corridors, prominent ridgetops, and watersheds and to the limit development in floodplains, unstable slopes, and fault zones.
5. The Estate Residential (ER) designation provides country estate-type living conditions while maintaining limited areas of open space dedicated to agricultural pursuits, grazing, or to be left undisturbed. This designation serves as a buffer between urban and urbanizing areas and areas where public services are limited. The land uses allowed under the ER designation include one single family dwelling per parcel, one secondary dwelling per parcel, agricultural uses, such as crop production and grazing, and public facilities. A second dwelling unit per parcel is also permitted, to provide for the caring of family members and/or to promote affordable housing. This designation is applied to urban or urbanizing areas suitable for single-family residential neighborhoods, with individual lots ranging in area from 7,500 square feet to two acres. Up to six dwelling units per acre is the maximum building intensity under this designation; however, additional units can be possible through a density bonus for the provision of affordable/achievable housing, in accordance with the California Government Code or the TCOC.

Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the existing Large Lot Residential (LR), Open Space (O), and Estate Residential (ER) General Plan land use designation on the project site is compatible with the proposed RE-10:MX zoning district. Therefore, the proposed project is consistent with the Tuolumne County General Plan.

Ordinance Code

6. Zone Change RZ23-004 proposes to rezone a 253.69± acre portion of APN 071-320-025 from AE-37 to RE-10. The purpose of the RE-10 district is to provide for country-estate living while maintaining large areas for the commercial production of food and fiber where such agricultural uses can exist without the encroachment of incompatible land uses. Development in this zone must comply with Title 15 of this Code relative to fire safety standards. Below, Table 1 summarizes the existing development and maximum potential density without the lot line adjustment. Table 2 will summarize the site conditions after the decision of lot line adjustment.

Table 1: Existing Site Conditions

APN	Acres	Existing Zoning	Maximum Density	Development
071-320-025	253.69±	AE-37	2 dwellings/37ac	Vacant
071-320-025	3.16±	AE-37	2 dwellings/37ac	Vacant

AE-37 = (Exclusive Agricultural, 37-Acre Minimum)

RE-10= (Residential Estate, 10-Acre Minimum)

O = (Open Space)

Table 2: Proposed Site Conditions

APN	Acres	Proposed Zoning	Maximum Density	Development
071-320-025	253.69±	RE-10	1 dwelling/10ac	Vacant
071-320-025	3.16±	O	NA	Vacant

RE-10= (Residential Estate, 10-Acre Minimum)

O = (Open Space)

Wildlife and Habitat

- The Tuolumne County Wildlife Habitat Maps indicate that the Blue Oak Woodland (bow) and Blue Oak-Foothill Pine (bop) habitats are present on site. All listed habitat types on the project site are fourth priority habitats, which are considered to be relatively low value to wildlife. Most uses would be allowed without wildlife mitigation.
- The California Natural Diversity Database (CNDDB) was consulted for known locations of special status plant species and animal species. The CNDDB indicates that there are no known special status plant species known to occur within the vicinity of the project site.

No mitigation for cumulative impacts to wildlife are needed for the project. The project is not proposing any development. The project consists of a Zone Change in conjunction with a lot line adjustment and is consistent with the existing General Plan land use designation.

Cultural Resources

- Pursuant to Table 14.10(B) of the Ordinance Code, a Cultural Resources Study is required when certain indicators are found on a project site. These include a site containing or being adjacent to a parcel that contains known archaeological or historic sites; the presence of rock retaining walls; evidence of historic era mining; evidence of Native American habitation; structures older than 50 years; or a site within 100 meters of a river, spring, perennial or intermittent stream, as indicated by a blue line on the USGS quadrangle maps.
- The Tuolumne County Database of Cultural Resources has been reviewed to determine the presence of known cultural resources on the project site. Per the database, a cultural resource was recorded in 1999 by Roger H. Werner. The cultural resource inventory number TC-391 is in reference to number of cultural resources including thirteen small mine prospects, two surface placers, one mine shaft, two piles of stacked rock, one road alignment, one trench, one road, and one rock alignment. There was also a historic grave (P-55-001360) discovered in the area, but it was later determined that it was now located

Hatton

elsewhere on adjacent land, on a different site owned by the Modesto Irrigation District. The gravestone for this site has been removed, and thus the precise location of this feature could only be estimated from existing records. No other prehistoric remains were located. As this cultural resource was previously documented and no additional indicators are present on the site, a Cultural Resources Study is not required and no additional mitigation for cultural resources is required for the proposed project. No new development is proposed, and the project will not result in an increased residential development potential. No new impacts to potential Cultural Resources are anticipated; therefore, a Cultural Resource Study is not required for the proposed project. Additionally, potential impacts to cultural resources are reviewed at the time of application for a building permit in accordance with Chapter 14.10 of the TCOC. The document is on file with the Land Use and Natural Resource Division of the Community Development Department and is considered confidential but can be requested for review by a qualified professional.

Adjoiner Comments

11. On April 4, 2023, 79 adjoining property owners within 1,000 feet were notified of the project via mail. The CDD received 7 responses on the proposed project. All comments were in opposition of the proposed Zone Change and Lot Line Adjustment. Three of the comments were about the possibility of increased traffic due to the zone change and other landowners changing their zoning as well, if this proposed project goes through. One comment simply stated that they objected to the zone change. An adjacent property owner objected to the zone change, stating it would not be keeping with the nearby density and zoning. The final comment was about increased traffic, noise, and security/maintenance from road construction in the northern portion of Open Space proposed to be rezoned. The proposed road would be for the possible future construction of a parcel map or subdivision.

Advisory Agency Review

12. The proposed project has been reviewed by several Federal, State and County agencies.

The Turlock Irrigation District offered the following comments regarding the proposed rezone and future lot line adjustment: "The joint TID/MID Don Pedro dam and reservoir project operates under a license issued by the Federal Energy Regulatory Commission (FERC). This license places certain restrictions on public access to the reservoir. As such, it is important to note that adjacent property owners do not own "lake front" parcels. Instead, these parcels should be considered "lake view" properties. Any future efforts to adjust or divide the parcel(s) adjoining the Don Pedro project lands should make note of this distinction."

13. The Central Sierra Environmental Resource Center offered the following comments:
 - "Our Center strongly opposes the rezoning request for parcel APN: 071-320-025 of 253.96 acres (Main Parcel) from AE-37 to RE-10.
 - There is simply no basis for converting an agricultural parcel of this size to RE-10 if there is not the intent to create "new" parcels.
 - The zoning request for the Main Parcel is premature and would circumvent the proper review process for considering a large-scale residential development in a remote, agricultural area.

Hatton

- Non-existent Emergency Ingress/Egress: The extremely limited to non-existent road system simply cannot adequately support emergency evacuation for any additional parcels much less 25 new residences.
 - The main parcel's zoning should remain AE-37 due to the broad issue of fire risk along with the issue of emergency ingress and egress.
 - Unfair Burden to County Emergency Services and Residents: Allowing a large-scale development in such a remote location with limited access would place an unfair risk and increased cost to the residents and taxpayers of Tuolumne County. County residents and taxpayers would be negatively impacted by slower response times and potentially higher tax burdens. It would be irresponsible to allow residential development in such a remote area when County emergency services are already overstretched. The main parcel's zoning should remain AE-37 based on the extremely remote location of the property and the strain on County services 25 new lots would create.
 - Water Source Concerns: The re-zoning request should be denied as there is no viable water source to support the proposed 25 ten-acre parcels, and if not served by LDPCSD, the 10-acre parcels would require 25 individual wells.
 - The risk of well failure is significant. Accordingly, the main parcel should remain AE-37.
 - The Proposed Zoning Change was neither anticipated by the General Plan nor Evaluated by the EIR: The General Plan did not anticipate the requested zoning change.
 - The Main Parcel is NOT located within the Lake Don Pedro Community boundary. In fact, it is well outside of the boundary. The General Plan did not anticipate the requested zoning change."
14. The Lake Don Pedro Owners' Association offered the following comments: "Our concern is that the current 1.37-acre parcel APN 076-080-001 is within and a part of the Lake Don Pedro Subdivision, while the larger area that would be merged with it is not. Therefore, we wish it to be determined whether this would potentially result in a removal of the parcel from the subdivision or if the resulting 12.95-acre lot would be included as part of the Lake Don Pedro Subdivision administered by the Owners' Association."
15. The Tuolumne Group of the Sierra Club offered the following comments: "We do not have any objection to the applicant doing a Lot Line Adjustment change as described in the Advisory Notice. We do raise concern about the proposal to change the zoning for the 254-acre parcel that would allow the likely eventual development of 10-acre parcels for as many as 25 new lots. Nothing in the advisory notice shows that there has been any adequate environmental review for that proposed change in zoning from AE-37 to RE-10."
- "Our Tuolumne group does not currently have a position as to whether at some point in the future a subdivision project should or shouldn't be allowed on such a remote, far-form-services agricultural property. But we share with this letter that we oppose any proposed change from AE-37 to RE-10 for that 254-acre parcel until at least there has been a full CEQA analysis of direct potential impacts, indirect potential impacts, cumulative effects, and other issues."

16. The State of California Fish and Wildlife Department offered the following comments: “While the project proposed zone changes, our comments pertain to any subsequent ground-disturbing/construction related activities that may follow Project approval. California Fish and Wildlife (CDFW) has concerns with potential impacts to special-status species including, but not limited to, the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), the State candidate-listed endangered Crotch bumble bee (*Bombos crotchii*), and the State species of the special concern American badger (*Taxidea taxus*).”

Zone Change Findings

17. Chapter 17.70 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a zone change. Below are the required findings, and staff's responses to each requirement:

A. The proposed Zone Change is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #4 and #5 above in this report.

B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Tuolumne County Ordinance Code is discussed in #6 above in this report.

C. The project site is suited to the uses permitted under the proposed zoning district.

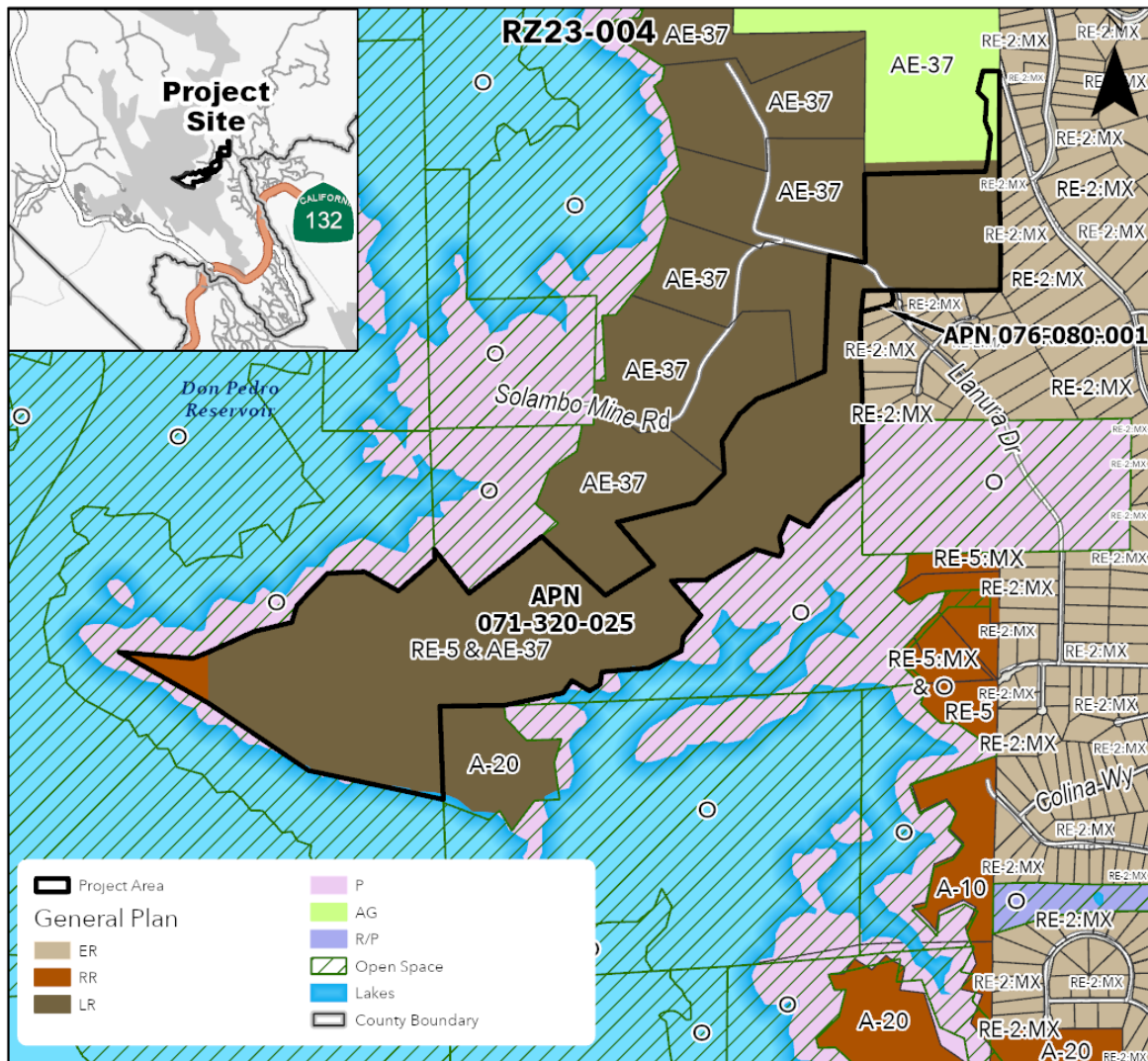
The project and site are discussed in #1 and #2 above in this report. The General Plan land use designation of Low Density Residential (LDR) for the site is consistent with the proposed zoning as identified in the project description above.

D. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

PREPARED BY: Clark Sintek, Planner I

S:\Planning\PROJECTS\Rezone\2023\RZ23-004 Hatton\Agenda & Conditions\RZ23-004 Hatton Agenda 20230417.docx

Attachment 1: Agenda Map



Project: RZ23-004

Owner: Diane & Orb Hatton

Applicant: David Ragland

APNs: 071-320-025 & 016-080-001

Acres: 268.01± acres

Current Zoning: RE-2:MX & AE-37

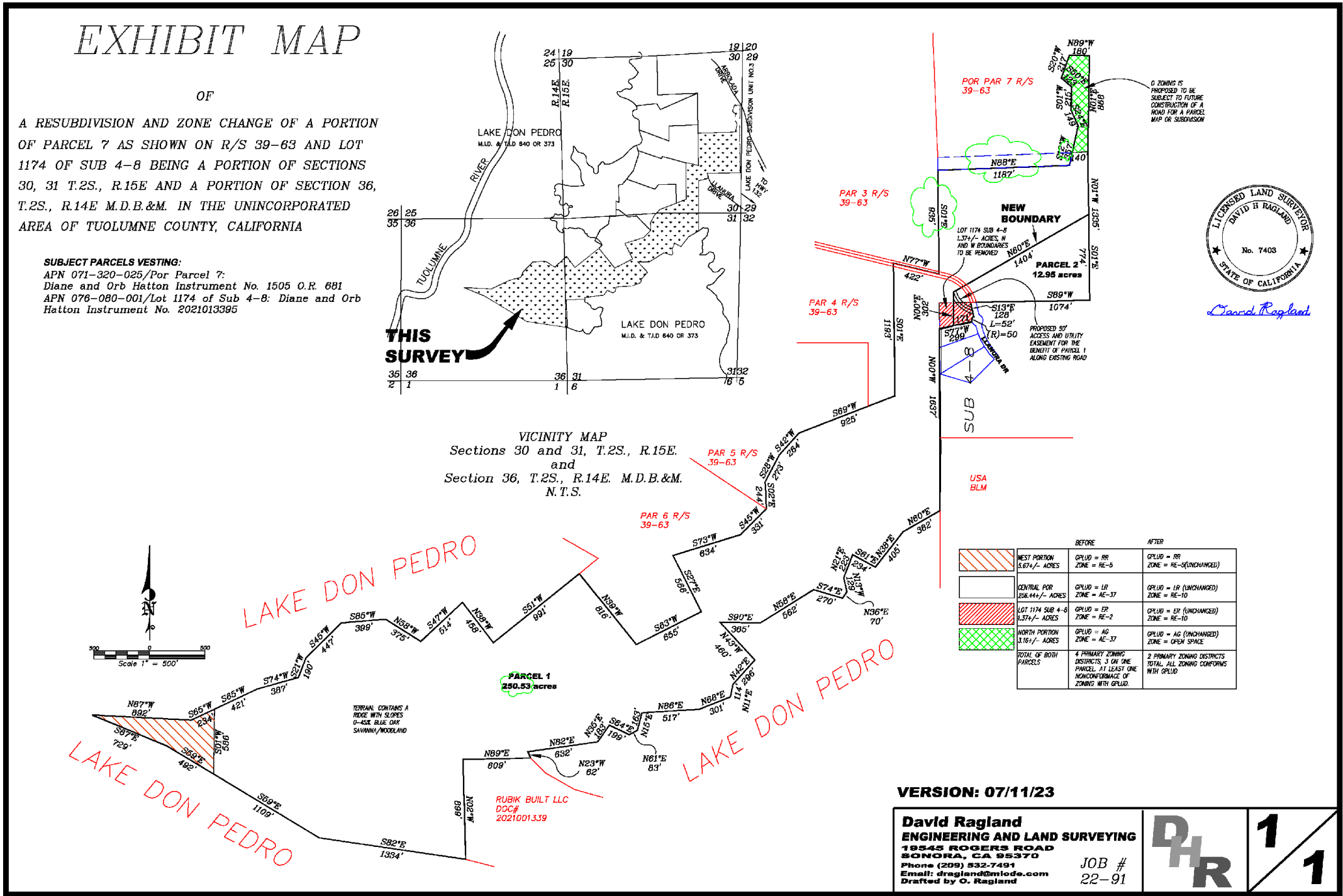
Current General Plan Designation: LR & AG

Project Description: Rezone a portion of two parcels in advance of a proposed Lot Line Adjustment from RE-2:MX & AE-37 to RE-10:MX & O.

Path: X:\Planning\Temp_Shapefiles\RZ23_004_Hatton\RZ23_004_Hatton.aprx

Date Saved: 6/22/2023 12:18

Attachment 2: Exhibit Map



From: [Allen Toschi](#)
To: [Clark Sintek](#)
Subject: Re: RZ23-004 map
Date: Wednesday, April 12, 2023 12:20:18 PM
Attachments: [2291 HATTON EXH \(1\).pdf](#)

Clark,

Thank you for the clear exhibit.

As we discussed, I am the owner of the adjoining property at 5874 Arbolada. The exhibit shows (as I have highlighted) the "Northern Portion" to be zoned "Open Space subject to construction of a road for a (future?) Parcel Map or Subdivision".

I hereby formally object to this commitment to a road this close to my property due to increased traffic, noise & required additional security/maintenance (Public Works, Sheriff & Fire). Arbolada is already a very long street & this could add significant traffic to this currently dead end publicly maintained street.

I also question the statement that this 'Project' has LDPCSD as a water supply.

Thank you for this opportunity to comment.

Sincerely,
Al Toschi

From: Clark Sintek <CSintek@co.tuolumne.ca.us>
Sent: Wednesday, April 12, 2023 11:56 AM
To: rce26654@hotmail.com <rce26654@hotmail.com>
Subject: RZ23-004 map

Hello Allen,

I've attached the exhibit map for RZ23-004.

Sincerely,

Clark Sintek

Planner

Tuolumne County | Community Development Department

Phone: (209) 533-5614

Email: csintek@co.tuolumne.ca.us



5687 Lianura DR Land
ACRES, 1.10 ASMT Number
076-080-017-006

COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

Date: April 4, 2023
To: Interested Stakeholder
From: Tuolumne County Community Development Department
RE: Zone Change RZ23-004
Assessor's Parcel Numbers: 076-080-001 & 071-320-025

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

The Community Development Department thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

Applicant: Diane and Orb Hatton

Project: The Community Development Department (CDD) has received an application for the following:

Zone Change RZ23-004 to rezone a 1.37± acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum:Mobile home Exclusion Combining) to RE-10:MX (Residential Estate Ten Acre Minimum:Mobile home Exclusion Combining) and to rezone 2 portions of a 266.64± acre parcel (APN 071-320-025) as follows:

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RR = Rural Residential

LR = Large Lot Residential

ER = Estate Residential

AG = Agricultural

RE-5=Residential Estate, 5-acre minimum

AE-37=Exclusive Agriculture, 37-acre minimum

RE-10:MX=Residential Estate, 10-acre minimum,
mobilehome exclusion combining

RE-2:MX=Residential Estate, 2-acre minimum,
mobilehome exclusion combining

O=Open Space

Location: The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

Access: Llanura Drive

Sewage Disposal Method: septic

Water Source: Lake Don Pedro Community Services District

Fire Hazard Rating: High Fire Hazard Severity Zone

Additional Information:

1. The Zone Change is proposed in advance of a lot line adjustment proposed to occur between APNs 076-080-001 and 071-320-025.
2. Following the Lot Line Adjustment, parcel 1 (APN 071-320-025) would be 253.69± acres and parcel 2 (APN 076-080-001) would be 12.95± acres, no new parcels would be created as a result. The General Plan anticipated the zone change were evaluated in the General Plan and the Environmental Impact Report (EIR).

Please return your comments to the CDD by **April, 24 2023**.

Staff Contact: Clark Sintek, phone: (209) 533-5614, email: csintek@co.tuolumne.ca.us

AGENCY/NAME: Clark Sintek

COMMENTS: I, Irene Ruiz, Owner
5687 Llanura dr.
decline to change zone

Location: The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

Access: Llanura Drive

Sewage Disposal Method: septic

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Please return your comments to the CDD by **April, 24 2023**.

Staff Contact: Clark Sintek, phone: (209) 533-5614, email: csintek@co.tuolumne.ca.us

AGENCY/NAME: Thomas and Elizabeth Burt. Lot # 1165

COMMENTS: ① Lake Don Pedro Subdivision roads are some of the worst in the state and continue to crumble. Increased traffic due to ingress and egress to the proposed zone change will compound the road problems.

② Lake Don Pedro Community Services District (LPDCSD) Board meeting on April 17, 2023. Voted down water services for the project site APN: 071-320-025 as the LPDCSD is precluded from providing water services outside of the district boundaries, and would be in violation of water contracts including MID.

③ If the proposed zone change is approved, it sets a precedent for other property owners in the area to follow suit.

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Community Development
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Location: The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

Access: Llanura Drive

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Please return your comments to the CDD by **April, 24 2023**.

Staff Contact: Clark Sintek, phone: (209) 533-5614, email: csintek@co.tuolumne.ca.us

AGENCY/NAME: Thomas and Elizabeth Burt. Lot # 1164

COMMENTS ① Lake Don Pedro Subdivision roads are some of the worst in the state and continue to crumble. Increased traffic due to ingress and egress to the proposed zone change will compound the road problems

② Lake Don Pedro Community Services District (LPCSD) Board meeting on April 17, 2023. Voted down water services for the project site APN: 071-320-025 as the LPCSD is precluded from providing water services outside of the district boundaries, and would be in violation of water contracts including MID.

③ If the proposed zone change is approved, it sets a precedent for other property owners in the area to follow suit.

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APR 19 2023

Community Development
Department

Location: The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

Access: Llanura Drive

Sewage Disposal Method: septic

Water Source: Lake Don Pedro Community Services District

Fire Hazard Rating: High Fire Hazard Severity Zone

Additional Information:

1. The Zone Change is proposed in advance of a lot line adjustment proposed to occur between APNs 076-080-001 and 071-320-025.
2. Following the Lot Line Adjustment, parcel 1 (APN 071-320-025) would be 253.69± acres and parcel 2 (APN 076-080-001) would be 12.95± acres, no new parcels would be created as a result. The General Plan anticipated the zone change were evaluated in the General Plan and the Environmental Impact Report (EIR).

Please return your comments to the CDD by **April, 24 2023**.

Staff Contact: Clark Sintek, phone: (209) 533-5614, email: csintek@co.tuolumne.ca.us

AGENCY/NAME: Thomas and Elizabeth Burt. Lot # 1163

COMMENTS ① Lake Don Pedro Subdivision roads are some of the worst in the state and continue to crumble. Increased traffic due to ingress and egress to the proposed zone change will compound the road problems.

② Lake Don Pedro Community Services District (LPCSD) Board meeting on April 17, 2023. Voted down water services for the project site APN: 071-320-025 as the LPCSD is precluded from providing water services outside of the district boundaries, and would be in violation of water contracts including MID.

③ If the proposed zone change is approved, it sets a precedent for other property owners in the area to follow suit.

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APR 19 2023

Community Development
Department

April 27, 2023

RECEIVED

MAY 02 2023

From the Tuolumne Group of the Sierra Club
P.O. Box 4440
Sonora, CA 95370

Community Development
Department

To Clark Sintek
Community Development Department
2 South Green St.
Sonora, CA 95370

To Clark and the CDD staff:

The Tuolumne Group of the Sierra Club lists the following concerns about the proposed Zone Change that is proposed for the Hatton property that is located in the general area of Lake Don Pedro Reservoir. We do not have any objections to the applicant doing a Lot Line Adjustment change as described in the Advisory Notice.

We do raise concern about the proposal to change the zoning for the 254-acre parcel that would allow the likely eventual development of 10-acre parcels for as many as 25 new lots. Nothing in the advisory notice shows that there has been any adequate environmental review for that proposed change in zoning from AD-37 to RE-10.

Our Tuolumne Group does not currently have a position as to whether or not at some point in the future a subdivision project should be or shouldn't be allowed on such a remote, far-from-services agricultural property. But we share with this letter that we oppose any proposed change from AE-37 to RE-10 for that 254 parcel until at least there has been a full CEQA analysis of direct potential impacts, indirect potential impacts, cumulative effects, and other issues.

Please notify our Tuolumne Group of the Sierra Club if this matter moves forward for County approval without dropping the proposed controversial zoning change.

Thank you,



Keith Martin for the Tuolumne Group



April 10, 2023

Tuolumne County
Community Resource Agency
Attn: Clark Sintek
2 S. Green Street
Sonora, CA 95370

RE: Zone Change RZ23-004 - Hatton

Dear Mr. Sintek:

The Turlock Irrigation District appreciates the opportunity to review and comment on the above referenced projects. The following are the District's comments regarding the proposed rezone and future lot line adjustments.

The joint TID/MID Don Pedro dam and reservoir project (project) operates under a license issued by the Federal Energy Regulatory Commission (FERC). This license places certain restriction on public access to the reservoir. As such, it is important to note that adjacent property owners do not own "lake front" parcels. Instead, these parcels should only be considered "lake view" properties. Any future efforts to adjust or divide the parcel(s) adjoining the Don Pedro project lands, should make note of this distinction.

If you have any questions concerning District comments, please contact me at (209) 883-8367.

Sincerely,

Todd Troglin

Todd Troglin
Supervising Engineering Technician, Civil
CF: 2023015



Department of Public Works

Kim MacFarlane, P.E.
Director

48 W. Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209.533.5601
www.tuolumnecounty.ca.gov

MEMORANDUM

Date: May 4, 2023

To: Clark Sintek, Planner

From: Juan Maya, Engineer I *JM*
Blossom Scott-Heim, P.E., Supervising Engineer

Re: RZ23-0004, Hatton
Assessor's Parcel Nos.: 076-080-001 & 071-320-025
LLanura Drive, La Grange

The proposed Zone Change, RZ23-004, seeks to rezone a 1.37± acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum:Mobile home Exclusion Combining) to RE-10:MX (Residential Estate Ten Acre Minimum:Mobile home Exclusion Combining) and to rezone 2 portions of a 266.64± acre parcel (APN 071-320-025) as follows:

Location/APN/Acreage	GP/Zoning Before	GP/Zoning After
Central Portion (APN:071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: unchanged Zoning: RE-10
North Portion (APN:071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: unchanged Zoning: O

The Department of Public Works has no comment on the proposed Zone Change items.

ADMINISTRATION
Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS
209.533.5685

BUSINESS
Business Manager
Janelle Kostlivy
209.533.5972

ENGINEERING
Supervising Engineer
Blossom Scott-Heim, P.E.
209.533.5904

FLEET SERVICES
Fleet Services Manager
Mike Young
209.536.1622

**GEOGRAPHIC
INFORMATION
SYSTEMS**
GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS
Road Superintendent
Mike Cagnetti
209.533.5609

SOLID WASTE
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 21, 2023

Clark Sintek
Tuolumne County Community Development Department
48 Yaney Avenue
Mailing: 2 S. Green Street
Sonora, California 95370
csintek@co.tuolumne.ca.us

**Subject: Zone Change RZ23-004 (Project)
Stakeholder Notification/Early Consultation**

Dear Clark Sintek:

The California Department of Fish and Wildlife (CDFW) received a stakeholder notification from the Tuolumne County Community Development Department for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Clark Sintek
Tuolumne County Community Development Department
April 21, 2023
Page 2

sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their take.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures, project activities could result in pollution of "Waters of the State" from increased sediment in storm water runoff or construction related erosion. This could impact the fish and wildlife resources by causing increased sediment input and other project-related activities. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also has jurisdiction regarding discharge and pollution to "Waters of the State."

PROJECT DESCRIPTION SUMMARY

Proponent: Diane and Orb Hatton

Objective: The Project proposes the following: Zone Change RZ23-004 to rezone an approximate 1.37-acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum: Mobile home Exclusion Combining) to RE-10:MX (Residential

Clark Sintek
 Tuolumne County Community Development Department
 April 21, 2023
 Page 3

Estate Ten Acre Minimum: Mobile home Exclusion Combining) and to rezone 2 portions of an approximate 266.64-acre parcel (APN 071-320-025) as follows:

APN/Location/Acreage	GP/Zoning Before	GP/Zoning After
Central Portion (APN:071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: unchanged Zoning: RE-10
North Portion (APN:071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: unchanged Zoning: O

RR = Rural Residential LR = Large Lot Residential ER = Estate Residential AG = Agricultural	RE-5 =Residential Estate, 5-acre minimum AE-37 =Exclusive Agriculture, 37-acre minimum RE-10:MX =Residential Estate, 10-acre minimum, mobilehome exclusion combining RE-2:MX =Residential Estate, 2-acre minimum, mobilehome exclusion combining O =Open Space
--	---

Location: The Project site is located approximately 1,200 feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. The Project includes Assessor's Parcel Numbers 076-080-001 and 071-320-025.

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

While the Project proposes zone changes, our comments pertain to any subsequent ground-disturbing/construction related activities that may follow Project approval. CDFW has concerns with potential impacts to special-status species including, but not limited to, the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*), the State candidate-listed endangered Crotch bumble bee (*Bombus crotchii*), and the State species of special concern American badger (*Taxidea taxus*). Our comments follow.

Clark Sintek
Tuolumne County Community Development Department
April 21, 2023
Page 4

Bald Eagle

The State endangered and fully protected bald eagle has the potential to occur in the Project site. Results from the California Natural Diversity Database (CNDDB) document one occurrence south of the Project site (CDFW 2023). CDFW recommends that focused bald eagle surveys be conducted by qualified and experienced biologists as part of the biological technical studies conducted in support of the CEQA document. To avoid impact to the species, surveys following the survey methodology developed by CDFW (CDFG, 2010) are advised. In the event that the species is found within ½-mile of the Project site, consultation with CDFW is warranted to discuss appropriate avoidance and minimization measures.

Crotch Bumble Bee (CBB)

CBB have the potential to occur within the Project site. CBB was once common throughout most of the central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years.

Suitable CBB habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. CBB primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2015). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Therefore, ground disturbance and vegetation removal associated with project activities has the potential to significantly impact local CBB populations.

CDFW recommends that a habitat assessment be conducted for suitable CBB habitat as part of the biological technical studies conducted in support of the CEQA document and that surveys be conducted for CBB, CBB nesting habitat, and CBB foraging resources. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement project activities and avoid take. Any detection of CBB prior to or during project implementation warrants consultation with CDFW to discuss how to avoid take.

American Badger

Habitat loss is a primary threat to American badger (Gittleman et al. 2001). Badgers occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground

Clark Sintek
Tuolumne County Community Development Department
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Page 5

squirrels, pocket gophers, etc.) (Zeiner et. al 1990). Aerial imagery show that suitable habitat is present, and therefore American badger has the potential to occur in the Project site.

Without appropriate avoidance and minimization measures for American badger, potentially significant impacts associated with ground disturbance include natal den abandonment, which may result in reduced health or vigor of young, or direct mortality. CDFW recommends that a qualified biologist conduct focused surveys for American badger and their requisite habitat features (dens) in advance of ground-disturbing activities to evaluate potential impacts. The surveys are essential to assist in implementing necessary avoidance and minimization measures, and in identifying active dens prior to initiating ground-disturbing activities.

Nesting birds

CDFW encourages that project implementation occur outside of the bird nesting season (February 1 through September 15); however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the project proponent is responsible for ensuring that implementation of the project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate project-related impacts on nesting birds, CDFW recommends that a habitat assessment for nesting birds be conducted as part of the biological technical studies in support of the CEQA document. If nesting birds or suitable habitat are identified, CDFW further recommends that focused surveys be conducted at biologically appropriate times during the nesting season as part of the biological technical studies in support of the CEQA document. CDFW also recommends that a qualified biologist conduct pre-activity surveys for active nests within 10 days prior to the start of ground or vegetation disturbing activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the project site to identify nests and determine their status. A sufficient area means any area potentially affected by the project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season

Clark Sintek
Tuolumne County Community Development Department
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Page 6

has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Oak Woodlands

CEQA was amended to include Public Resources Code (PRC) Section 21083.4, which states that a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require appropriate oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands.

CDFW considers the removal of oaks in the Project site as significant. However, CDFW recommends the Tuolumne County Community Development Department require oak mitigation as required by CEQA Section 21083.4 since the Project, as proposed, will remove high quality oak woodlands as part of this future development. In addition to the mitigation required by CEQA Section 21083.4, retaining large oak trees (greater than 12 inches in diameter as measured at breast height) on the Project site to the maximum extent possible is recommended during any construction activities. Large, acorn-bearing oak trees are a critical source of food for wintering deer and other wildlife, including migratory and resident birds. Location and routing of access roads, utility connections, septic systems and building sites where they will require the minimum amount of disturbance to large oak trees is advised.

California Natural Diversity Database: Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) using the appropriate protocol survey methodology are warranted in order to determine whether or not any special status species are present at or near the project site.

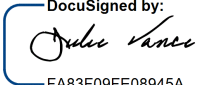
Lake and Stream Alteration: The Project site includes a peninsula to Don Pedro Reservoir. Therefore, any subsequent ground-disturbing and/or development activities may be subject to notification under Fish and Game Code Section 1602. Fish and Game Code section 1602 requires the project proponent to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of

Clark Sintek
Tuolumne County Community Development Department
April 21, 2023
Page 7

any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. If a Lake or Streambed Alteration Agreement (LSA Agreement) is needed, CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information on notification requirements, please contact our staff in the LSA Program at (559) 243-4593, or by electronic mail at R4LSA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Project to assist the Tuolumne County Community Development Department in identifying and mitigating project impacts on biological resources. If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

cc: California Regional Water Quality Control Board
Central Valley Region
1685 "E" Street
Fresno, California 93706-2020

United State Army Corps of Engineers
1325 "J" Street, Suite #1350
Sacramento, California 95814-2928

ec: CDFW LSA/1600; R4LSA@wildlife.ca.gov

Clark Sintek
Tuolumne County Community Development Department
April 21, 2023
Page 8

LITERATURE CITED

- California Department of Fish and Game. 2010. Bald Eagle Breeding Survey Instructions. California Department of Fish and game, April 2010.
- CDFW. 2023. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed April 13, 2023.
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- Hatfield, R, S. Colla, S. Jepsen, L. Richardson, R. Thorp, and S. Foltz Jordan. 2014. Draft IUCN Assessments for North American *Bombus* spp. for the North American IUCN Bumble Bee Specialist Group. The Xerces Society for Invertebrate Conservation, www.xerces.org, Portland, OR.
- Hatfield, R., Jepsen, S., Thorp, R., Richardson, L., and Colla, S. 2015. *Bombus crotchii*. The IUCN Red List of Threatened Species.
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- Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.
- Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988–1990. Life history accounts for species in the California Wildlife Habitat Relationships (CWHR) System. California's Wildlife. Vol I-III. California Department of Fish and Game, Sacramento, California.

Location: The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

Access: Llanura Drive

Sewage Disposal Method: septic

Water Source: Lake Don Pedro Community Services District

Fire Hazard Rating: High Fire Hazard Severity Zone

Additional Information:

1. The Zone Change is proposed in advance of a lot line adjustment proposed to occur between APNs 076-080-001 and 071-320-025.
2. Following the Lot Line Adjustment, parcel 1 (APN 071-320-025) would be 253.69± acres and parcel 2 (APN 076-080-001) would be 12.95± acres, no new parcels would be created as a result. The General Plan anticipated the zone change were evaluated in the General Plan and the Environmental Impact Report (EIR).

Please return your comments to the CDD by **April, 24 2023**.

Staff Contact: Clark Sintek, phone: (209) 533-5614, email: csintek@co.tuolumne.ca.us

AGENCY/NAME: Lake Don Pedro Community Services District

COMMENTS: Our District is extremely concerned with this potential lot line adjustment. If this adjustment was created LDPCSD would NOT legally be permitted to serve the new lot District water. The property in question is outside Our Districts zone of influence and therefore Cannot receive MID surface water, or LDPCSD groundwater. Additionally the LDPCSD Board of Directors put in place a No water resolution in 2013, excluding new users outside the boundaries of the District. LDPCSD believes this request should be presented to Lafco.

Please utilize the following link, or scan QR code to sign up and receive future notices that may include the above-mentioned project:

<https://www.tuolumnecounty.ca.gov/list.aspx>.



Planning Stakeholder Notification letters are posted at the following link:

<https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications>



All property owners within 1000 feet of the proposed project and agencies/organizations will be notified of future public hearings. Property owners do not need to request future notification. Please note that all comments that are submitted are part of the public record for the project.

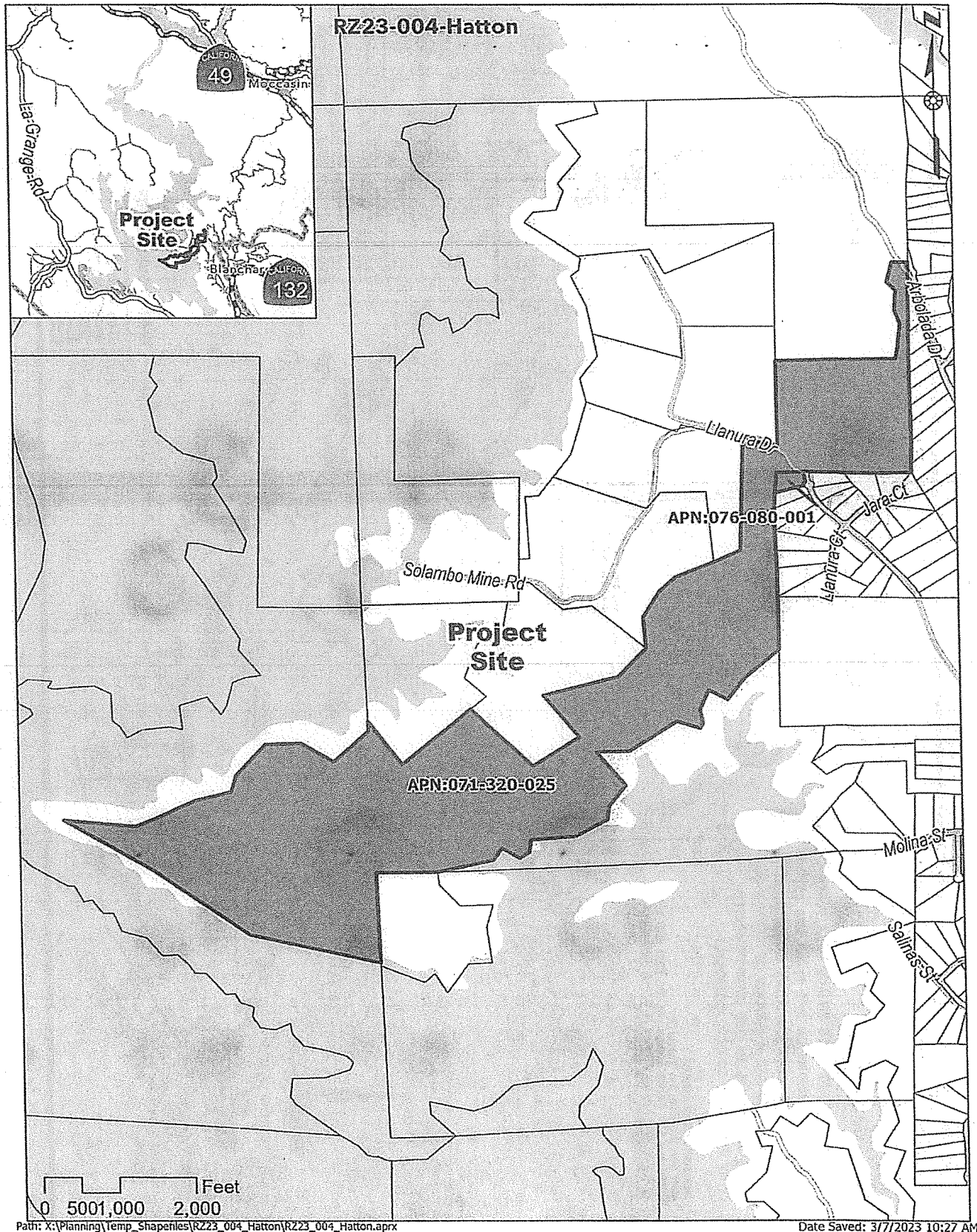
Signed by: _____

A handwritten signature in black ink, appearing to be 'D. Star', written over a horizontal line.

Agency: LDPCSD

Date: 4/18/23

Vicinity Map.

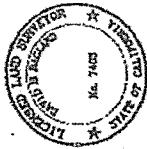
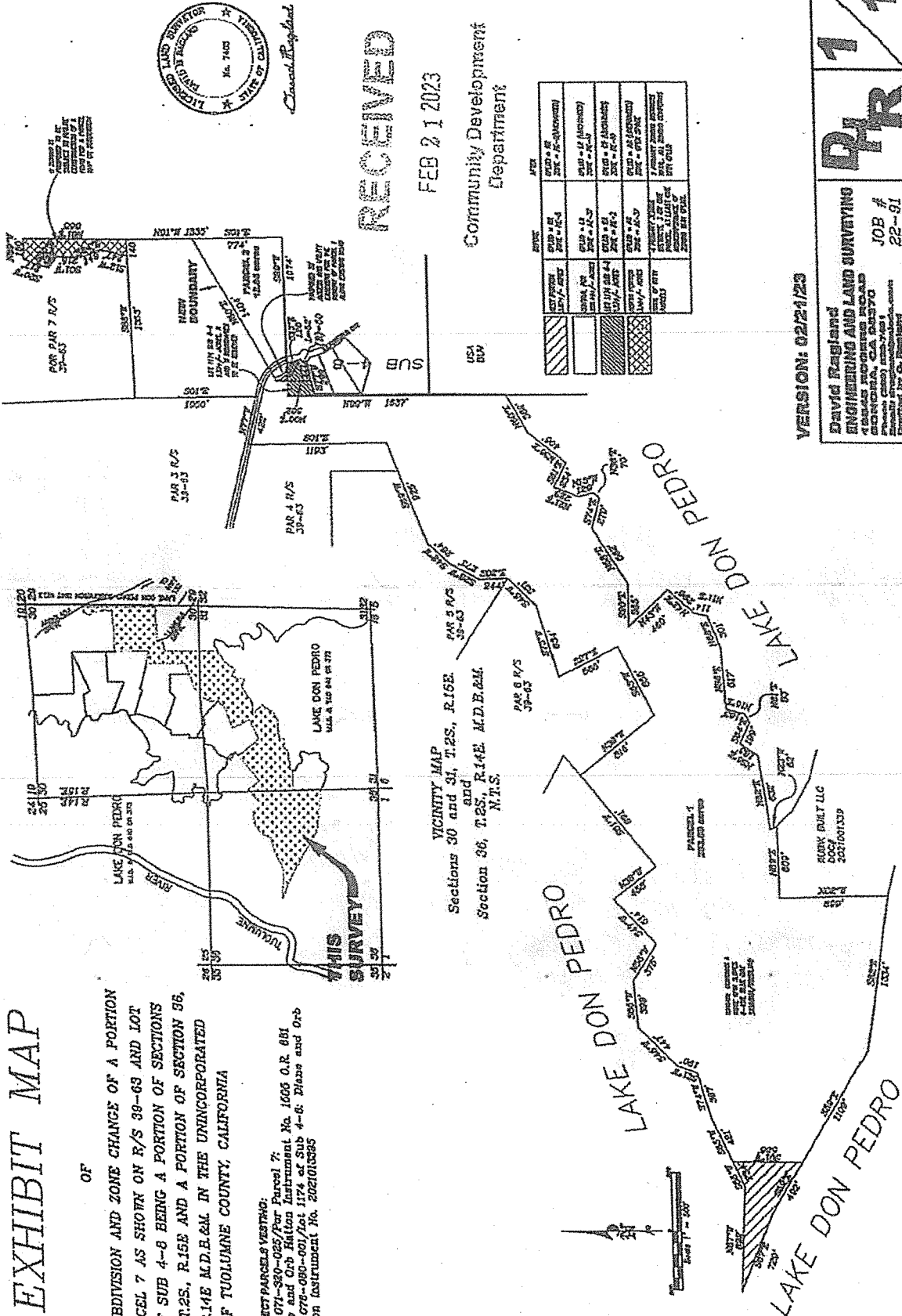


Site Plan

EXHIBIT MAP

OF
A RESUBDIVISION AND ZONE CHANGE OF A PORTION
OF PARCEL 7 AS SHOWN ON R/S 39-63 AND LOT
1174 OF SUB 4-8 BEING A PORTION OF SECTIONS
30, 31 T.2S., R.15E AND A PORTION OF SECTION 36,
T.2S., R.14E M.D.B.M. IN THE UNINCORPORATED
AREA OF TUOLUMNE COUNTY, CALIFORNIA

SUBJECT PARCELS' VESTING:
APN 071-330-025/For Parcel 7;
Dase and Ors Hutton Instrument No. 1605 O.R. 881
APN 078-089-001/For Sub 4-8, Dase and Ors
Hutton Instrument No. 20210385



David England

RECEIVED

FEB 21 2023

Community Development
Department

APN	OWNER	DATE	REMARKS
071-330-025	DAVE & ORS HUTTON	01/11/20	RECEIVED
078-089-001	DAVE & ORS HUTTON	01/11/20	RECEIVED
071-330-025	DAVE & ORS HUTTON	01/11/20	RECEIVED
078-089-001	DAVE & ORS HUTTON	01/11/20	RECEIVED
071-330-025	DAVE & ORS HUTTON	01/11/20	RECEIVED
078-089-001	DAVE & ORS HUTTON	01/11/20	RECEIVED
071-330-025	DAVE & ORS HUTTON	01/11/20	RECEIVED
078-089-001	DAVE & ORS HUTTON	01/11/20	RECEIVED
071-330-025	DAVE & ORS HUTTON	01/11/20	RECEIVED
078-089-001	DAVE & ORS HUTTON	01/11/20	RECEIVED

VERSION: 02/21/23

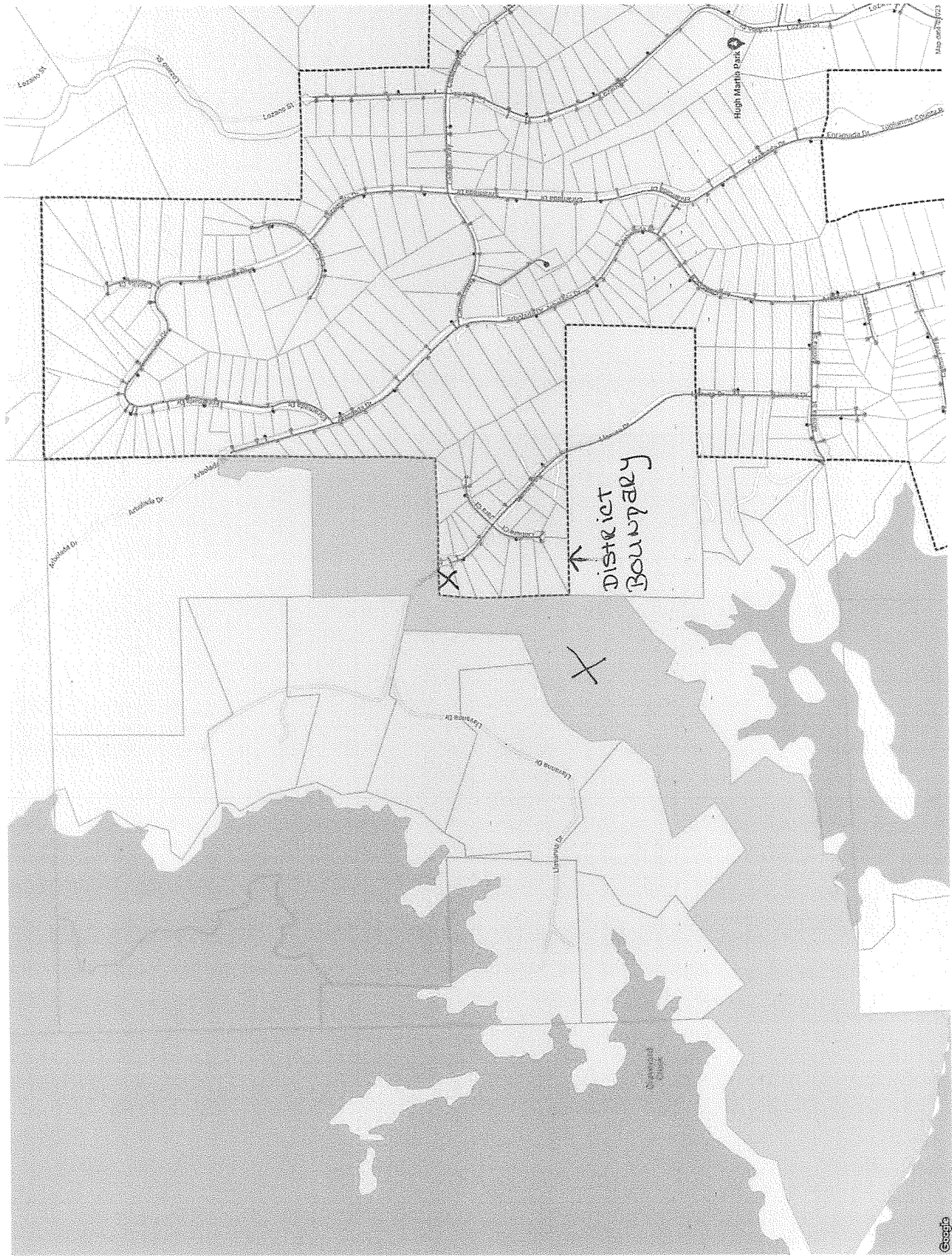
David England
ENGINEERING AND LAND SURVEYING
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Phone: (650) 755-7551
Email: david@englandland.com
Director: 1746 Englandland

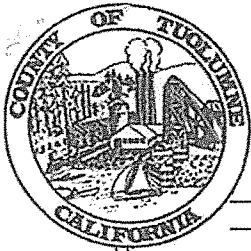
PR 1/1

JOB # 22-81









COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

Date: April 4, 2023
To: Interested Stakeholder
From: Tuolumne County Community Development Department
RE: Zone Change RZ23-004
Assessor's Parcel Numbers: 076-080-001 & 071-320-025

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

The Community Development Department thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

Applicant: Diane and Orb Hatton

Project: The Community Development Department (CDD) has received an application for the following:

Zone Change RZ23-004 to rezone a 1.37± acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum:Mobile home Exclusion Combining) to RE-10:MX (Residential Estate Ten Acre Minimum:Mobile home Exclusion Combining) and to rezone 2 portions of a 266.64± acre parcel (APN 071-320-025) as follows:

APN/Location/Acreage	GP/Zoning Before	GP/Zoning After
Central Portion (APN:071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: unchanged Zoning: RE-10
North Portion (APN:071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: unchanged Zoning: O

RR = Rural Residential
LR = Large Lot Residential
ER = Estate Residential
AG = Agricultural

RE-5=Residential Estate, 5-acre minimum
AE-37=Exclusive Agriculture, 37-acre minimum
RE-10:MX=Residential Estate, 10-acre minimum,
mobilehome exclusion combining
RE-2:MX=Residential Estate, 2-acre minimum,
mobilehome exclusion combining
O=Open Space



Central Sierra Environmental Resource Center

Box 396, Twain Harte, CA 95383 • (209) 586-7440 • fax (209) 586-4986

Visit our website at: www.cserc.org or contact us at: johnb@cserc.org

VIA EMAIL AND MAIL

April 21, 2023

Quincy Yaley and Clark Sintek
2 S. Green Street
Sonora, CA 95370

COMMENTS ON THE HATTON REQUEST FOR ZONING CHANGE RZ23-004

The applicant is requesting a lot line adjustment and a total of three zoning changes. Our Center currently does not oppose the proposed lot line adjustment and two of the three requested zoning changes: (1) the requested rezoning of 1.37± acres from RE-2:MX to RE-10:MX and (2) the requested rezoning of 3.16± acres from AE-37 to O.

Our Center, however, strongly opposes the rezoning request for parcel APN:071-320-025 of 253.69± acres (“Main Parcel”) from AE-37 to RE-10. The applicant is seeking to convert more than 250 acres of undeveloped, agricultural land to zoning that allows for 25 ten-acre residential parcels. While the Advisory Notice states that “. . . no new parcels would be created as a result” of the Lot Line Adjustment, **there is simply no basis for converting an agricultural parcel of this size to RE-10 if there is not the intent to create “new” parcels.** The rezoning request should be denied since there is no basis to change the current zoning of AE-37 to any other zoning classification.

The implied assertion that the “Zone Change” is needed in advance for the lot line adjustment to occur is simply not correct. The requested lot line adjustment can easily be completed without the need to convert the entire Main Parcel from Exclusive Agriculture to RE-10. **The zoning request for the Main Parcel is premature and would circumvent the proper review process for considering a large scale residential development in a remote, agricultural area.**

For this reason alone, the applicant’s request to rezone the Main Parcel from AE-37 to RE-10 should be denied. Further reasons for our Center’s objection are set forth below and explained with supporting documentation.

- 1. NON-EXISTENT EMERGENCY INGRESS/EGRESS.** The applicant seeks a zoning change that would expedite approval for converting more than 250 acres of undeveloped, agricultural land into 25 ten-acre parcels for residential use.

There is currently no road access to the Main Parcel. However, a portion of the Main Parcel could possibly access Salambo Mine Road which road merges into Llanura Drive. This provides only a possibility of a one-way in/one-way out access for what is contemplated to be 25 additional residences. Llanura Drive is a narrow two-lane, rural road. It is unclear if Llanura Drive is even paved beyond the gate located on Llanura Drive prior to reaching the Main Parcel. The condition of Salambo Mine Road which is beyond Llanura Drive is unknown. The entire Main Parcel is located in a High Fire Hazard Severity Zone. Under the new CalFire mapping, the Main Parcel is located in a **Very** High Fire Hazard Severity Zone. **The extremely limited to non-existent road system simply cannot adequately support emergency evacuations for any additional parcels much less 25 new residences.** The new, stricter road and driveway capacity requirements are in place precisely because of the importance of having safe and reliable emergency ingress and egress. A potential residential development of this magnitude in an area with no additional capacity for emergency ingress/egress should not be granted. **As such, the Main Parcel's zoning should remain AE-37 due to the broad issue of fire risk along with the issue of emergency ingress and egress.**

2. UNFAIR BURDEN TO COUNTY EMERGENCY SERVICES AND RESIDENTS.

The Main Parcel is located in an extremely remote area. Further, the Main Parcel is located on a narrow spit with only one narrow, rural road possibly providing access. As County supervisors publically acknowledge, County emergency services are already spread too thin across the County. The travel time from Sonora to the Main Parcel is an hour. Allowing 25 new residences in such an isolated and inaccessible area will overstretch already limited law enforcement, ambulance services, fire fighters, etc. Consider the time it would take for a law enforcement officer to travel from Sonora to the Main Parcel to respond to an emergency. **Allowing a large scale development in such a remote location with limited access would place an unfair risk and increased cost to the residents and taxpayers of Tuolumne County. County residents and taxpayers would be negatively impacted by slower response times and potentially higher tax burdens. It would be irresponsible to allow residential development in such a remote area when County emergency services are already overstretched. The Main Parcel's zoning should remain AE-37 based upon the extremely remote location of this property and the strain on County services 25 new lots would create.**

3. WATER SOURCE CONCERNS. The Advisory Notice states that the water source will be the Lake Don Pedro Community Services District (LDPCSD). However, LDPCSD does not serve the area in which the Main Parcel is located. Moreover, the Main Parcel is not even located in LDPCSD's "Sphere of Influence." See attached printout from LDPCSD's website marked Exhibit "A." As such, the Main Parcel is not even projected to be within the LDPCSD service area. **The re-zoning request should be denied as there is no viable water source to support the proposed 25 ten-acre parcels, and if not served by LDPCSD, the 10-acre parcels would require 25 individual wells. As stated**

previously, the Main Parcel is located in what has been classified as a Very High Fire Hazard Severity Zone. The area is often subject to drought conditions. The demand on the underground water supply would be extreme if the currently undeveloped land is developed into 25 residential lots each with their own indoor and outdoor water uses and demands. Add to this the additional need for water during a fire suppression effort to save the 25 residences. **The risk of well failure is significant. Accordingly, the Main Parcel's zoning should remain AE-37.**

4. **THE PROPOSED ZONING CHANGE WAS NEITHER ANTICIPATED BY THE GENERAL PLAN NOR EVALUATED BY THE EIR.** The Advisory Notice incorrectly states "The General Plan anticipated the zone change [sic] were evaluated in the General Plan and the Environmental Impact Report (EIR)." **The General Plan did not anticipate the requested zoning change and the EIR did not evaluate the requested zoning change.**

a. General Plan Discussion.

The General Plan identified 18 Communities within the County. General Plan, Volume II Technical Report, page 34. Lake Don Pedro was one of the 18 Communities. Id.

The purpose of identifying the Communities was explained as follows:

The Community Plan . . . is designed to recognize each of the County's communities and establish a blueprint for creating more livable environments while preserving and enhancing the character and identity of each community. ***By doing so, future development will be guided to promote compact urban development, provide for efficient and cost-effective infrastructure, conserve resource lands, and safeguard environmentally sensitive lands.*** (Id. *emphasis added.*)

The 18 Communities were identified so that County development is focused within these defined Communities. The General Plan provides a map establishing the boundary of the Lake Don Pedro Community. Attached is a copy of the map marked Exhibit "B." **The Main Parcel is NOT located within the Lake Don Pedro Community boundary. In fact, it is well outside of the boundary. The General Plan did not anticipate the requested zoning change.**

The General Plan further explains that its goal in identifying the Communities and defining their borders is to encourage development within the identified Communities and thereby minimize impacts to biological resources. General Plan Volume I: General Plan Policy Document, Goals page 16-8.

Unquestionably, converting more than 250 acres of agricultural land that is located **outside** of the Lake Don Pedro Community to zoning that would expedite approval of 25 residences will not minimize the impacts to the area's biological resources. The Main Parcel contains Blue Oak woodland and other potentially

sensitive species. The General Plan aims to protect these sensitive biological resources from development by encouraging (1) development within certain defined areas and (2) protection of open spaces. **The requested zoning change to the Main Parcel is at odds with to the General Plan's intentions and goals.**

b. Environmental Impact Report Discussion

The Environmental Impact Report (EIR) did not evaluate the impact of the requested zoning change to the Main Parcel. The EIR *did* evaluate the zoning change for some agricultural land within the County. See attached Tuolumne County Proposed General Plan Update: Proposed AG Land Use Changes marked Exhibit "C." **The Main Parcel was not identified as being proposed for a land use zoning change from its Exclusive Agriculture zoning status.** As such, the EIR did not evaluate the impacts of the proposed zoning change. As mentioned above, the Main Parcel contains sensitive natural resources such as Blue Oak woodland. The requested zoning change is not based upon any environmental analysis that considers CEQA assessment of 25 new lots. **Accordingly, the Main Parcel's zoning should remain AE-37.**

In conclusion, **the request to have the Main Parcel rezoned to RE-10 is unnecessary for the purported reason of enabling a lot line adjustment. The assertion that no new parcels will be created by this rezoning request is misleading due to the fact that any approval of a rezone to RE-10 will greatly increase the likelihood of future intensive development of this agricultural parcel,** because the applicant would be able to point to the zoning as being consistent with allowing the 25 lots. CSERC supports the lot line adjustment and the minor re-zoning changes for 4 acres. We strongly oppose any rezoning to RE-10 for the 254 acres for the reasons stated above in these comments.

Chelsea Lewandowski
Chelsea Lewandowski
Conservation Coordinator



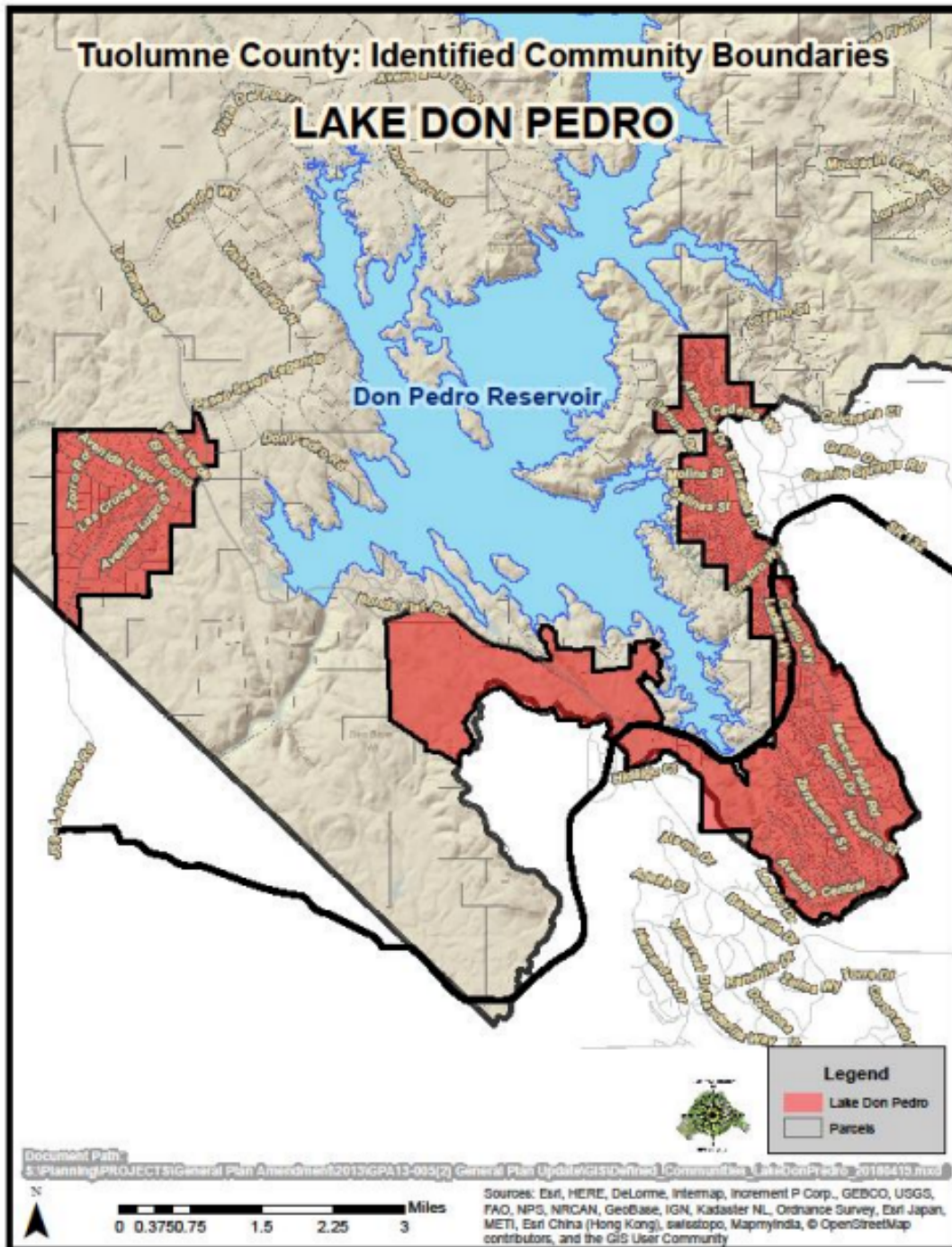
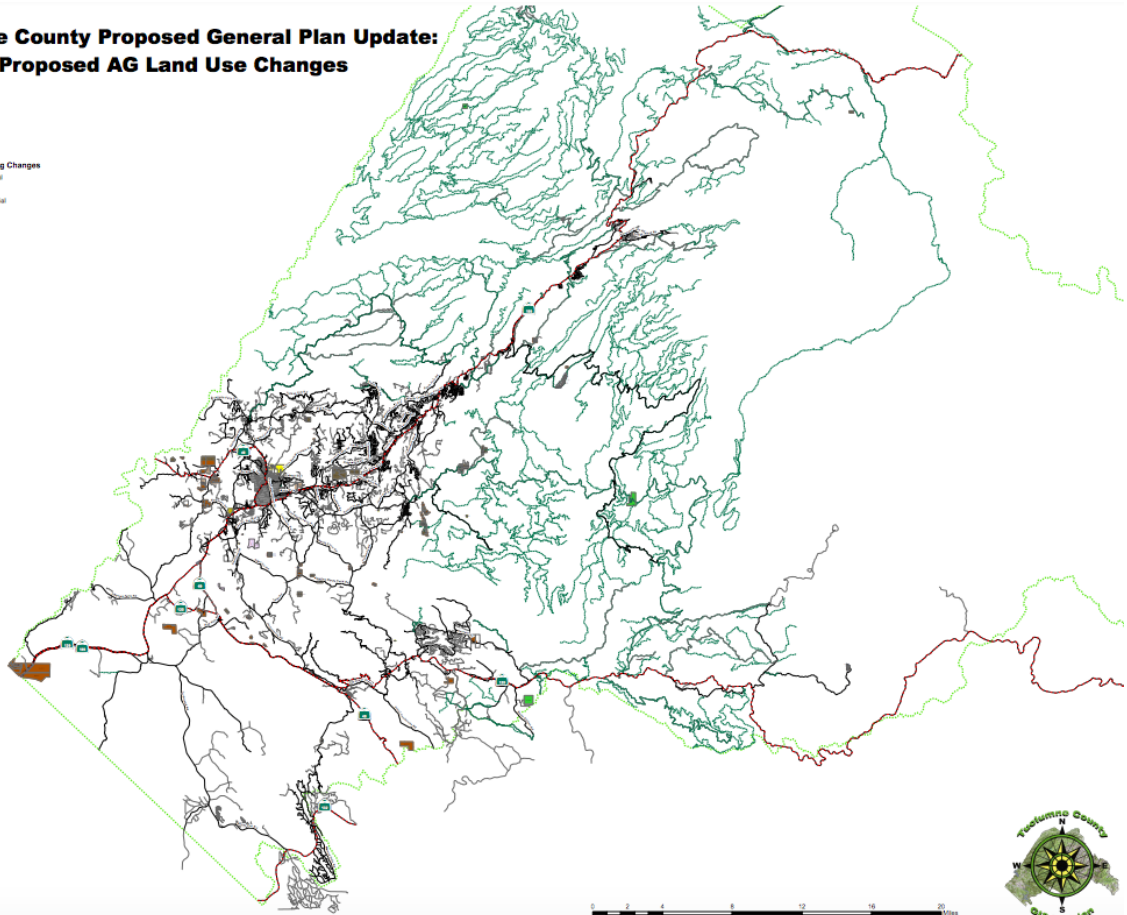
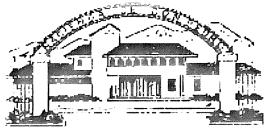


FIGURE 1.16: LAKE DON PEDRO

Tuolumne County Proposed General Plan Update: Proposed AG Land Use Changes

- Legend**
- General Plan Proposed Ag Changes**
- Neighborhood Commercial
 - High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Ecotone Residential
 - Homestead Residential
 - Rural Residential
 - Large Lot Residential
 - Public
 - Parks and Recreation
 - Timber Production
- Other**
- City of Sonoma
- County Routes**
- Highway
 - County Road
 - Local Traffic
 - Other Roads
 - Forest Roads





Lake Don Pedro Owners' Association

5182 Fuentes de Flores, La Grange, CA 95329 ♦ Ph: (209) 852-2312 ♦ Fx: (209) 852-2771 ♦ info@ldpoa.com ♦ www.LDPOA.com

April 17, 2023

Clark Sintek
Community Development Dept.
2 S. Green St.
Sonora, CA 95370

RE: Zone Change RZ23-004 (& planned line adjustment) on APN 076-080-001

Sir,

Our office received your notification of the proposed zoning change for the above parcel followed by a line adjustment changing it from 1.37 acres to 12.95 acres. The Owners' Association had never received any notice or application for these actions prior to your letter.

Our concern is that the current 1.37 acre parcel APN 076-080-001 is within and a part of the Lake Don Pedro Subdivision, while the larger area that would be merged with it is not. Therefore, we wish it to be determined whether this would potentially result in a removal of this parcel from the subdivision or if the resulting 12.95 acre lot would be included as part of the Lake Don Pedro Subdivision administered by this Owners' Association.

The Board of Directors feels that until they receive clarification of the above issue they must contest this action, and we request that your department halt any further action until the matter is settled.

Potentially removing an asset from a legally recognized parent organization without their consent would seem to set a bad precedent.

We look forward to hearing from you concerning the resulting status of the property if the proposed changes were to be allowed.

Respectfully,

The Lake Don Pedro Owners' Assoc. Board of Directors

PC/ph



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

UNAPPROVED

TUOLUMNE COUNTY

PLANNING COMMISSION MEETING

MINUTES

August 16, 2023

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
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PRESENT: Chair Linda Emerson, and Commissioners Jim Jordan, Jerry Morrow, Wesley Brinegar, and Jim Cherry

ABSENT: Vice-Chair Catherine Santa Maria, Commissioners Jim Jordan and Kara Bechtle

STAFF: Dave Ruby, Planning Manager; Clark Sintek, Planner I

* * * * *

CALL TO ORDER/WELCOME:

Chair Emerson called the meeting of August 16, 2023, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and staff

**** Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion****

Dave Ruby, Planning Manager gave reports on the Airport Land Use Compatibility Plan and Housing Element Updates.

Commissioner Morrow updated the Commission on the California County Planning Commissioners' Association conference being held in Tuolumne County October 6-7, 2023.

2. Report from the Agricultural Advisory Committee Representative

Commissioner Morrow noted there was no meeting; therefore, there was nothing to report.

Minutes of the meeting of August 2, 2023

It was moved by Commissioner Cherry and seconded by Commissioner Brinegar to approve the minutes of the August 2, 2023, as presented.

Staff roll called for the vote:

Chair Emerson: Aye

Vice-Chair Santa Maria: Absent

Commissioner Cherry: Aye

Commissioner Morrow: Aye
Commissioner Bechtle: Absent
Commission Jordan: Absent
Commissioner Brinegar: Aye

Chair Emerson called for the vote; 4, Ayes, 0; Noes, 0; Abstain

Motion carried: 4– 0 – 0 With Vice-Chair Santa Maria and Commissioners Bechtle and Jordan being absent.

NEW BUSINESS:

PUBLIC COMMENT:

Chair Emerson opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the printed Agenda. Seeing no one, she closed the public comment period.

PUBLIC HEARING:

1. **HATTON**, The proposed Zone Change RZ23-004, in advance of a Lot Line Adjustment, is to rezone a 1.37± acre parcel (APN 076-080-001) from RE-2:MX (Residential Estate Two Acre Minimum:Mobilehome Exclusion Combining) to RE-10:MX (Residential Estate Ten Acre Minimum:Mobilehome Exclusion Combining) and to rezone 2 portions of a 266.64± acre parcel (APN 071-320-025) as follows:

APN/Location/Acreage	GP/Zoning Before	GP/Zoning After
Central Portion (APN:071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: unchanged Zoning: RE-10
North Portion (APN:071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: unchanged Zoning: O

The proposed zone change is in advance of a proposed Lot Line Adjustment between APNs 076-080-001 and 071-320-025, whereby the north property boundary line would be extended at a northeasterly angle making it a 12.95± acre parcel and giving 1.37± acres to APN 071-320-025 by way of Lot Line Adjustment on the western boundary of APN 076-080-001.

The project site is located 1,200± feet southwest of a forked road intersection, in which Llanura Drive becomes Solambo Mine Road in the Lake Don Pedro subdivision. Within a portion of Sections 30 & 31, Township 2 South, and Range 15 East. Within Supervisorial District 4. Assessor's Parcel Numbers 076-080-001 & 071-320-025.

Mr. Ruby informed the Commission that the project applicant asked for the item to be pulled from tonight's hearing. He reported that the item would come before the Commission on a later date.

2. **TUOLUMNE PARKS AND RECREATION DISTRICT**, Ordinance for Zone Change RZ23-003, to rezone 8 parcels to Public.

APN	Address/Location	Before Zone Change	After Zone Change	General Plan
009-133-032	18636 Main St	C- K:D:MX	P:D:MX	P
009-133-	321± ft Northwest of the	R-2:D:MX	P:D:MX	P

036	intersection of Main St and Willow Ave			
009-133-024	18310 Willow Ave	R-2:D:MX	P:D:MX	P
009-133-009	18332 Willow Ave	R-2:D:MX	P:D:MX	P
009-133-022	18625 Main St	C-K:D:MX	P:D:MX	P
009-142-016	18603 Pine St	C-1:D:MX	P:D:MX	P
009-142-001	18650 Carter St	C-1:D:MX	P:D:MX	P
062-630-026	466± ft Northwest of the intersection of Main St and Willow Ave	C-1:D:MX & P	P:D:MX	P

The project site is located within the unincorporated town of Tuolumne City, Tuolumne. Within a portion of Section 8, Township 1 North, and Range 16 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3.

Clark Sintek, Planner I, gave a PowerPoint presentation on the proposed project location and description.

Chair Emerson opened the public comment period and asked if there was anyone who wished to speak on the proposed project.

Mark Ferreira, Board Chair of the Tuolumne Parks and Recreation District, spoke on the proposed project.

Chair Emerson asked if there was anyone else who wished to speak on the proposed project. Seeing no one, she closed the public comment period and referred the item back to the Commission.

It was moved by Commissioner Morrow and seconded by Commissioner Cherry to recommend approval of Rezone RZ 23-003 based on Findings A through D.

Chair Emerson: Aye
Vice-Chair Santa Maria: Absent
Commissioner Cherry: Aye
Commissioner Morrow: Aye
Commissioner Bechtle: Absent
Commission Jordan: Absent
Commissioner Brinegar: Aye

Chair Emerson called for the vote. 4; Ayes, 0; Noes, 0; Abstain

Motion carried: 4 – 0 – 0 With Vice-Chair Santa Maria and Commissioners Jordan and Bechtle being absent.

ADJOURNMENT:

Chair Emerson adjourned the meeting.

Respectfully,

Quincy Yaley, AICP
Community Development Department Director

QY:tv