COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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TUOLUMNE COUNTY PLANNING COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET
September 20, 2023
6:00 p.m.*

* **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 September 6, 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:

1. LESLIE,

1. Approval of the Mitigated Negative Declaration for Zone Change RZ18-011 and Conditional Use Permit CuP18-013.

2. Ordinance for Zone Change RZ18-011 to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-! (General Commercial) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

3. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres.

The project site consists of two parcels totaling 6.2± acres located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Within Sections 9 and 10 of

Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 097-140-007 and 097-140-009. Within Supervisorial District Number 4.

2. **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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LESLIE

SURFACE/MINERAL RIGHTS OWNER: Preston and Colleen Leslie

APPLICANT: Preston Leslie

DATE: September 7, 2023

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Approval of the Mitigated Negative Declaration for Zone Change RZ18-011 and Conditional Use Permit CUP18-013.

2. Ordinance for Zone Change RZ18-011 to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

3. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres.

LOCATION: The project site consists of two parcels totaling 6.2± acres located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Within Sections 9 and 10 of Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 097-140-007 and 097-140-009. Within Supervisorial District Number 4.

GENERAL PLAN: The project site is designated General Commercial (GC) by the Tuolumne County General Plan land use diagrams. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the GC designation is consistent with the C-1 zoning district.

ENVIRONMENTAL EVALUATION

In accordance with the California Environmental Quality Act (CEQA), the Environmental Coordinator for the County has conducted an Initial Study to determine whether the proposed project may have a significant effect on the environment. Based on the analysis in the Initial Study, the Environmental Coordinator has determined that although the project, as originally proposed, had a potential to have a significant effect on the environment, the project has been modified by incorporating measures to mitigate the potential impacts into the conditions of approval; therefore, a Mitigated Negative Declaration has been prepared. Pursuant to Section 21091 of the Public Resources Code, the Mitigated Negative Declaration was made available for public review. The public review period was 30 days in length and closed on May 12, 2034. A total of six responses were received during the public review period. Of these, one response was from a public agency and five were responses from non-public agencies and members of the public. The comments are addressed in the Response to Comments in the Final IS/MND. No substantial changes to the Initial Study were required due to the comment letters and recirculation was not required.

RECOMMENDATION

1. Community Development Department Staff recommends approval of the Mitigated Negative Declaration prepared for this project based upon the following findings:

A. The proposed project will not result in significant adverse impacts to the environment.

B. The Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA.

C. The Mitigated Negative Declaration reflects the independent judgment of the County of Tuolumne.

D. Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval for Zone Change RZ18-011 and Conditional Use Permit CUP18-013, in order to avoid significant effects on the environment.

E. The conditions of approval of Conditional Use Permit are roughly proportional to the respective potential environmental impacts associated with the proposed project.

F. Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Mitigated Negative Declaration has been made are as follows:

Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California.

Environmental Coordinator/Community Development Department Director, Tuolumne County Community Development Department, 48 Yaney Ave., Sonora, California.

2. Community Development Department Staff recommends approval of Zone Change RZ18-011 based upon the following findings, as indicated in Chapter 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 potential environmental effects of the proposed project were analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared in accordance with CEQA, and it has been determined that the proposed project will have no significant effect on the environment with the implementation of mitigation measures identified in the IS/MND.

3. Community Development Department Staff recommends approval of Conditional Use Permit CUP18-013 based upon the following findings as indicated in Section 17.68.050 of the TCOC, subject to the attached conditions 1 through 38, and contingent upon the approval of Zone Change RZ18-011 by the Tuolumne County Board of Supervisors:

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

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

C. The proposed use will not overburden existing municipal facilities.

D. The size and terrain of the project site are suitable for the proposed use.

E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

F. The potential environmental effects of the proposed project were analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared in accordance with CEQA, and it has been determined that the proposed project will have no significant effect on the environment with the implementation of mitigation measures identified in the IS/MND.

GENERAL INFORMATION

Site Description

1. The project site consists of two parcels located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Assessor's Parcel Number (APN) 097-140-007 is a 5.4± acre parcel zoned RE-5 and contains the GC (General Commercial) General Plan land use designation. APN 097-140-009 is a 0.9± acre parcel zoned C-1 and contains the GC General Plan land use designation. APN 097-140-007 was developed in the 1960's with a residence, barn, and storage building. Two additional residences were recently demolished under Demolition Permit D18-002. The majority of the storage of equipment, vehicles, and materials occurs within APN 097-140-007. APN 097-140-009 is currently vacant. One access driveway serves this parcel, encroaching onto Wards Ferry Road. A second driveway closer to the intersection of Wards Ferry Road and Tuolumne Road has recently been blocked off. Curtis Creek fronts the site on its northern and western sides. The creek is vegetated with blackberries and other riparian trees and plants.

2. There has been grading under Grading Permit G2021-00028 to create two large, mostly level pads on the site, with one lower pad adjacent to and above the creek bed, and the second, man-made earthen pad covering the southern half of the lands, with an earthen fill slope between the Wards Ferry Road right-of-way and the pad. Access roads have been graded on site to link the two main pads and to link the southern pad to Wards Ferry Road, for the driveway access. Grading Permit G2021-00028 was submitted and issued by the Department of Public Works to correct the grading violations and to allow for grading of the site. All grading under Grading Permit G2021-00028 has been completed on site.

Project Description

3. APN 097-140-007 is currently zoned RE-5. This parcel is being used for outdoor storage of construction equipment, vehicles, construction materials, and log decks, all appurtenant to a business owned and operated by the Leslie family. There is also periodic milling of logs on the site. The uses being conducted on site are not a permitted or conditional use within the RE-5 zoning. A Code Compliance case was opened in September 2017 to address the zoning concerns.

4. An application for Zone Change RZ18-011 and Conditional Use Permit CUP18-013 was submitted on September 27, 2018. The application was submitted to correct a code violation on the project site for commercial activities being conducted on a parcel zoned RE-5. The existing zoning of RE-5 is not compatible with the existing General Plan land use designation of GC, therefore approval of Zone Change RZ18-011 will bring the parcel into compliance with the existing General Plan land use designation of General Commercial and would correct the zoning violations on site.

5. Conditional Use Permit CUP18-013 would allow for outdoor vehicle storage, construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. This includes large commercial trucks, construction equipment, construction materials, and log decks. However, the milling or processing of timber or logs for commercial use is not a permitted or conditional use on land zoned C-1, per Title 17 of the Tuolumne County Ordinance Code. Outdoor storage is a conditional use within the C-1 zoning.

6. Approval of Conditional Use Permit CUP18-013 is contingent upon the approval of Zone Change RZ18-011 by the Tuolumne County Board of Supervisors as the site must be zoned C-1 to allow for the outdoor storage proposed under Conditional Use Permit CUP18-013. Open Space zoning must also be established on site by the approval of the Zone Change. The Tuolumne County Planning Commission is the approving body for the Conditional Use Permit and the Tuolumne County Board of Supervisors is the approving body for the Zone Change application. However, Conditional Use Permit CUP18-013 would not be issued or filed until the Zone Change is approved.

General Plan

7. The project site is designated General Commercial (GC) by the Tuolumne County General Plan land use diagrams. APN 097-140-009 is currently zoned C-1. Zone Change RZ18-011 proposes to rezone APN 097-140-007 to C-1. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the C-1 zoning district is compatible with the GC General Plan land use designation.

8. The GC General Plan land use designation provides for a variety of sales and service establishments which serve both the residents of Tuolumne County and its visitors. This designation is found within urban areas and along highway corridors to provide large scale retail and office operations in buildings not exceeding 50 feet in height. Accessory outdoor storage and display areas are permitted under this designation. The proposed outdoor storage would be compatible with the GC General Plan land use designation upon approval of Conditional Use Permit CUP18-013.

9. The following Goals, Policies, and Implementation Programs of the 2018 Tuolumne County General Plan apply to the project.

   Policy 1.A.3: *Address the impacts associated with new development on cultural resources and protect such resources.*

   A cultural resource study was prepared by Wondjina Research Institute which analyzed potential impacts on cultural resources associated with the proposed project.

   Goal 1.A: *Protect and enhance the quality of life for all residents of Tuolumne County while facilitating growth and development to meet the present and future needs of the County's residents, visitors, and businesses.*

Policy1.A.5: *Promote infill and clustered patterns of development that facilitate the efficient and timely provision of urban infrastructure and services.*

Goal 1.G: *Promote the development of industrial uses to meet the present and future needs of Tuolumne County's residents and to provide jobs and promote economic vitality.*

Policy 1.G.3: *Encourage industrial businesses which utilize the output of lumber and natural resource processors and other industries that can provide a broad economic base for Tuolumne County.*

Policy 6.D.6: *Identify areas within the County which will be appealing to, and capable of accommodating, the amount of industrial and other employment-generating development required to meet the County's needs over the planning horizon of this General Plan.*

The proposed project is located within an area surrounded by commercial and industrial uses. The proposed project would include outdoor vehicle storage, construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. The proposed project would support Goals 1.A and 1.G and Policies 1.A.5, 1.G.3, and 6.D.6 of the Tuolumne County General Plan.

Tuolumne County Ordinance Code

10. 097-140-009 is currently zoned C-1. Zone Change RZ18-011 proposes to rezone APN 097-140-007 to C-1 under Title 17 of the Tuolumne County Ordinance Code. The purpose of the C-1 zoning district is to provide for a variety of sales establishments which serve both residents and the traveling public. The minimum parcel size within the C-1 district is 2,500 square feet. APN 097-140-007 is 5.39± acres in size, which is consistent with the minimum parcel size requirements.

11. Pursuant to Section 17.34-030 of the TCOC, Conditional uses within the C-1 zoning district include "outdoor storage" and "open storage of equipment and materials. Therefore, the applicant has applied for Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles, and materials.

12. To ensure that the use of the site would be consistent with the allowable uses and purpose of the C-1 zoning, the following Mitigation Measure has been incorporated. This would be enforced as on-going conditions of the site.

    LU-1: No log milling or processing shall occur on site and no wood product shall be sold.

    Additional conditions have been included within the conditions of approval for Conditional Use Permit CUP18-013 to ensure the site complies with the C-1 zoning and regulations contained in Chapter 17.34 of the TCOC. Condition 38 states the following:

    Allowable uses on site are limited to those identified in Section 17.34.020 of the Tuolumne County Ordinance Code. Any other uses shall be approved pursuant to Chapter 17.68 of the TCOC. The following uses are specifically prohibited from the site without obtaining additional approvals from Tuolumne County:
    - Milling or processing of logs
    - Sandblasting of vehicles
    - Outdoor commercial equipment or vehicle repair
    - Storage of materials within the floodplain or Open Space zoning
    - Outdoor sales not incidental to the primary use of the property

Traffic and Access

13. Access to the project site is provided via Wards Ferry Road within existing driveway encroachments. Encroachment Permit PWE2018-00033 was issued on September 28, 2018 and finalled on December 28, 2022 by the Department of Public Works to move the access to the site further from the intersection of Wards Ferry Road and Tuolumne Road. Wards Ferry Road is a County-maintained, publicly dedicated road.

14. As determined by the Tuolumne County Board of Supervisors, the project proponent is required to pay an appropriate Traffic Impact Mitigation Fee (TIMF) to mitigate the projects' impact on the County's circulation system, pursuant to Chapter 3.54 of the TCOC. The current TIMF for outdoor storage is $6,026 per acre. Therefore, the required TIMF utilizing the current fee schedule is as follows:

    $6,026 X 2.82 acres of storage area = $16,993

    Conditional Use Permit CUP18-013 has been conditioned to require payment of the applicable TIMF. The TIMF will be calculated and due within 45 days of the approval of Zone Change RZ18-011 by the Tuolumne County Board of Supervisors as the project does not trigger the need for a building permit or additional entitlement.

15. The Tuolumne County Board of Supervisors adopted Resolution 74-20 on August 4, 2020, establishing thresholds for Vehicle Miles Traveled (VMT) analysis. The Tuolumne County VMT Screening Tool was utilized to model the project's estimated VMT. The VMT threshold in this area is 34.7 VMT per employee for the East Sonora subarea. The site is located in an area where VMT per Capita is below the County Average, or 2-14% below County average. Because the project is in an area that is below the County average, it is classified as a "Low VMT" area on the TCTC VMT maps, and the project's impacts on VMT are less than significant.

Utilities

16. Water is currently provided via an on-site private well and sewer services are provided via a private on-site sewage disposal system. Connection to public water and public sewer would not be required for the current project. The purpose of the C-1 zoning in Chapter 17.34 of the Tuolumne County Ordinance Code indicates that development within the C-1 district requires public water. As the project entails the rezoning consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials, the project proponent is not required to connect to public water for the proposed project. Any future commercial development or buildings on the site would require connection to public water. The Fire Prevention Division was consulted, and they indicated that because the logs are stored outside, no fire flow or connection to public water is required. Because the project entails rezoning consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials increase in water usage would be minimal. There would not be a constant requirement for additional water usage. Water usage would be associated with occasional dust suppressant once operational.

17. The project site is served via a private, on-site sewage disposal system. The proposed project consists of a Zone Change consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials. These activities would not impact the wastewater system on site. Additionally, Chapter 3 "Utilities" of the Tuolumne County General Plan and Chapter 13.08 of the TCOC indicate that public sewer is considered available if it is located 300 feet or less from the proposed building as

measured over an existing public right of way of public utility easement. The project is not proposing any buildings. The Tuolumne Utilities District (TUD) indicated in their response that the nearest sewer main is located more than 300 feet to the project site. Therefore, pursuant to the Tuolumne County General Plan and Chapter 13.08 of the TCOC, the project is not required to connect to public sewer.

18. The project site is connected to Pacific Gas and Electric (PG&E) for electrical services. It is not expected that the proposed project would overburden the electrical services. The project site is within the area served by Cal Sierra Disposal Inc for trash collection service. Any future trash collection service would be continued to be provided by Cal. Conditions have been incorporated to ensure that the project would comply with regulations pertaining to trash collection service. Please see the "Utilities" section of the IS/MND for additional information regarding water, sewer, electrical gas, and other utilities.

Cultural Resources

19. A cultural resource study was prepared by Wondjina Research Institute and submitted to the County in August 2021. Between October 2020 and December 2020 Wondjina Research Institute staff conducted literature and documentary research of the project site. A pedestrian survey of the site was conducted on December 11, 2020. During the December 2020 pedestrian survey conducted by Wondjina Research Institute, three pre-historic bedrock grinding features were identified in the northern portion of the project site. Each of the features were photographed and documented. In January 2021, staff at Wondjina Research Institute, property owners, and members of the Me-Wuk Tribe met on site to discuss the features and best methods to preserve them. The study indicated that an agreement was reached between the Tuolumne Band of Me-Wuk Tribe and property owners to remove feature 3 and to cover features 1 and 2 in place. The study recommends no further disturbance of this area. With this agreement in place, there would be no impact to the identified resources.

20. AB 52 consultation letters were mailed to AB 52 consultation letters were sent to the Tuolumne Band of Me-Wuk and Chicken Ranch Rancheria Tribes on July 19, 2022. Neither tribe provided comments nor requested consultation. Mitigation measures were incorporated to project any resources that would potentially be unearthed. There would be a less than significant impact to Cultural Resources and Tribal Cultural Resources. For more information and analysis, please see the "Cultural Resources" and "Tribal Cultural Resources" Sections of the IS/MND.

Biological Resources

21. The elevation on the project site is approximately 2,220 feet above mean sea level. Vegetation on the site includes riparian vegetation along the southern portion of the site consisting of valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), interior live oak (*Quercus wislizeni*), willow (Salix sp.), and Himalayan blackberry (*Rubus discolor*). The riparian area surrounding Curtis Creek encompasses the northern portion of the project site. There is a riparian area along the western boundary of the project site as well. The Tuolumne County Wildlife maps and the California Department of Forestry and Fire Protection (CalFire) Fire and Resource Assessment Program (FRAP) maps indicate that the project site contains the valley oak woodland (VOW), valley foothill riparian (VRI), blue oak pine (bop) and residential park (rsp) habitat types. Pursuant to the Tuolumne County Wildlife Handbook (TCWH) the VOW and VRI habitat types are considered second priority habitats, which are habitats which are essential for maintaining diverse and abundant wildlife in the County. The bop habitat is considered a third priority habitat, which are common habitats that are of considerable value to wildlife. The rsp habitat is considered a

fourth priority habitat, which are common habitats that are of relatively low value to wildlife.

22. Mitigation Measures have been incorporated to reduce impacts related to wildlife and habitat to a less than significant impact. OpenSpace zoning is required along the northern and western boundary of the site to protect riparian habitat, as shown in attachment 3 below in this report. A silt fence is required to be placed along the Open Space zoning located within portions of the site that log storage is being conducted within 100 feet of Open Space zoning. Please see the "Biological Resources" Section of the IS/MND for additional information and analysis.

Public Outreach

23. The initial Stakeholder Notification for the project was circulated on October 9, 2018. Property owners within 500 feet were notified. One response was received, which had concerns regarding the project. The letter indicated concern with the intersection of Wards Ferry Road and Tuolumne Road relative to the site's driveway encroachment. A new encroachment application was submitted to construct driveway access approximately 480± feet southwest of the intersection of Wards Ferry Road and Tuolumne Road. This new encroachment was reviewed, issued, and finalled by the Department of Public Works under permit number PWE018-00033.

24. The IS/MND was circulated for public review starting on April 12, 2023. The public review period was 30 days in length and closed on May 12, 2034. A total of six responses were received during the public review period. Of these, one response was from a public agency and five were responses from non-public agencies and members of the public. The comments are addressed in the Response to Comments in the Final IS/MND attached to this report.

Advisory Agency Responses

25. The proposed project has been reviewed by several State and County agencies. The responses from advisory agencies are addressed in this report below and the project Conditions of Approval. The Tuolumne County Fire Prevention Division, California Department of Transportation (Caltrans), Twain Harte Community Services District, Central Sierra Environmental Resource Center (CSERC), Tuolumne County Building and Safety Division, Tuolumne County Air Pollution Control District, and Engineering Division of the Tuolumne County Public Works Department provided comments.

Fire Prevention Division
The Tuolumne County Fire Prevention Division reviewed the proposed project and provided conditions relative to the log storage on site.

California Department of Transportation (Caltrans)
Caltrans reviewed the proposed project during the public review period of the IS/MND. Their comments are addressed in the Response to Comments document.

Tuolumne Utilities District (TUD)
TUD responded to the proposed project and indicated the locations of water and sewer mains. TUD also provided information regarding their requirements for service and connection. As indicated in the Utilities section above in this report, connection to public water and sewer is not required for the proposed project.

Zone Change Findings

26. 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 Tuolumne County General Plan is discussed and demonstrated in #7, #8, and #9 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 and demonstrated in #10, #11, #12 and #14 above in this report.

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

    The project site conditions are discussed in #1 and #2 above in this report. The existing and proposed uses are consistent uses within the C-1 zoning district. Please see #3, #4, #5, #10, #11 and #12 above in this report for additional information and analysis on how the project site, existing uses, and proposed uses are compatible with the C-1 zoning district.

    D. The potential environmental effects of the proposed project were analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared in accordance with CEQA, and it has been determined that the proposed project will have no significant effect on the environment with the implementation of mitigation measures identified in the IS/MND.

    Please see the response under "Environmental Evaluation" above in this report.

27. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a conditional use permit. Below are the required findings, and staff's responses to each requirement:

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

    Consistency with the Tuolumne County General Plan is discussed and demonstrated in #7, #8, and #9 above in this report.

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

    Consistency with the Tuolumne County Ordinance Code is discussed and demonstrated in #10, #11, #12 and #14 above in this report.

    C. The proposed use will not overburden existing municipal facilities.

    Please see the "Utilities" section above in this report (#16, #17 and #18) for evidence and analysis of how the project would not overburden existing municipal facilities.

    D. The size and terrain of the project site are suitable for the proposed use.

The project site conditions are discussed in #1 and #2 above in this report. The existing and proposed uses are consistent uses within the proposed C-1 zoning district. Please see #3, #4, #5, #10, #11, and #12 above in this report for additional information and analysis.

E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

As demonstrated throughout the IS/MND, the proposed use will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood as all impacts would be a less than significant level.

F. The potential environmental effects of the proposed project were analyzed in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared in accordance with CEQA, and it has been determined that the proposed project will have no significant effect on the environment with the implementation of mitigation measures identified in the IS/MND.

Please see the response under “Environmental Evaluation” above in this report.

PREPARED BY: Natalie Rizzi, Senior Planner

CONDITIONS OF APPROVAL
LESLIE
CONDITIONAL USE PERMIT CUP18-013

General Conditions:

1. LU — As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, developer/permitee/applicant/property owner/subdivider, and the successor in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the above described person, and his/her/its agents, employees, or contractors, during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the above described person and his/her/its agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, without notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 17.68.150)

2. ED — Secure a Grading Permit from the Engineering Division of the Department of Public Works (DPW) for any future grading on site. (TCOC, Section 12.20.050)

3. LU — The northern and western 50 feet of the project site as shown in Figure 3 of the Initial Study and as shown below shall be rezoned to Open Space. The rezone shall be approved by the Tuolumne County Board of Supervisors in conjunction with Zone Change RZ18-011. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

Conditions to be met within 60 days of approval of Zone Change RZ18-011:

4. LU — A Landscaping Plan, developed by a qualified professional, shall be submitted and approved by the Land Use and Natural Resources Division. The landscaping plan shall be consistent with the East Sonora Community Plan in Volume III of the 2018 Tuolumne County General Plan and the East

Sonora Design Guidelines. The landscaping shall be located adjacent to Wards Ferry Road and shall be planted with an equal combination of drought-tolerant shrubs and trees at a five gallon minimum and shall not block sight lines of motorists using/entering/existing onto Wards Ferry Road or Tuolumne Road. The landscaping layout shall not hamper County of Tuolumne Public Works road maintenance operations, such as roadside ditch maintenance, or potentially encumber the road right-of-way with overhanging foliage in the traveled lanes of the existing roadways. Appropriate erosion control countermeasures shall be reflected in the design and construction of the landscaping.

Vegetation along Tuolumne Road and Curtis Creek on the project site shall remain in its current form and be maintained for visual screening-if any vegetation is removed, it shall be replaced in kind. This vegetation in this area shall also be identified on the Landscaping Plan with a note that it is to remain and be maintained. Any planting within the Open Space zoning shall be reviewed by the Land Use and Natural Resources Division prior to installation. The Landscaping Plan shall be submitted to the Land Use and Natural Resources Division for review within 60 days of project approval. Within 60 days of approval of the Landscaping Plan, the vegetation shall be installed on the project site according to the approved plan. The applicant shall also be responsible for continued maintenance of the landscaping, including irrigation if necessary, and any dead or dying vegetation planted as a result of the plan shall be replaced in-kind. (CEQA, Section 15041, [Initial Study, “Biological Resources”])

5. LU Within 60 days of project approval, a silt fence consistent with the design criteria of the East Sonora Design Guidelines shall be constructed along the riparian area of Curtis Creek to prohibit woody material from entering the riparian area. The fence shall be located along the portion of areas of the site utilized for log storage within 100 feet of the Open Space zoning. The Fence shall be located outside of the Open Space zoning as required by Mitigation Measure BIO-2. The fence shall be present and maintained year-round and shall not be removed. (CEQA, Section 15041, [Initial Study, “Biological Resources”])

Conditions to be met prior to the issuance of a Grading Permit:

6. ED A Grading Plan shall be submitted to the Engineering Division of the DPW for review and approval. (TCOC, Section 12.20.140)

7. ED The project proponent shall submit an erosion control plan to the Engineering Division of the DPW for any grading or construction to take place. (TCOC, Title 12)

8. ED A Drainage Plan shall be submitted to the Engineering Division of the DPW for review and approval to address the following:

   a. The entire project site including the parking lot drainage.
   b. On on-site retention/detention basin shall be required. This feature may be proposed as subsurface under the parking lot. The existing retention/detention basin, which is located off site, will suffice for the requirement on an on-site retention/detention basin if it is proven that

the off-site basin can sufficiently handle the additional runoff from this site.
(TCOC, Titles 11 and 12)

9. ED — Provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site. (TCOC, Title 12)

10. ED — An Encroachment Permit shall be obtained from the Engineering Division of DPW for any work that may be proposed within a County right-of-way. (TCOC, Chapter 12.04)

11. ED — Submit to the State Water Resources Control Board, Storm Water Permitting unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit (California's National Pollutant Discharge Elimination System (NPDES) general permit for construction related storm water discharges) for the disturbance or one acre or more. Disturbances of less than one acre may also require a Notice of Intent for coverage under the NPDES general permit for construction related storm water discharge and the State Water Resources Control Board, Water Permitting Unit shall be contacted for determination if a permit is required. Commercial and industrial developments may require an NOI even if less than an acre is disturbed and should submit to the SWRBC to obtain an NOI or an exemption from these requirements. (Federal Water Pollution Control Act, State Water Resources Control Board)

Conditions to be met during any construction on site:

12. BD — Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction shall be prohibited on Sunday and County holidays. (CEQA, Section 15041, [Initial Study, “Noise”])

13. BD/ED — The contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)

14. ED — All soils disturbed by grading shall be reseeded or hydromulched or otherwise stabilized as soon as possible and before October 15 of the construction year, and emergency erosion control measures shall be utilized as requested by County officials. (TCOC, Title 12)

15. ED — Exposed serpentine gravel is prohibited on the project site. (17 California Code of Regulations, Section 93106)

16. LU — For construction activities expected to occur during the nesting season of raptors (February 1 to August 31) and migratory birds, a pre-construction survey by a qualified biologist shall be conducted to determine if active nests are present on or within 500 feet of the project site where feasible. Areas

that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted by a qualified biologist no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds will nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming.

If active nests are found on or within 500 feet of the project site, the applicant shall notify CDFW and explain any additional measures that a qualified biologist plans to implement to prevent or minimize disturbance to the nest while it is still active. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the 500-foot buffer without impacting the breeding effort. Appropriate measures may include restricting construction activities within 500 feet of active raptor nests and having a qualified biologist with stop work authority monitor the nest for evidence that the behavior of the parents have changed during construction. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Appropriate measures would be implemented until the young have fledged or until a qualified biologist determines that the nest is no longer active. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

On-going Conditions. The owner of the property at the time of construction or use shall be responsible for compliance with the following conditions:

17. LU — The project site and operations shall adhere to the plans approved by Tuolumne County under Conditional Use Permit CUP18-013. Any significant deviation shall require review and approval of supplemental plans submitted by the property owner. A new Conditional Use Permit or revision to Conditional Use Permit CUP18-013 may be required. (TCOC, Section 17.68.150)

18. LU — No log milling or processing shall occur on site and no wood product shall be sold. This condition will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. (CEQA, Section 15041, [Initial Study, “Land Use and Planning”])

19. LU — Trucks, vehicles, and equipment associated with the project shall only be in operation and moved between the hours of 7:00 am to 7:00 pm. (Tuolumne County General Plan, Chapter 5 “Noise”)

20. LU — The property owner shall be responsible for maintaining the landscaping in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. (TCOC, Section 15.28.190)

21. LU The applicable Traffic Impact Mitigation Fee (TIMF) shall be paid to Tuolumne County within 45 days of the approval of Zone Change RZ18-011 by the Tuolumne County Board of Supervisors. The TIMF due is $16,993. (TCOC, Chapter 3.54)

22. LU Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction shall be prohibited on Sunday and County holidays. This condition will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. (CEQA, Section 15041, [Initial Study, "Noise"])

23. LU Vehicles shall not idle on site for periods longer than 10 minutes. (TCOC, Section 17.68.150)

24. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line of applicable zoning districts:

Zoning Classification of Receiving Property	**Noise Level (dB) of Sound Source**	
	Daytime (7 a.m. to 10 p.m.)	**Nighttime (10 p.m. to 7 a.m.)**
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 L_{eq}. (1 hour)[1]	45 L_{eq}. (1 hour)[1]

[1] L_{eq}. 1 hour refers to the average noise level measured over a one hour period.

This condition will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. (CEQA, Section 15041, [Initial Study, "Noise"])

25. LU In the unlikely event that buried cultural deposits (e.g., prehistoric stone tools, milling stones, historic glass bottles, foundations, cellars, privy pits) are encountered during project implementation, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist (36 Code of Federal Regulations [CFR] 61) shall be notified immediately and retained to assess the significance of the find. Construction activities could continue in other areas. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery. (CEQA, Section 15041, [Initial Study, “Cultural Resources”])

26. LU In accordance with the California Health and Safety Code (CHSC), Section 7050.5, and the Public Resources Code (PRC) 5097.98, regarding the discovery of human remains, if any such finds are encountered during project construction, all work within the vicinity of the find shall cease immediately, a 100-foot-wide buffer surrounding the discovery shall be established, and the County shall be immediately notified. The County Coroner shall be contacted immediately to examine and evaluate the find. If the coroner determines that the remains are not recent and are of Native American descent, the County Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. (CEQA, Section 15041, [Initial Study, "Cultural Resources"])

27. LU The project applicant should implement construction best management practices (BMPs) when operating in the northern and western portions of the project site adjacent to the riparian mixed hardwood habitat and Curtis Creek. BMPs will include those required by the project Stormwater Pollution Prevention Plan and the Tuolumne County Biological Resources Review Guide, and may include the following:

- Install fiber rolls, a sandbag barrier, or a straw bale barrier between the active construction site and the riparian mixed hardwood habitat/Curtis Creek to intercept runoff and remove sediment from runoff.
- Maintain all diesel- and gasoline-powered equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Prior to the start of project activities, inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed to prevent inadvertent discharge into Curtis Creek.
- Equipment storage, working areas, and spoils should be limited to project staging areas.
- Equipment should not be serviced within areas within 100 feet of riparian mixed hardwood habitat and Curtis Creek, or in any locations that would allow grease, oil, or fuel to pass into Curtis Creek.
- Disturbed soils and all other disturbed areas should be stabilized as soon as possible and before the rainy season begins (but no later than October 15th of the construction year) in accordance with the County and Caltrans landscape guidelines and specifications.
- Prior to working in or near any stream, equipment should be thoroughly cleaned to prevent introduction of invasive aquatic species. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

28. LU If lighting is proposed for the site, a lighting plan shall be submitted and approved by the Land Use and Natural Resources Division prior to the placement of permanent exterior lighting on the site associated with the storage of commercial equipment, vehicles, and/or materials. Any exterior lighting shall incorporate the following features: direction of light downward to the area to be illuminated, installation of shields to direct light and reduce

glare, utilization of low rise light standards or fixtures attached to any buildings, and utilization of low- or high-pressure sodium lamps instead of halogen type lights. (CEQA, Section 15041, [Initial Study, "Aesthetics"])

29. FPD — The outside storage yard shall comply with all requirements of the 2016 California Fire Code Section 2808 for Log Storage, processing of wood chips, hogged material, fines, compost and raw product associated with yard waste and recycling facilities. (CFC 2808)

30. FPD — Stored log decks shall not exceed 500 feet in length, 300 feet in width and 20 feet in height. All log decks shall be separated from adjacent log decks by not less than 100 feet.

31. APCD — Obtain any applicable permits from the Tuolumne County Air Pollution Control District. (TCOC, Section 17.68.150)

32. AG — The property owner shall maintain and implement an effective program for the monitoring and control of noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 5401 and 5402)

33. EH — A permit shall be obtained from the Environmental Health Division of the CDD, Certified Unified Program Agency, for handling, use, storage, or generation of hazardous materials and/or hazardous waste on the site. (TCOC, Chapter 13.24; CHSD, Division 20, Chapters 65 and 6.95; CCR, Title 19 and Title 22)

34. EH — Greenwaste composting operations or facilities that sell or give away greater than 1,000 cubic yards of material per year, shall allow the Environmental Health Division of the Community Development Department to inspect the facility once every 3 months. No greater than 12,500 cubic yards of feedstock, compost or chipped materials shall be on-site at any one time unless the facility obtains a permit from CalRecycle. (Title 14, CCR, Division 7, Chapter 3.1, Article 2, Section 17857.1)

35. SW — If a business located on the project site generates more than four (4) cubic yards of solid waste per week, then recycling is required. Recycling can include subscribing to recycling service provided by the franchise hauler for the collection area, self-hauling recyclables to a recycling center or donating recyclables to a charitable cause. (CCR, Section 18837)

36. SW — Persons hauling solid waste from their own residence or solid waste generated in the course of their own business (including building contractors) shall deliver such solid waste only to facilities authorized by the Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. (TCOC, Section 7.12.050)

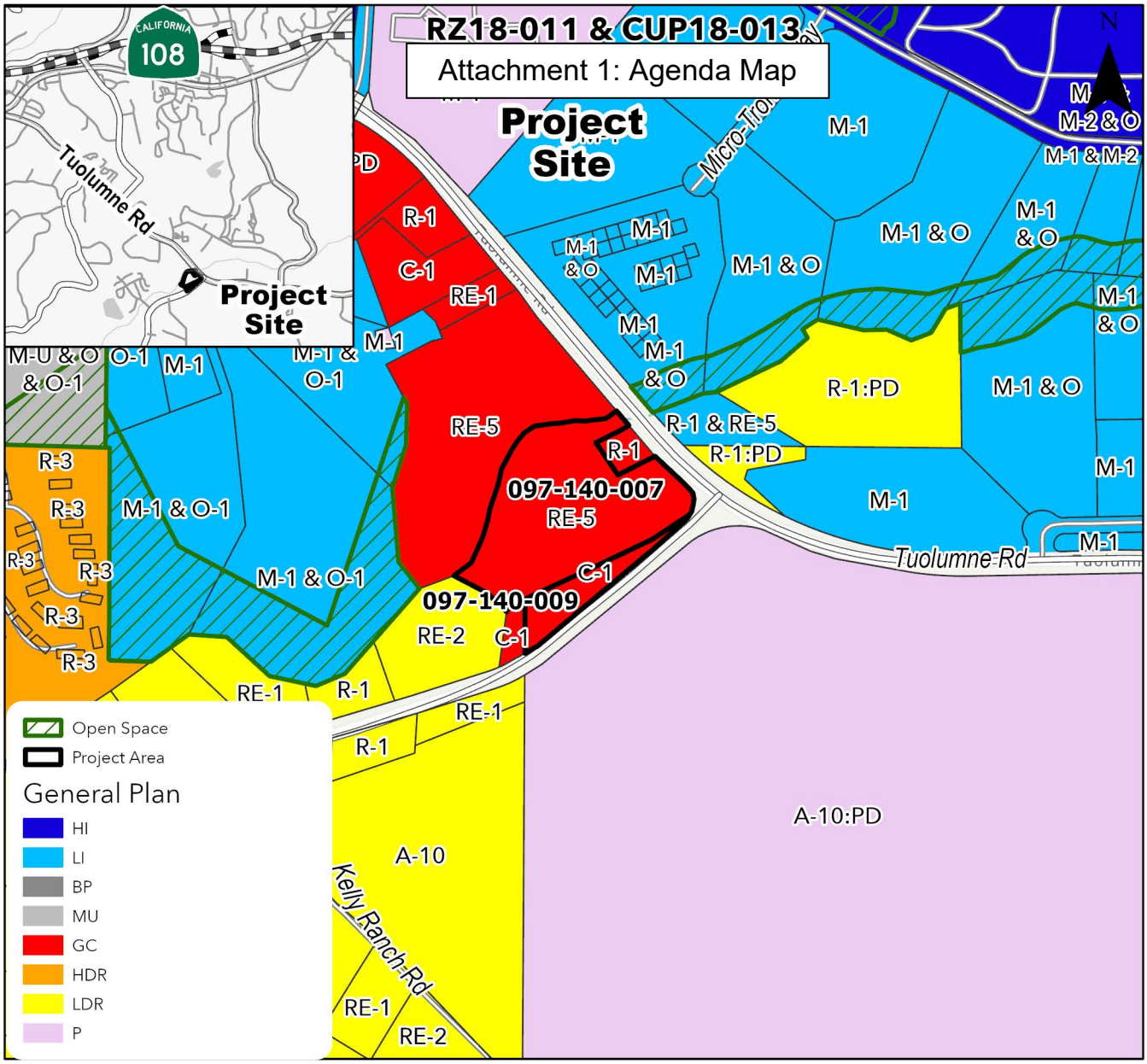
37. LU — Prior to initiation of activities and land uses identified under Section 17.34.030 of the Tuolumne County Ordinance Code, a Conditional Use Permit shall be secured from Tuolumne County. (TCOC, Chapter 17.34)

38. LU Allowable uses on site are limited to those identified in Section 17.34.020 of the Tuolumne County Ordinance Code. Any other uses shall be approved pursuant to Chapter 17.68 of the TCOC. The following uses are specifically prohibited from the site without obtaining additional approvals from Tuolumne County:

- Milling or processing of logs
- Sandblasting of vehicles
- Outdoor commercial equipment or vehicle repair
- Storage of materials within the floodplain or Open Space zoning
- Outdoor sales not incidental to the primary use of the property. (TCOC, Chapter 17.34 and Section 17.68.150)

MONITORING PROVISION: A Notice of Action shall be recorded for Conditions 1 through 38 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (PRC, Section 21081.6; TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT: Natalie Rizzi, Senior Planner

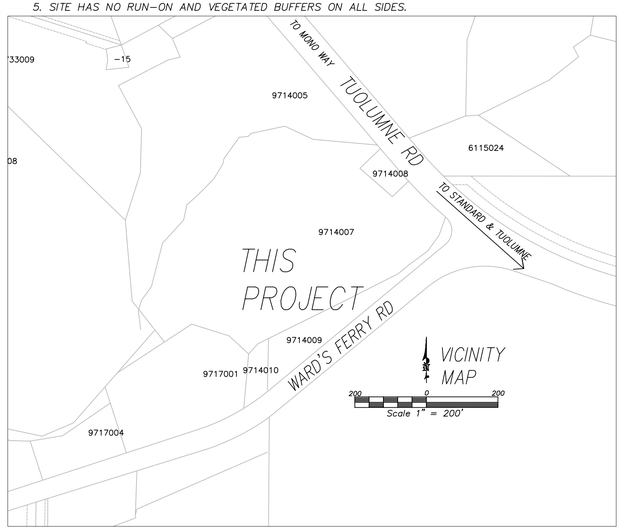


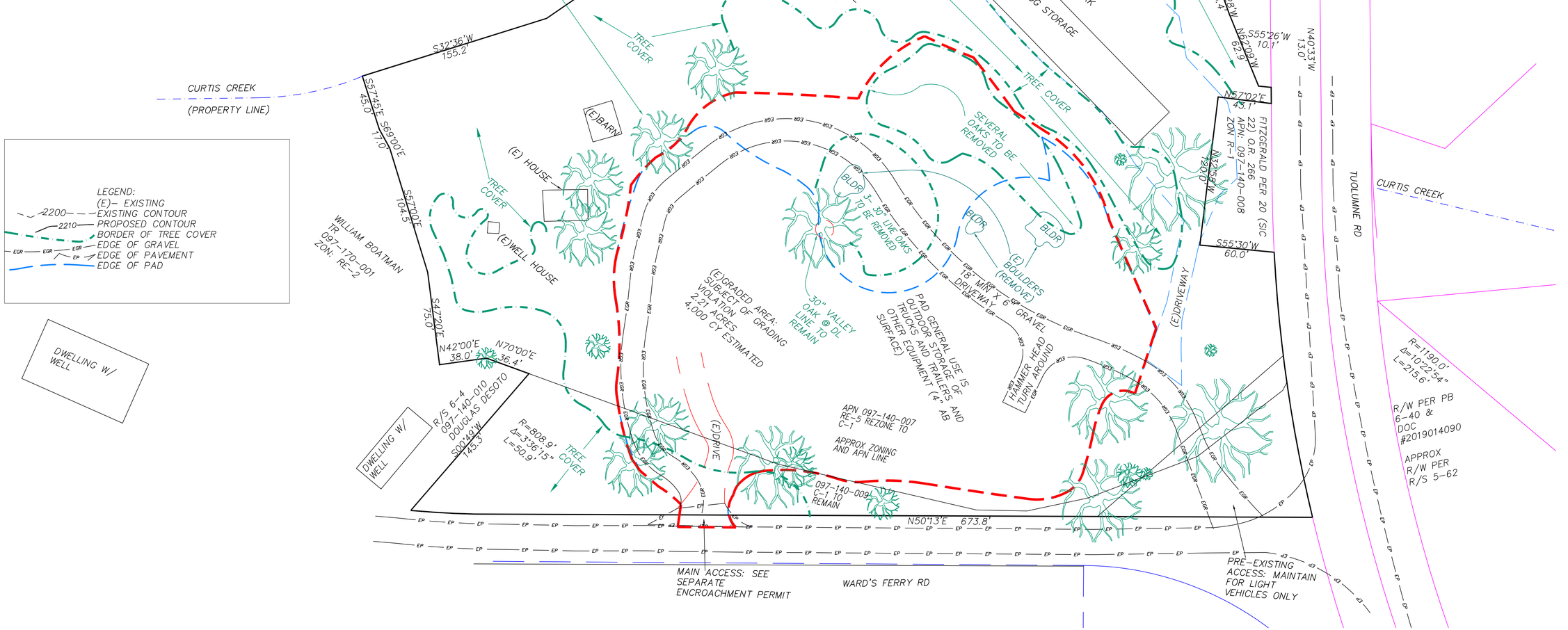
Project: RZ18-011 & CUP18-013
Owner: Preston and Colleen Leslie
Applicant: Preston and Coleen Leslie
APN: 097-140-007 & 097-140-009
Acres: 6.3± acres
Current Zoning: RE-5 & C-1
Current General Plan Designation: GC
Project Description: Ordinance for Zone Change RZ18-011 to change the zoning of a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial), under Title 17 of the Tuolumne County Ordinance Code. 2. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles and materials on the site.

0 250 500 1000 Feet

Attachment 2: Site Plan

NOTES:
1. SUBJECT PROPERTY: LAND OF DOC# 2019014090, 7.50 ACRES
2. APN 097-140-007, 009
3. THIS APPLICATION ALLOWS FOR MORE THAN 3 ACRES OR 40% UNDEVELOPED INCLUDING OAK GROVES AND RIPARIAN AREA AROUND CREEK, WHICH INCLUDES STANDS OF ASH, ALDER, WILLOW.
4. PROPOSED GRADED AREA: 2.82 ACRES ADDITIONAL 6,200 CY PROPOSED 10,200 CY TOTAL CUT AND FILL BALANCED.
5. SITE HAS NO RUN-ON AND VEGETATED BUFFERS ON ALL SIDES.





LEGEND:
(E)- EXISTING
2200 EXISTING CONTOUR
2210 PROPOSED CONTOUR
BORDER OF TREE COVER
EGR EDGE OF GRAVEL
EP EDGE OF PAVEMENT
EDGE OF PAD

DHR

REGISTERED PROFESSIONAL ENGINEER
DAVID H RAGLAND
No. 51780
CIVIL
STATE OF CALIFORNIA

1/2

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840-1664 COLLEEN
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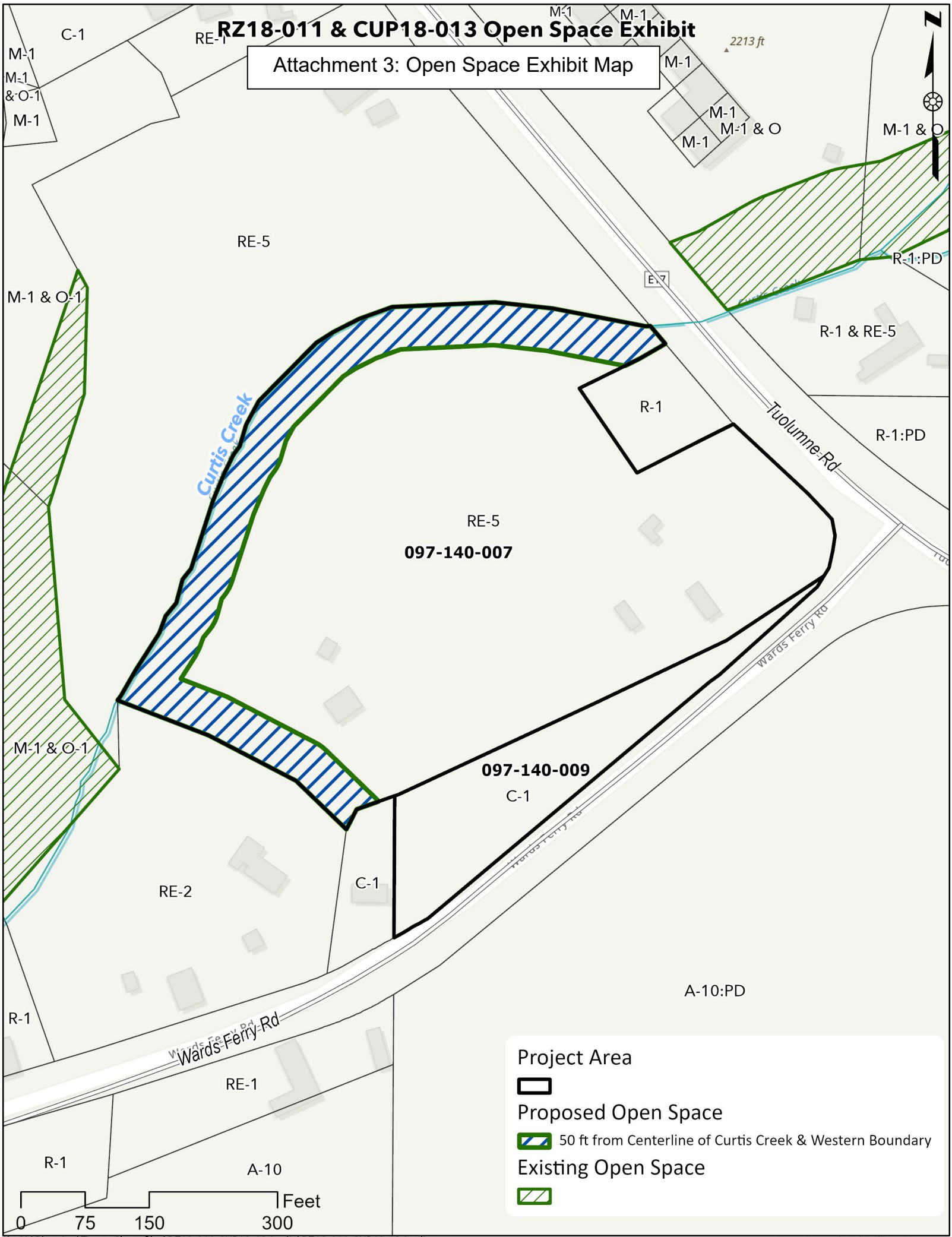
GRADING PLAN
1. SITE LAYOUT
RZ18-011, CUP18-013
LAND OF DOC# 2019014090
APN 097-140-007, 009

REVISIONS

NO.	DATE	DESCRIPTION

1"=40'

Date: 08/22/2021



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Date Saved: 1/26/2023 7:57 AM

Errata to the Leslie Zone Change RZ18-011 and Conditional Use Permit CUP18-013 Initial Study/Mitigated Negative Declaration

Page of IS/MND and location	Changes (RED is added text, ~~strike-through~~ is deleted text.)
Page 3, Paragraph 5	Curtis Creek fronts the site on its northern side, with an incised bank. The creek is densely vegetated with blackberries and other riparian trees and plants. The riparian area and creek extend along the western boundary of the site, which feeds into Curtis Creek. There has been grading under Grading Permit G2021-00028 to create two large, mostly level pads on the site, with one lower pad adjacent to and above the creek bed, and the second, man-made earthen pad covering the southern half of the lands, with an earthen fill slope between the Wards Ferry Road right-of-way and the pad. Access roads have been graded on site to link the two main pads and to link the southern pad to Wards Ferry Road, for the driveway access.
Page 11, Paragraph	~~Construction activities may take place on the project site in the future for development of the processing facility. Temporary construction activities would be consistent in visual character with small-scale building and landscaping projects. The East Sonora Design Guidelines do not have any guidelines to be incorporated into the construction phase as the guidelines focus on the design of the buildings and architectural features.~~ The project does not include construction of any buildings. The East Sonora Design Guidelines do not have any guidelines to be incorporated into the construction phase as the guidelines focus on the design of buildings and architectural features. Any new construction in the future related to the storage would be subject to a Conditional Use Permit revision and a Site Development Permit, in accordance with Chapter 17.68 of the TCOC. Temporary construction activities would be consistent in visual character with small-scale building and landscaping projects.
Page 23, Paragraph 1	The elevation on the project site is approximately 2,220 feet above mean sea level. Vegetation on the site includes riparian vegetation along the northern ~~southern~~ portion of the site consisting of valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), interior live oak (*Quercus wislizeni*), willow (Salix sp.), and Himalayan blackberry (*Rubus discolor*). The riparian area surrounding Curtis Creek encompasses the northern and western portions of the project site. The Tuolumne County Wildlife maps and the California Department of Forestry and Fire Protection (CalFire) Fire and Resource Assessment Program (FRAP) maps indicate that the project site contains the valley oak woodland (VOW), valley foothill riparian (VRI), blue oak pine (bop) and residential park (rsp) habitat types.

Page 24, Paragraph 2	The five special-status species with potential to occur on the project site would be limited to Curtis Creek and its tributary (i.e., San Joaquin roach), Curtis Creek and its streambanks (i.e., western pond turtle), or the riparian mixed hardwood habitat adjacent to Curtis Creek and its tributary (i.e., ringtail, pallid bat, western mastiff bat). The riparian mixed hardwood habitat may also provide roosting habitat for common bat species.
Page 24, Paragraph 3	The Tuolumne County Geotechnical Interpretive System (GIS) Maps indicate that the special status plant species Tuolumne fawn lily (*Erythronium tuolumnense*) has been known to occur within the vicinity of the project site. The habitat for the Tuolumne fawn lily would be limited to the streambanks immediately adjacent to Curtis Creek and its tributary. No other species listed on the CNDDB have been known to occur within the project site.
Page 28, Paragraph 3	The two special-status species with potential to occur on the project site, Stanislaus monkeyflower (*Erythranthe marmorata)* and Tuolumne fawn lily (*Erythronium tuolumnense*), would be limited to the streambanks immediately adjacent to Curtis Creek and its tributary. This area of the site would not be impacted by the proposed project. Additionally, Mitigation Measures BIO-2, BIO-3 and BIO-4 would ensure less than significant impacts to Curtis Creek and surrounding riparian habitat.
Page 28, Paragraph	The five special-status species with potential to occur on the project site would be limited to Curtis Creek and its tributary (i.e., San Joaquin roach), Curtis Creek and its streambanks (i.e., western pond turtle), or the riparian mixed hardwood habitat adjacent to Curtis Creek and its tributary (i.e., ringtail, pallid bat, western mastiff bat). The riparian mixed hardwood habitat may also provide roosting habitat for common bat species. No project activities (i.e., vegetation removal, staging, ground disturbance) are proposed to occur within the riparian mixed hardwood habitat adjacent to Curtis Creek or within the creek itself. Additionally, Mitigation Measure BIO-2 requires the northern and western 50 feet of the project site to be rezoned to Open Space to ensure protection of Curtis Creek and surrounding riparian habitat. Thus, direct and indirect impacts on these species, if present, are not expected to occur.
	Curtis Creek is located in the northern and western portion of the project site. Materials from the log decks could, through unintentional activities related to the operation of the project, enter the riparian area. Therefore, in order to ensure that materials associated with the storage do not enter the riparian area and Curtis Creek, fencing shall be installed along the riparian boundary on the project site to prohibit drift of materials. Mitigation Measure BIO-3 requires Best Management Practices (BMPs) to be implemented when working within the northern and western portions of the site adjacent to Curtis Creek.

Page 29-30, Paragraph 6	**BIO-3**: The project applicant should implement construction best management practices (BMPs) when operating in the northern and western portions of the project site adjacent to the riparian mixed hardwood habitat and Curtis Creek. BMPs will include those required by the project Stormwater Pollution Prevention Plan and the Tuolumne County Biological Resources Review Guide, and may include the following: • Install fiber rolls, a sandbag barrier, or a straw bale barrier between the active construction site and the riparian mixed hardwood habitat/Curtis Creek to intercept runoff and remove sediment from runoff. • Maintain all diesel- and gasoline-powered equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Prior to the start of project activities, inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed to prevent inadvertent discharge into Curtis Creek. • Equipment storage, working areas, and spoils should be limited to project staging areas. • Equipment should not be serviced within areas within 100 feet of riparian mixed hardwood habitat and Curtis Creek, or in any locations that would allow grease, oil, or fuel to pass into Curtis Creek. • Disturbed soils and all other disturbed areas should be stabilized as soon as possible and before the rainy season begins (but no later than October 15th of the construction year) in accordance with the County and Caltrans landscape guidelines and specifications. • Prior to working in or near any stream, equipment should be thoroughly cleaned to prevent introduction of invasive aquatic species.
Page 30, Paragraph 7	**BIO-4**: Within 60 days of project approval, a silt fence consistent with the design criteria of the East Sonora Design Guidelines shall be constructed along the riparian area of Curtis Creek to prohibit woody material from entering the riparian area. The fence shall be located along the portion of areas of the site utilized for log storage within 100 feet of the Open Space zoning. The Fence shall be located outside of the Open Space zoning as required by Mitigation Measure BIO-2. The fence shall be present and maintained year-round and shall not be removed.

Page 57, Paragraph 1	The project site is bordered by Curtis Creek to the north, which is located within the Stanislaus River watershed. A tributary is located along the sites western border, which flows into Curtis Creek. This drainage eventually flows into the Tuolumne River and Lake Don Pedro Reservoir. The project site is served via a private well and private on-site sewage disposal system.
Page 63, Paragraph 6	**LU-1:** No ~~commercial~~ log milling or processing shall occur on site and no wood product shall be ~~commercially~~ sold. ~~Any processing of the logs shall be for personal use only.~~
Page 63, Paragraph 7	~~**LU-2:** Use of equipment to mill or grind the logs or wood product shall be limited to three days per month and shall occur within the hours of 7:00 am to 5:00 pm.~~
Page 64, Paragraph 2	**LU-1:** No ~~commercial~~ log milling or processing shall occur on site and no wood product shall be ~~commercially~~ sold. ~~Any processing of the logs shall be for personal use only.~~
Page 64, Paragraph 3	~~**LU-2:** Use of equipment to mill or grind the logs or wood product shall be limited to three days per month and shall occur within the hours of 7:00 am to 5:00 pm.~~
Page 64, Paragraph 4	**Mitigation Monitoring:** Mitigation Measure~~s~~ LU-1 ~~and LU-2~~ will be on-going. ~~These~~This condition~~s~~ will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

Page 91, Row 3	**BIO-3**: The project applicant should implement construction best management practices (BMPs) when operating in the northern and western portions of the project site adjacent to the riparian mixed hardwood habitat and Curtis Creek. BMPs will include those required by the project Stormwater Pollution Prevention Plan and the Tuolumne County Biological Resources Review Guide, and may include the following: • Install fiber rolls, a sandbag barrier, or a straw bale barrier between the active construction site and the riparian mixed hardwood habitat/Curtis Creek to intercept runoff and remove sediment from runoff. • Maintain all diesel- and gasoline-powered equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Prior to the start of project activities, inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed to prevent inadvertent discharge into Curtis Creek. • Equipment storage, working areas, and spoils should be limited to project staging areas. • Equipment should not be serviced within areas within 100 feet of riparian mixed hardwood habitat and Curtis Creek, or in any locations that would allow grease, oil, or fuel to pass into Curtis Creek. • Disturbed soils and all other disturbed areas should be stabilized as soon as possible and before the rainy season begins (but no later than October 15th of the construction year) in accordance with the County and Caltrans landscape guidelines and specifications. Prior to working in or near any stream, equipment should be thoroughly cleaned to prevent introduction of invasive aquatic species.
Page 93, Row 3	**LU-1:** No ~~commercial~~ log milling or processing shall occur on site and no wood product shall be ~~commercially~~ sold. ~~Any processing of the logs shall be for personal use only.~~
Page 93, Row 4	~~**LU-2:** Use of equipment to mill or grind the logs or wood product shall be limited to three days per month and shall occur within the hours of 7:00 am to 5:00 pm.~~

Comment Letter A.

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95205
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov

May 5, 2023

Natalie Rizzi
Senior Planner
Tuolumne County Community
Development Department
48 Yaney Avenue
Sonora, CA 95370

TUO-108-PM 4.321 Initial Study Zone Change RZ18-011 and CUP18-013 – Leslie SCH 2023040285

Dear Ms. Rizzi,

A-1 The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Initial Study for Zone Change (RZ18-011) project to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial) under Title 17 of the Tuolumne County Ordinance Code, and Conditional Use Permit (CUP18-013) to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres.

The project site is located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road, in the city of Sonora on Assessor's Parcel Number 097-140-007 and 097-140-009.

Caltrans has the following comments:

A-2 Caltrans suggests that the County of Tuolumne continue to coordinate with Caltrans in identifying and addressing potential pedestrian safety and cumulative transportation impacts from this project and other developments near this location. This will assist Caltrans in ensuring that pedestrian, traffic safety, and quality standards are maintained for the traveling public on existing and future state transportation facilities in Tuolumne County.

Environmental

A-3 It looks like the project will not occur within Caltrans Right of Way (ROW); therefore, there are no concerns for impacts to resources in Caltrans ROW. If the scope of work changes or it is confirmed there will be construction related activities in Caltrans ROW, the project proponent must apply for an Encroachment Permit to the Caltrans Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic

highways, and/or other environmental resources within Caltrans ROW, at the project site(s). Evidence of consultation with local Native American tribes and interested parties will need to be presented within the technical documents for approval of encroachment in the Caltrans ROW. If there are impacts to protected water resources within Caltrans ROW, Caltrans will need to see the correspondence with the permitting authorities: California Department of Fish and Wildlife (CDFW), US Army Corps of Engineers (USACE), and Regional Water Quality Control Boards (RWQCB). There are mature trees within and/or near Caltrans ROW that could provide suitable nesting habitat. If work will occur between February 1 and September 30 of any year, a pre-construction bird survey must be conducted by a qualified biologist prior to the start of any construction related activities in Caltrans ROW. If an active nest is observed, a protective buffer must be established around the nest per CDFW guidelines. No work is allowed within the protective buffer limits until the young have fledged and until authorized by the Caltrans District 10 Environmental Office.

A3

Traffic Operations

When the parcel begins to develop, please send the plans to District 10 Caltrans for review.

A-4

Encroachment Permits

If any project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. For more information, please visit the Caltrans Website at: https://dot.ca.gov/programs/traffic-operations/ep/applications.

A-5

If you have any questions or concerns, please contact Shiferaw Jemberie (209) 986-9635 (email: Shiferaw.jemberie@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).

A-6.

Sincerely,

Gregoria Ponce'

Gregoria Ponce', Chief
Office of Rural Planning

c: David Ruby, Planning Manager, Tuolumne County Planning Department

Comment Letter B

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

May 12, 2023

Quincy Yaley and Natalie Rizzi
County Community Development Dept.
2 S. Green Street
Sonora, CA 95370

CSERC COMMENTS FOR THE LESLIE PROJECT

B-1 The Project Proponents seek (1) a zone change from RE-5 to C-1 and (2) a Conditional Use Permit (CUP18-013) to allow outdoor storage of heavy equipment, construction vehicles, construction materials, and log decks on the site ("Proposed Project"). The stored items relate to a business operated at a different location by the Project Proponents. The site consists of two parcels totaling approximately 6.2 acres ("Site"). Curtis Creek flows along the Site's border for approximately 1,000 feet on the north and west sides.

B-2 **Our Center strongly opposes the requested zone change and the requested Conditional Use Permit as now proposed for approval. Due to the Project Proponents' long-standing track record of non-compliance with County codes and ordinances, the Project Proponents' applications for a zone change and CUP18-013 should be denied and the Proposed Project denied unless important measures are added.**

B-3 **A further reason that the requests should be denied and the Proposed Project denied is that the correct zoning classification is Industrial or Heavy Commercial - not General Commercial. General Commercial designation is wholly inappropriate for this type of project. Alternatively, if the re-zoning request is approved, at a minimum, additional environmental analysis should be required before considering whether to grant the CUP18-013 request and approve the Proposed Project.**

A. BASIS FOR DENIAL OF REQUEST AND DISAPPROVAL OF PROPOSED PROJECT:

1. SITE HISTORY AND LACK OF COMPLIANCE:

B-4

The Site has a long and well-documented history of violations with the County Community Development Department. This history centers on the Project Proponents developing and using the Site for industrial purposes over the course of many years in direct violation of the County's zoning requirements. Dating back to at least 2017, numerous code violations have been issued, multiple deadlines have expired unfulfilled, and the County's requests for further information have gone unanswered. **The fact that the pending application was originally submitted in 2018 and was submitted in response to a code violation demonstrates the lengthy history of planning violations at the Site. The Project Proponents' actions and inactions amount to a pattern and practice of willful disregard of the County's codes. To now approve the Proposed Project as presented without additional key mitigation measures would ignore all of the Site's prior violations and make a mockery out of the County's codes and ordinances.**

B-5

As early as July 2019, at least seven Site violations were found including grading without a permit, operation of a business not consistent with the property's zoning, having employees on-site without proper sanitation facilities, the use of hazardous substances on Site, and the operation of a driveway interfering with the intersection of Tuolumne Road, a main county route. (Community Resource Agency's ("CRA") July 9, 2019 Letter to Project Proponents.) The letter went on to state "Until such time as the Zone Change and Conditional Use Permit is approved, all storage of equipment and materials must cease on your property." (Emphasis in original) The letter then set the deadlines that the Project Proponents were required to meet to be in compliance. The Project Proponents were required to remove all equipment and materials from the site by August 15, 2019 until a Conditional Use Permit was obtained allowing their presence, and a due date of September 27, 2019 was set for submitting the required information and studies to continue processing the requests for a Zone Change and CUP18-013. (Id. page 3.) Then, on September 12, 2019, the CRA was forced to issue another letter due to the Project Proponents' inactions and failure to meet the deadlines. That letter similarly stated: **"No more outdoor storage of equipment or the operation of a business will be allowed on your property until a Conditional Use Permit is obtained." (Emphasis in original.) Nevertheless, to this day, nearly 4 years later, heavy equipment, construction vehicles, construction materials and log decks are still stored outdoors at the Site. The Project Proponents' blatant disregard for the County's Codes is reason alone to deny the Proposed Project as now presented.**

2. ZONING ISSUES:

B-6

The proper zoning for the Proposed Project is either Heavy Commercial or Industrial - not C-1. **The purpose of C-1 zoning "is to provide for a variety of sales establishments which serve both the resident and traveling public."** (Ordinance Code 17.34.010.) **The Proposed Project does not include any sales to residents or the traveling public.** Permitted uses under C-1 zoning include enclosed storage of

B-6

equipment and materials. (Ordinance Code 17.34.020(T).) Open storage of equipment and materials may be allowed subject to the applicant **first** securing a conditional use permit. (Ordinance Code 17.34.030(I).) While Project Proponents may have applied for a CUP in 2018, no CUP has been secured for the Site - **despite more than 5 years of non-compliance.** Somewhat ironically, the application for the CUP in 2018 "was submitted to correct a code violation on the [Site]. (Initial Study, page 4.)

B-7

The Summary of Land Use designations issued with the General Plan Update states that the General Commercial designation " . . . provides for a variety of sales and service establishments which serve both the residents of Tuolumne County and its visitors. This designation is found within urban areas and along highway corridors to provide **large scale retail and office operations** . . . Establishments in this category have a larger market area and greater volume of customers than those under the NC designation . . . General Uses - Typical establishments permitted under this designation include shopping centers, hotels, motels, restaurants, bars, department stores, gift shops and professional offices." **There is simply nothing "commercial" about the storing of heavy equipment, vehicles or log decks.**

B-8

The Initial Study incorrectly labels the Site's activities of logging and hauling of materials and equipment as "Commercial." (Initial Study, page 4.) The Site's activities are more appropriately categorized as Industrial when applying the County's Ordinance Code's definitions. "'Industry' means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof resulting in a change of form, character or appearance. **Industry, also includes the storage, sales, repair, refinishing, or warehousing of such materials or commodities."** (**Code 17.04.450 emphasis added.**) The activities of logging and hauling of materials and equipment squarely fall within the definition of "industry."

B-9

Interestingly, even as far back as 2018, it was viewed that the Proposed Project constituted, at least, Heavy Commercial zoning. For example, the September 6, 2018 letter sent from the CRA Director to the Project Proponents stated "the applicant may want to consider re-zoning the site to Heavy Commercial . . ."

B-10

Moreover, the July 27, 2020, letter from county planner Natalie Rizzi to the Project Proponents states " . . . County staff have identified active log decks and the processing of logs on the project site, neither of which are not [*sic*] permitted within the proposed C-1 zoning district. These uses would require a heavy commercial or industrial zoning district that would allow these types of use, which are considered 'General manufacturing, processing and refining.' (Emphasis added.)

B-11

The Initial Study states ". . . the milling or processing of timber or logs for commercial use is not a permitted or conditional use on land zoned C-1. . ." (Initial Study, page 4.) The Initial Study, however, later seemingly tips the Project Proponents' hat that they have additional intended uses of the Site: **"Construction activities may take place on the project site in the future for development of the processing facility." (Initial Study, page 11. Emphasis added.)**

B-12

The Initial Study's conclusion (that the zoning request should be approved to bring the Site into compliance with the General Plan) is misplaced, illogical and disingenuous. **Project Proponents should not have been using the Site for the past five years for any purpose other than RE-5 and should not have been allowed to degrade the Site and the Curtis Creek stream corridor without proper mitigation measures *FIRST* being in place.**

B. THE INITIAL STUDY CONTAINS MATERIAL INACCURACIES AND INADEQUACIES.

1. **Faulty Initial Study/Proposed Mitigated Negative Declaration**

B-13

An Initial Study was finally prepared this year. The Initial Study evaluated the "potential environmental effects resulting from (1) the requested re-zone from RE-5 to General Commercial and (2) the requested CUP that would allow the specified uses of: outdoor storage of construction equipment, vehicles, construction materials, and log decks and the periodic milling of logs for non-commercial purposes. The Initial Study's conclusion that the project would not result in unmitigated significant environmental impacts is flawed, not only due to material inaccuracies in the description of the Site, but also due to faulty comparisons.

i. The Initial Study inaccurately describes the surrounding properties.

B-14

The Initial Study incorrectly describes the surrounding and adjacent properties to the Site. There is no existing industrial use on the southerly side of Tuolumne Road adjacent to the Site. It is residential. In addition, a residential subdivision has been proposed on the northern side of Tuolumne Road. To the southeast is land owned by Sonora High and zoned P. There are no adjacent parcels that are industrial type use. As such the potentially affected users are more than "passing motorists" - they are tax-paying residents.

B-15

Further, the Initial Study downplays the Site's connection to and adjacency to Curtis Creek. Curtis Creek borders the Site on the northern **and western sides** for approximately 1,000 feet - not just along the "northern side." (Initial Study, page 3.)

ii. The Initial Study Fails to Account for the Unpermitted Degradation Already Done to the Site.

B-16

The Initial Study incorrectly states that "[t]here has been grading under Grading Permit G2021-0028 to create two large, mostly level pads. . ." (Initial Study, page 3.) **The grading was not done pursuant to a grading permit.** The grading was completed without first obtaining a permit and without performing any needed mitigation measures. The grading permit was retroactively issued after all the negative impacts had occurred from the unauthorized grading. As the Initial Study correctly notes, the lower pad is located adjacent to Curtis Creek.

iii. The Initial Study's Conclusion is Fundamentally Flawed.

B-17

The Initial Study is fundamentally flawed, as it is bases its conclusions on the Site's current condition. The Site, despite being zoned RE-5, has been allowed to be used as an industrial construction/logging storage parcel for years. This unauthorized and unpermitted use has severely degraded the Site. Even more problematic is the substantial grading that was performed without first securing the "prerequisite"

B-17

permitting and implementation of the proper mitigation measures to minimize the negative environmental impacts to the Site. **This creates an unfair bias in favor of approving the Proposed Project without consideration of the effects of years of violations.** Instead, the Site should be evaluated based on the characteristics and values the Site should (and can again) have if it had been maintained and utilized in compliance with its RE-5 zoning. The Site, while currently quite degraded with vast areas of exposed, disturbed soil, can (and should be) restored to a condition in alignment with it being utilized as a 5-acre residential parcel.

B-18

iv. The Initial Study's Analysis of Mitigation Measures is Inadequate.

An Initial Study, among other requirements, must take account of the whole action involved, including off-site effects as well as on-site effects, cumulative effects as well as project-level effects, indirect effects as well as direct effects, and construction impacts as well as operational impacts. Taking the Initial Study's Factors in turn, CSERC offers the following comments and (where possible) our recommendations:

B-19

Aesthetics:

The Aesthetics analysis incorrectly describes the surrounding and adjacent properties to the Site. As stated above, the Site is not adjacent to any industrial activity. It is, however, bordered on at least two sides by residential properties. In addition, a residential subdivision has been proposed on the northern side of Tuolumne Road. As such the potentially affected users are more than just passing motorists. The aesthetics of the Site to the residents is of significant importance. They cannot simply move their homes and they are not briefly viewing the Site as they drive by the Site.

B-20

East Sonora Goals Policy ES-A.1 "Require[s] new development which borders existing residential neighborhoods to provide adequate and appropriate buffers, such as setbacks or vegetative screening, between itself and the neighborhood." As the Initial Study notes, the East Sonora Goals also encourage water conservation through the retention of existing, on-site vegetation, as well as the integration of native or drought tolerant species of plants.

B-21

The Site schematic, however, shows multiple, mature oak trees being removed - several being at least 30 inches. Removal of mature oaks certainly is not consistent with the East Sonora Goals of retaining on-site vegetation and providing a pleasing aesthetic.

B-22

Mitigation Measure AES-1 only requires a landscaping plan to screen views of the Site from Wards Ferry Road. The measure ignores the visual impacts of the Site to the adjacent residential property owners and Tuolumne Road motorists. Tuolumne Road is a main circulation corridor requiring heightened aesthetic protections per the East Sonora Goals Policy ES-C.2 (formerly 16.A.6). **The landscaping plan (and monitoring plan) must include adequate measures to mitigate the negative aesthetic impacts of the Site to all observers of the Site - including nearby residents and motorists on Tuolumne Road.**

B-23

Agricultural and Forestry Resources/Habitat Value:
It is unknown how many trees have already been removed from the Site. The schematic for the Proposed Project shows multiple, mature oak trees being removed - several at least 30 inches. Those are truly **old-growth oaks**. Removal or disturbance of these trees should not be permitted, especially due to so many previous violations by the Project Proponents. **A Mitigation Measure should be added to the Project to ensure the retention and protection of all still existing trees.**

B-24

Air Quality:
Project Proponents seek approval to utilize the Site for outdoor storage of construction equipment, vehicles, construction materials, and log decks on the site. The Site is bordered on two sides by residences. Appurtenant to the storage of equipment and vehicles is the maintenance and repair of said equipment and vehicles. This can mean the prolonged running of engines and the machines needed to complete the repairs. The heavy machinery and vehicles used in the logging and hauling business are typically diesel powered. Diesel exhaust is one of the most toxic types of exhausts. Diesel exhaust contains more than 40 known cancer-causing chemicals, and its particulate matter is known to cause cardiovascular and respiratory hospitalizations and premature death. The Initial Study incorrectly calculates and underestimates the number of residences that would be impacted by the air pollution and emissions created at the Site. The Initial Study also downplays the use of the nearby property owned by Sonora Union High School. The high school regularly uses the property for its cross-country meets. The potential negative health impacts to the neighboring residents and the high school students are not insignificant.

B-25

Further, as no paving is proposed, the bare soil exposed by the grading of the large pads creates the likelihood of wind-borne dust. The exposed soil will be worn down by the movement of heavy equipment and vehicles making the soil even more susceptible to wind erosion. The deposition of this wind-borne dust on the high school's adjacent agricultural activities and the neighboring residences must be mitigated. While the Initial Study states that the Grading Permit sets forth proper mitigation measures to address these risks, very little in the way of implemented mitigation measures is apparent at the Site.

B-26

Biological Resources:
"Vegetation on the site includes riparian vegetation along the southern portion of the site consisting of valley oak (Quercus lobata), blue oak (Quercus douglasii), interior live oak (Quercus wislizeni), willow (Salix sp.), and Himalayan blackberry (Rubus discolor). . . The Tuolumne County Wildlife maps and the California Department of Forestry and Fire Protection (CalFire) Fire and Resource Assessment Program (FRAP) maps indicate that the project site contains the valley oak woodland (VOW), valley foothill riparian (VRI), blue oak pine (bop) and residential park (rsp) habitat types." (Initial Study, page 23.)

B-27

Five special-status animal species potentially occur on the Site: San Joaquin roach, western pond turtle, ringtail, pallid bat and western mastiff bat. The Tuolumne fawn lily, a special-status plant, has been known to occur near the Site. (Initial Study, page 24.)

B-28

As noted above, Curtis Creek flows along approximately 1,000 feet of the Site's northern and western borders. **The County's General Plan noted the importance of Curtis Creek acknowledging that it is "considered to be [a] major contributor to the Don Pedro Reservoir" and is a "key component" of the County's "water supplies, agriculture, recreation, freshwater and wildlife habitats."** (Volume III of the 2018 Tuolumne County General Plan, ES-1.) The General Plan recognized the need to provide protection for Curtis Creek's future viability. **Protecting Curtis Creek and its adjacent riparian habitat is of utmost importance.**

B-29

The measures set forth in the Initial Study to mitigate the potential negative effects of the Proposed Project should have been in place years ago ***before*** the Project Proponents cleared vegetation, graded large sections of the Site, allowed debris to enter Curtis Creek, created additional driveways, and stored heavy machinery, large vehicles, equipment and log decks on the RE-5 zoned Site. The negative impacts to the biological resources of the area will never be fully known since the Project Proponents simply went about their business in direct violation of the County's codes.

B-30

As noted above, the Site schematic shows multiple, mature oak trees planned to be removed - several at least 30 inches. (Initial Study, page 6.) It is difficult to know how many trees were removed prior to the unpermitted grading that began as late as 2017. **No additional trees should be allowed to be removed.**

B-31

As to the Initial Study's Biological Resources Mitigation Measures, CSERC offers the following comments:

BIO-1 as written is moot.

BIO-2 does not provide an adequately sized area to protect Curtis Creek and its riparian habitat. **The riparian area along Curtis Creek to be re-zoned "O" should have a 100 foot width from the creek's centerline to allow an adequate buffer between the heavy equipment operations and the sensitive riparian habitat along Curtis Creek which may have present several different special-status animal and plant species.** The proposed 50 foot corridor is inadequate to protect the riparian habitat for what the County has deemed to be a "key component" of the County's watershed.

B-32

BIO-3 should be amended to require the mitigation measures listed be applied not only during "construction," but also during the entire time the Site is operating with commercial or industrial activities. Any project approval should require that staging areas and equipment service and storage areas should be allocated to locations on the Site furthest from the stream corridor. Disturbed soil and disturbed areas should be stabilized immediately - without any caveat as to when the rainy season begins.

B-33

BIO-4 should require the silt fence to be erected within 30 days of project approval. For all intents and purposes, the "Proposed Project" is already completed. For years now, soil and debris have been flowing unimpeded into Curtis Creek clogging and polluting this recognized "key component" of the County's watershed. Again, the silt fence should be erected within 30 days of project approval.

B-34

Geology and Soils:

The Initial Study incorrectly describes the Site as having "minor" grading and that the activities would not disturb more than one acre. (Initial Study, page 43.) Pursuant to the grading permit schematics submitted after the grading was actually performed, **there are more than 5 acres that are graded**. This is a major difference. The amount of grading cannot be considered minor by any measure. The Initial Study does acknowledge that discharge from the Site could potentially enter directly to Curtis Creek, requiring a SWPPP be prepared **before** construction and implemented throughout project construction to comply with National Pollutant Discharge Elimination System (NPDES) requirements. There is no doubt that the Proposed Project has caused debris and soil to be discharged into Curtis Creek. The nearby neighbors have well documented the discharges into Curtis Creek from the Site.

B-35

This section assumes the Project Proponents will proactively report any new proposed activity for the Site to the appropriate agency and obtain that entity's approval before undertaking the activity. Such reliance on the Project Proponents is misplaced based on years of non-compliance. The Proposed Project is already completed, but there is no evidence that the Project Proponents notified the SWRCB and obtained the "necessary" SWPPP even though they graded far more than one acre. **Project Proponents should be required to obtain and implement a SWPPP before the County approves any portion of the Proposed Project. This is the only way to ensure the mitigation of the ongoing negative environmental impacts resulting from the extensive grading of the Site.**

B-36

Hazards and Hazardous Materials:

The Initial Study completely ignores the Site's proximity to Curtis Creek and the adjacent residential neighbors. It also downplays the amounts and types of substances that may be stored at the Site by characterizing the wastes and materials as "common household products." The July 9, 2019 letter from the CRA to the Project Proponents had a different stance stating that a permit **must** be obtained from the Certified Unified Program Agency operated by the Environmental Health Division of the Community Resources Agency for the storage of diesel, motor oil or other fuels. (Id., page 2.) Mitigation measures should require that specific protections must be in place to reduce the risk of hazardous materials leaking into any area in proximity to Curtis Creek, contaminating the adjacent residences, or otherwise negatively impacting the environment.

B-37

Hydrology and Water Quality:

The Initial Study sets forth various third party approvals that the Project Proponents must obtain. Those approvals will have their own related compliance measures. However, it is unclear if the Project Proponents have actually (1) applied for the approvals, (2) obtained the approvals, or (3) implemented any of the related compliance measures - even though the Proposed Project is already completed. These approvals, in part, are: (a) submitting a NOI to the SWRCB and preparation of a SWPPP with BMPs, (b) complying with the Central Valley RWQCB requirements, and (c) having an erosion control plan approved by the Department of Public Works. (Initial Study, page 58-9.)

B-38

All of the third party approvals listed in the Initial Study should be required to be obtained as well as the related compliance measures to be in place on the Site before the County approves the Proposed Project - particularly given that the Proposed Project is already essentially completed.

B-39

Land Use and Planning:

This section again mischaracterizes the area surrounding the Site. As set forth above, the area surrounding the Site contains more residential parcels than the Initial Study describes. The Initial Study also incorrectly applies "commercial" aspects to the Proposed Project. There is nothing commercial about the outdoor storage of logging and hauling equipment and vehicles. There is nothing about the Proposed Project that would attract future commercial projects to the area. The Initial Study's mitigation measure LU-1 would be impossible to enforce. How can anyone tell where a log was milled? It is entirely plausible that the Project Proponents mill logs on the Site, move the milled logs to another location and then sell the milled logs commercially. There is absolutely no way to enforce this mitigation measure.

B-40

Public Services:

The Initial Study makes no provision for limiting the size of the log decks, their location, or how they are maintained. Storing log decks inherently increases the risk of fire. The County's fire protection services are already over-stretched. Further, the current location of the log decks is in close proximity to residences. Mitigation measures should be in place to limit the size of the log decks to ensure a safe location for their storage and to require proper maintenance by way of installation of an automatic sprinkler system.

CONCLUSION

B-41

CSERC urges that either all unauthorized activities on the Site be immediately halted (enforced by the County) and that only actions appropriate for RE-5 be permitted subsequently, **or**, if the County aims to bring this project into compliance with the appropriate Heavy Commercial or Industrial zoning then CSERC strongly urges that **each** of the following measures be required in addition to those identified in the Initial Study:

B-42

(A) The "O" zoning along Curtis Creek should be designated to include a strip 100 feet from the centerline of the creek,

(B) The silt fence should be erected within 30 days of project approval,

(C) All remaining oaks on the Site should be mandated to be retained and protected,

(D) The landscaping plan should also include aesthetic/screening protections for the adjacent property owners and the Tuolumne Road motorists,

(E) Storage, equipment service, and staging areas should be allocated to locations on the Site furthest from the stream corridor, and

B-42

(F) Proper fire safety provisions should be made to ensure the safety of the surrounding community due to the increased fire risk created by the log decks.

B-43

CSERC also urges that prior to any project approval by the County, all required third party approvals must first be acquired and implemented by the Project Proponents. The Initial Study assumes these third party mitigation measures in its analysis. As such, they should be a prerequisite for approval. If the Project Proponents do not meet the deadlines, the County should shut down the Site's operation until full compliance can be obtained.

Chelsea Lewandowski
Chelsea Lewandowski
Conservation Coordinator

Comment Letter C

15589 Wards Ferry Road Sonora, CA 95370

May 11, 2023

By U. S. Mail & Email
nrizzi@co.toulumne.ca.us

Community Development Department
Attention Natalie Rizzi
Tuolumne County
2 South Green Street
Sonora, CA 95370

Re: 18456 Wards Ferry Road, SW corner Tuolumne Road and Wards Ferry Road
Leslie Application for Zone Change and Conditional Use Permit

Dear Ms Rizzi:

C-1 This letter includes my comments on the draft Mitigated Negative Declaration (draft MND) which your Community Development Department (CDD) has circulated for public comment.

C-2 The draft MND is nearly four years beyond when such an environmental assessment should have been completed by your Department and before any grading permit should have been issued by the Public Works Department. It is my understanding that the CDD is responsible for environmental assessments before a grading permit is issued. From the documents received from your Department pursuant to my Public Records Request I could find no previous environmental assessment.

C-3 As the CDD is well aware, grading of the subject property began without a permit, the amount of grading far exceeded the amount of grading that may be allowed without a permit, and continued for over two years before a grading permit was finally issued on December 17, 2021 by which time much of the grading had been completed. By letter dated July 7, 2019 CDD wrote to Preston and Colleen Leslie about numerous code violations with deadlines to correct and comply with code requirements. One such condition was to remove all equipment and materials by August 15, 2019 which obviously has been ignored as the site continues to be used for truck, vehicle, and log storage.

C-4

C-5 The portion of the property graded resulted in the removal of a number of oak trees, removal of vegetation along Curtis Creek, and disturbance or destruction of cultural resources such as grinding stones before any environmental review was started by the CDD despite numerous complaints made to the CDD.by nearby residents and others.

COMMENTS ON THE INITIAL STUDY by reference to page or table.

Page 4. **USE OF PROPERTY**. The draft MND states:

> Conditional Use Permit CUP18-013 would allow for outdoor vehicle storage, construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. This includes large commercial trucks, construction equipment, construction materials, and log decks. However, the milling or processing of timber or logs for commercial use is not a permitted or conditional use on land zoned C-1, per Title 17 of the Tuolumne County Ordinance Code.

C-6.

It is unreasonable to assume that the owner will not continue to process the logs on site as the Leslies have been doing without limitation for several years including offering such milled lumber for sale on websites as ads have been observed by neighbors on Facebook during this year.

Page 10. **SURROUNDING AREA.** Description of the surrounding area is incorrect and incomplete. Reference is made to Green Waste as an industrial facility. That operation is closed and has been closed for over a year.There is a Sonora Recycling facility off of Eagle Ridge. There is no existing industrial use along the southerly side of Tuolumne Road except the subject property. No mention is made of the ranch property owned by Sonora High School District until page 48 even though it is easterly of and immediately across Wards Ferry Road from the subject property. Both immediately northerly and southerly the existing uses are residential. A residential subdivision has been proposed on the northerly side of Tuolumne Road. Along the southerly side of Tuolumne Road are an older residential property, a discount market and a bar with rental cabins around the bar. No other industrial type uses are in the immediate area unless one considers that TUD maintenance facility next to the TUD offices to be industrial.

C-7

Page 11. **Analysis, paragraph c Construction**. The draft MND states:"Construction activities may take place on the project site in the future for development of the processing facility."

C-8

What processing facility is referred to in this paragraph? A processing facility does not describe anything that might be considered commercial under the proposed rezoning.

Page 20. **AIR QUALITY.** The draft MND does not consider this storage and moving heavy equipment, much of which is diesel, to be a problem for this site.

C-9

The California Office of Environment Health Hazard Assessment in its May 21, 2001 report on the health effects of diesel exhaust states in part:

C-9

As we breathe, the toxic gases and small particles of diesel exhaust are drawn into the lungs. The microscopic particles in diesel exhaust are less than one-fifth the thickness of a human hair and are small enough to penetrate deep into the lungs, where they contribute to a range of health problems.

Diesel exhaust and many individual substances contained in it (including arsenic, benzene, formaldehyde and nickel) have the potential to contribute to mutations in cells that can lead to cancer. In fact, long-term exposure to diesel exhaust particles poses the highest cancer risk of any toxic air contaminant evaluated by OEHHA. ARB estimates that about 70 percent of the cancer risk that the average Californian faces from breathing toxic air pollutants stems from diesel exhaust particles.

C-10

Allowing heavy equipment use and storage , many of which may be diesel, should never be allowed next to a residential area. The subject property includes a residence which is proposed to continue as a residential use .

C-11

Page 25. **CALIFORNIA FISH AND GAME CODE 1602**

California Fish and Game Code. Under Section 1602, it is unlawful for any person, governmental agency, or public utility to do the following without first notifying CDFW: substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

C-12

Was the CDFW notified before removal of vegetation along Curtis Creek ? Extensive brush was removed along the portion of Curtis Creek next to the subject property. Given the periodic flooding of the lower portion of the property next to the stream, such removal could result in erosion. In addition the existing logging and milling operation has frequently led to debris flowing from the site, especially during this winter's storms. There also is a great risk that petroleum products may have leaked from equipment working and stored on the site.

C-13

Page 28. **BIOLOGICAL RESOURCES**

In the CDD's letter to the Leslies dated October 22, 2018 referenced is made to the stream known as Curtis Creek along the northwestern property boundary which is to be protected by a 75 foot buffer from the centerline of the stream using O zoning.

C-13.

At Table 7 Mitigation Measure Bio-2 provides:

> The northern and western 50 feet of the project site as shown in Figure 3 of the Initial Study shall be rezoned to Open Space. The rezone shall be approved by the Tuolumne County Board of Supervisors

C-14

Why does the draft MND now only require a setback of 50 feet rather than 75 feet? The lower portion of the subject property is a flood plain prone to seasonal flooding every few years and more, not less, should be protected. This year flooding carried significant debris including logs downstream which has to be cleared by the applicant from neighboring properties.

C-15

Page 62. **Analysis Land Use Planning**. The draft MND reads:

> **Policy 6.D.6**
> *Identify areas within the County which will be appealing to, and capable of accommodating, the amount of industrial and other employment-generating development required to meet the County's needs over the planning horizon of this General Plan.* The proposed project is located within an area surrounded by commercial and industrial uses. The proposed project would include outdoor vehicle storage, construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. The proposed project would support Goals 1.A and 1.G and Policies 1.A.5, 1.G.3, and 6.D.6 of the Tuolumne County General

C-16

As noted in my comments above describing the surrounding area , it is a gross misstatement to claim that the project is in an area surrounded by industrial uses. The nearest commercial use consists of a small discount market and bar. If commercial uses are to be encouraged for this area, having a prominent corner parcel as an equipment and vehicle storage area is hardly the way to entice commercial development to the area.

C-17

Page 63. **Table 4** reads:

> Prior to development of the project site, the following entitlements may be required:
>
> **Table 4: Future Entitlements**
> **Permit Agency**
> Grading Permit Engineering Division of the Department of Public Works
>
> Road Encroachment Permit Engineering Division of the Department of Public Works
>
> General Construction Activity Storm Water Permit `Regional Water Quality Control

C-17 Board

C-18 Other than a Grading Permit, has either a Road Encroachment Permit or Storm Water Permit been obtained for all the work and activity at the subject property?

C-19 **Wards Ferry Road**. No mention is made of the condition of and continuing deterioration of Wards Ferry Road. Bringing heavy equipment in and out of Wards Ferry Road to the site will cause further deterioration of already impaired pavement, most of which needs to be replaced, not patched.

C-20 Under the County's General Plan, Transportation Element 4.A.t reads:

> 4.A.t - Require new development to mitigate that development's impacts on the local and regional transportation system through the fair share contribution of improvements to the master planned system and/or the payment of Traffic Impact Mitigation Fees.

No payment or other mitigation for impacts to traffic or road deterioration is mentioned the draft MND.

C-21 Page 59. **Water Quality Plan**

Implementation of the East Sonora Community Plan requires as a condition of approval of new development that surface runoff from that development be filtered through sediment basins or other measures. In addition preparation of a Storm Water Pollution Prevention Plan (PWPPP) by a qualified professional is required prior to issuance of a grading permit by the Department of Public Works. Was such a SWPPP prepared prior to issuance of the grading permit?

C-22 Table 7 **Mitigation Monitoring and Reporting Program**

If a proper process had been followed by your Department and the Department of Public Works , all of the mitigation measures required under the Mitigation Monitoring and Reporting Program would have been required as part of any grading permit before the property was drastically altered from its prior condition. As the Community Development Department's files amply document, the Leslies started and continued grading of the property for several years without a grading permit until one finally was issued in December, 2021.

C-23 Bio 3 reads in part:

> BIO-3: The project applicant should implement construction best management practices (BMPs) when operating in the northern portion of the project site adjacent to the riparian mixed hardwood habitat and

Curtis Creek. BMPs will include those required by the

project Stormwater Pollution Prevention Plan and the Tuolumne County Biological Resources Review Guide, and **may** (bold added) include the following:

C-23 Maintain all diesel- and gasoline-powered equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Prior to the start of project activities, inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed to prevent etc.

C-24 The BMPs listed should be mandatory, not just "may". BMPs should have been established prior to the start of grading and been followed by the applicant.

C-25 Given the age of the equipment currently on site including several old tractors displayed on the easterly edge of the site, it is a stretch to expect that the equipment will be maintained in such a manner as will prevent oil seepage onto the ground and likely into the stream. Replacing aged seals is an expensive and time consuming process whereas adding more oil or grease is a quick and simple fix.

LU-1 reads in part

> No commercial log milling or processing shall occur on site and no wood product shall be commercially sold. Any processing of the logs shall be for personal use only.
> This condition will be on-going and will be monitored through citizen complaints.
> Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code.

C-26

C-27 Given the number of complaints from neighbors that have been made to date, it is a stretch to expect that the Leslies will face any consequence from future complaints. Due to threats made by crew working for the Leslies, one neighbor sought and obtained a restraining order dated Jan. 12, 2018 issued by the Superior Court Case No. CV 61326 against Robbie Robles, one of the

C-27 Leslies' employees.

C-28 Storage and milling of logs has increased during the time that the Leslies application has been pending. It is my understanding that the storage and milling is conducted on the lower portion of the property by a third party, not the Leslies or their company. Advertisements have been observed by neighbors offering to sell milled lumber from the site. It is doubtful this practice will change given the Leslies prior disregard for the County's procedures and conditions.

C-29 Storage of logs presents a fire hazard. No provision is made for fire prevention for logs stored on the lower portion of the property such as a sprinkler system to keep the logs moist. At a minimum a fire suppression should be required and subject to approval bt the County. Department

C-30 The best mitigation for this property is to deny the proposed CUP. All uses which are not permitted in the current residential zone or permitted under a proposed C-1 zone without a CUP must cease and all equipment and log storage removed.

C-31 I look forward to the CDD's response to my comments and to those which others may make. Please advise me of any hearings which may be scheduled in the future before the Planning Commission and Board of Supervisors for this property.

Sincerely,

Tom Parrington

Tom Parrington
209 928-3835

TEP:co

Comment Letter D

MAY 11, 2023

RECEIVED
MAY 11 2023
Community Development Department

COMMUNITY DEVELOPMENT DEPT.
TUOLUMNE COUNTY
SONORA,CALIF. 95370

RE; RE-ZONING OF LESLIE PROPERTY
APPLICATION FOR CONDITIONAL USE PERMIT 18-013
THE ABOVE PROPERTY IS LOCATED AT THE CORNER OF WARDS FERRY ROAD AND TUOLUMNE ROAD.

D-1 I OWN THREE SEPARATE PRCELS ALONG CURTIS CREEK BELOW THIS PROPERTY ON WARDS FERRY ROAD AND HAVE SEEN THE RESULTS OF WHAT HAS TAKEN PLACE OVER THE FEW YEARS ON THIS PROPERTY. FIRST, THE GRADING DONE RESULTED IN MASSIVE AMOUNTS OF MUD FLOWING INTO CURTIS CREEK DURING THE RAINY SEASON. THE CREEK FLOWS THROUGH MY PROPERTY SO IS EASY TO WITNESS ON A DAILY BASIS. WAS ANY PERMIT ISSSUED FOR THIS PROJECT? THIS IS IN VIOLATION OF FISH AND GAME LAWS.

D-2 ALSO THE LOGGING AND LUMBER MILLING THAT HAS GONE ON THERE ALSO HAD A HUGE EFFECT ON THE CREEK WITH BARK AND DEBRIS FLOWING INTO THE CREEK. ALSO TIMBERS AND LOGS FLOATED DOWN STREAM IN HEAVY RAINS. THE CREEK IS A MESS FROM THIS OPERATION. I NEVER RECEIVED ANY NOTICE FOR A PERMIT APPLICATION FOR THIS PROPERTY.

D-3 THE APPLICATION CALLS FOR "CONSTRUCTION MATERIALS" ON THE PROPERTY. THIS NEEDS TO BE DEFINED MORE AS IT SOUNDS LIKE A BLANK CHECK FOR ANYTHING UNDER THIS TITLE.

D-4 I HAVE LIVED HERE FOR 50 YEARS AND MY EXPERIENCE WITH CODE AND COMPLIANCE IS THAT NOTHING IS ENFORCED THROUGH THEM. GOOD EXAMPLE IS THE HOWARD SUNDBORG PROPERTY IN FRONTANTHIN OF CASCADE PARK THAT IS UNDER A CONDITIONAL USE PERMIT THAT HAS VIOLATED IT EXSTENSIVELY AND CODE AND COMPLIANCE HAS BEEN NOTIFIED HOW IT VIOLATED ITS PERMIT YET NOTHING IS DONE AND THE SITE GETS WORSE EACH MONTH. PROOF THAT CONDITIONAL USE PERMITS ARE CLOSE TO A JOKE ON ENFORCEMENT BY THE COUNTY.

D-5 PROPERTY OWNERS ON THE CREEK ARE TIRED OF THE ABUSE TO THIS WATERWAY

D-6 .I OBJECT TO THIS PROJECT BASED ON PAST PERFORMANCE OF THIS APPLICANT IN IGNORING THE PERMIT PROCESS AND COUNTY CODES. LESLIE HAS NO RESPECT OR REGARD FOR HIS NIEGHBORS OR THE LAW.

M. Scheller

MARILYN SCHELLER
18330 WARDS FERRY RD. # C
SONORA, CA. 95370

Comment Letter E

From: Jay Bee
To: Natalie Rizzi
Subject: Comments on Draft MND for Leslie Property
Date: Friday, May 12, 2023 2:53:47 PM

Hi Natalie,

E-1 This is Jeff Boatman. I was the younger guy at the meeting the other day. Thanks for taking the time to review my concerns about the proposed conversion of the Leslie property from residential to commercial use.

E-2 First off, I think it's important to point out that commercial activities are ongoing at the site, and have been since at least 2018. I think this sort of egregious disregard for the law and the due process of review and environmental assessment should factor into the decision of whether it is suitable to give a commercial conversion to a property owner who has had a blatant disregard for the law, environmental assessment, and environmental impact.

My family has owned the adjacent property for over 70 years. It was my grandfather's home, and I grew up on the property once my parents moved in next door. It's been my primary residence for most of my 48 years on this planet. I had a friend that rented the property from Preston Leslie's grandmother, the original owner of the land, when I was in elementary school. I remember playing on the granite stones up on the hill that is no longer there that contained at least one example of MiWuk Native American grinding stones. Those are no longer there, and were removed without proper review.

E-3 When Preston Leslie' father inherited the land in the early 2000s there was somebody living in a dilapidated old cabin without power or running water for a few years. This cabin has been abandoned and in disrepair for at least 20 years before this. He was arrested one night for warrant violations after BBQing at 1am high on drugs during the hottest part of summer. I called the fire department because of the fire risk. This individual was also openly hostile to neighbors.

When Preston Leslie inherited the property from his father, there was somebody living on the site in a camping trailer, once again without water, power, or sanitation.

I note these things, which doesn't come close to detailing the amount of violations at the site, to point out the history of blatant disregard for the law and lack of respect for adjacent property owners.

When demolition of the existing buildings began around 2017-18, the demolition debris was pushed into a hole and buried. This was done away from the road to be out of view from passing motorists, but was clearly visible from my property. This demolition was also done in the middle of winter and created considerable runoff and impact to Curtis Creek due to heavy rainfall. Much of the demolition and grading on site has occurred in winter and had significant impact on the creek.

E-4 This demolition which was begun in the winter also resulted in a conflict between the closet neighbors and the workers doing the demolition. This resulted in threats of violence being made towards the neighbors, who sought a restraining order against the individuals making those threats.

E-5 When the initial request for comment to adjacent property holders was sent out back around 2018, one of the provisions was that no logs be stored or processed on site. This stipulation was violated shortly thereafter, and continues to be violated to this day. Much of the processing of logs done onsite has also been done on weekends, creating a significant impact to the quality of life of the adjacent property dwellers. Ads for the commercial sale of this processed lumber has also been observed on Facebook recently, in further violation of the noncommercial clause for such activities.

E-6 The riparian habitat on the portion of the property that is closest to Tuolumne Rd and currently is being used for log storage and processing was removed completely. This are is the historic flood plain for Curtis Creek. It was formerly a thicket of berry bushes that provided habitat for many animals. It was not graded flat by the Leslies because it was already flat from being the flood plain. It exists after a turn in the creek. It doesn't take a hydrologist to understand

E-6 that this area has flooded for centuries, and will do so in the future, as it did this last winter after the significant rains. This created a substantial impact to the waterway with milled lumber strewn throughout the creek at least mile downstream to the mobile home park. Much of it is still behind my property. No attempt to clean up this mess was taken. In fact, in the days after the weather event they were advertising wet milled lumber for sale on Facebook. No construction or storage should take place on this flood plain. It's not simple a matter of a setback distance, but the lack of a difference in elevation, and the position in a corner of the creek, which will assuredly cause flooding in the future.

E-7 As mentioned before, commercial activity is ongoing at the site without the attainment of the conversion or appropriate permits. This is being done without proper sanitation or OSHA complaint work facilities.

E-8 The proposed conversion will greatly impact the safety of traffic on Tuolumne Rd and the continued degradation of Wards Ferry Rd. What is being done to address this?

E-9 There has also been commercial sales of Christmas trees and an associated food vendor last winter. How is that legal?

E-10 There have been multiple occasions of equipment being sandblasted over bare dirt on site with the associated environmental impact and noise. That is far beyond equipment storage and constitutes industrial activities.

E-11 I understand that this location falls under county plans for future commercial development, but the activity going on there now without the permits fall more under industrial use. My concern is all the things I've noted have been occurring on the property while the conversion is being sought. I'm very wary of how much worst it may get once a permit is issued, and that there will be limited resources to force any compliance. I don't think a commercial conversion should be issued to the current property owners due to their continued disregard for the law, even if commercial conversion is considered in the future.

E-12 Thanks for your time. Please feel free to contact me with any questions or requests for clarification. I'll also be sending a separate email with photographs and videos of the violations and flooding on the site.

Jeff Boatman
209-770-7476

Comment Letter F

Natalie Rizzi

From: Jeff Boatman <jaydubyabee74@gmail.com>
Sent: Friday, May 12, 2023 5:44 PM
To: Natalie Rizzi
Subject: Photos of violations at Leslie property

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Natalie,

F1 Here's some links to various photos I've taken of violations at the Leslie property over the years. I wish I had a better record of all the violations. This is only a small portion.

Recent flooding and impact to Curtis Creek. Beyond the obvious impact to the waterway from operations on the flood plain, the milled lumber created a dam as it was swept down stream and nearly caused the residence upstream to evacuate because of rising water levels. This was averted by driving an excavator through the waterway causing further environmental damage.

F2

69 Items
share.icloud.com

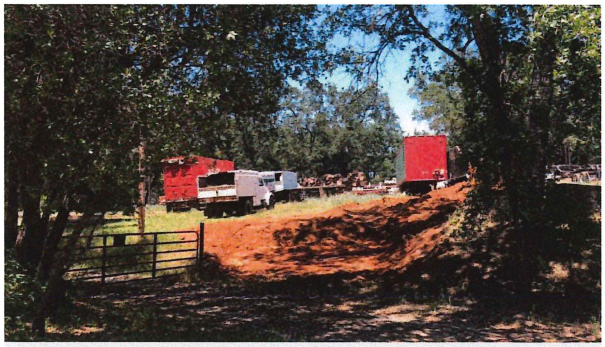
Here's some photos of the day after the flooding, with impact to the site and documentation of the milled lumber behind my property throughout the creek. Additional pics are from the mobile home park almost a mile downstream with milled lumber strewn about the creek. More lumber probably made it further downstream, but that area is private property.

F3

40 Photos
share.icloud.com

Grading activities and log storage and processing documentation form June 13th 2019

F4



23 Items
share.icloud.com

Grading and road construction onto the floodplain June 10th 2019. I would be interested to know if permits were acquired before or after this activity began?

F-5

7 Photos
share.icloud.com

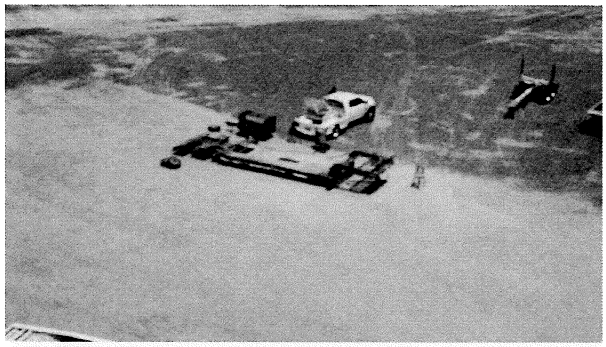
Evidence of log deck and commercial activity before hill top removal December 2018

F-6

7 Photos
share.icloud.com

F-7 Recent sandblasting activities May 2023

F-7



8 Items
share.icloud.com

F-8

There has plenty more I wish I had documentation of, including multiple occasions of sandblasting, odd hours of loud equipment operation, and plenty of processing of stored logs on weekends, early mornings and late evenings. Not to mention the way excavations were done in winter months with significant runoff effecting the creek. To say that these neighbors have been menaces with zero regard for the well being of adjacent neighbors would be an understatement.

F-9

Thanks for your time. Feel free to contact me if you need anything.

Jeff Boatman
18422 Wards Ferry Rd
209-770-7476

Comment #	Comment	Response
	Comment A- California Department of Transportation (Caltrans)	
A-1	The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Initial Study for Zone Change (RZ18-011) project to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial) under Title 17 of the Tuolumne County Ordinance Code, and Conditional Use Permit (CUP18-013) to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres. The project site is located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road, in the city of Sonora on Assessor's Parcel Number 097-140-007 and 097-140-009.	Comment noted. The comment thanks the County for the opportunity to review and comment and includes the project description and location.
A-2	Caltrans has the following comments: Caltrans suggests that the County of Tuolumne continue to coordinate with Caltrans in identifying and addressing potential pedestrian safety and cumulative transportation impacts from this project and other developments near this location. This will assist Caltrans in ensuring that pedestrian, traffic safety, and quality standards are maintained for the traveling public on existing and future state transportation facilities in Tuolumne County.	Comment noted. The comment provides general information regarding coordination between the County and the commenters agency. The comment does not directly address the IS/MND or project.
A-3	Environmental. It looks like the project will not occur within Caltrans Right of Way (ROW); therefore, there are no concerns for impacts to resources in Caltrans ROW. If the scope of work changes or it is confirmed there will be construction related activities in Caltrans ROW, the project proponent must apply for an Encroachment Permit to the Caltrans Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans ROW, at the project site(s). Evidence of consultation with local Native American tribes and interested parties will need to be presented within the technical documents for approval of encroachment in the Caltrans ROW. If there are impacts to protected water resources within Caltrans ROW, Caltrans will need to see the correspondence with the permitting authorities: California Department of Fish and Wildlife (CDFW), US Army Corps of Engineers (USACE), and Regional Water Quality Control Boards (RWQCB). There are mature trees within and/or near Caltrans ROW that could provide suitable nesting habitat. If work will occur between February 1 and September 30 of any year, a pre-construction bird survey must be conducted by a qualified biologist prior to the start of any construction related activities in Caltrans ROW. If an active nest is observed, a protective buffer must be established around the nest per CDFW guidelines. No work is allowed within the protective buffer limits until the young have fledged and until authorized by the Caltrans District 10 Environmental Office.	Comment noted. Based on the scope of the project, no impacts would occur within a Caltrans right-of-way. Therefore, none of the identified requirement or studies are required. The comment provides information if the project scope were to change to include work within a Caltrans right-of-way.
A-4	Traffic Operations When the parcel begins to develop, please send the plans to District 10 Caltrans for review.	Comment noted. The comment requests to view development plans in the future. Any future would that triggers a Site Development Permit or Conditional Use Permit would be routed to Caltrans. There is no additional development proposed at this time.

A-5	Encroachment Permits If any project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. For more information, please visit the Caltrans Website at: https://dot.ca.gov/programs/traffic-operations/ep/applications.	Comment noted. The comment provides general information regarding the Encroachment Permit application process. Based on the project scope, an Encroachment Permit would not be required.
A-6	If you have any questions or concerns, please contact Shiferaw Jemberie (209) 986-9635 (email: Shiferaw.jemberie@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).	Comment noted. The comment is a closing statement.
	Comment B- Central Sierra Environmental Resource Center (CSERC)	
B-1	The Project Proponents seek (1) a zone change from RE-5 to C-1 and (2) a Conditional Use Permit (CUP18-013) to allow outdoor storage of heavy equipment, construction vehicles, construction materials, and log decks on the site ("Proposed Project"). The stored items relate to a business operated at a different location by the Project Proponents. The site consists of two parcels totaling approximately 6.2 acres ("Site"). Curtis Creek flows along the Site's border for approximately 1,000 feet on the north and west sides.	Comment noted. The comment provides a summary of the project description.
B-2	Our Center strongly opposes the requested zone change and the requested Conditional Use Permit as now proposed for approval. Due to the Project Proponents' long-standing track record of non-compliance with County codes and ordinances, the Project Proponents' applications for a zone change and CUP18-013 should be denied and the Proposed Project denied unless important measures are added.	Comment noted. Comment notes opposition to the project. Comment asserts that based on the site's code compliance history, the project should be denied. Decisions made on a Zone Change and Conditional Use Permit application are based on consistency with the required findings, as indicated in Chapters 17.68 and 17.70 of the TCOC and environmental impacts evaluated under CEQA. Past activities on the site, or past compliance with ordinance code regulations is not a specific finding that a decision making body can use to approve or deny a project. Approval of the Zone Change and Conditional Use Permit would bring the site into compliance.
B-3	A further reason that the requests should be denied and the Proposed Project denied is that the correct zoning classification is Industrial or Heavy Commercial - not General Commercial. General Commercial designation is wholly inappropriate for this type of project. Alternatively, if the re-zoning request is approved, at a minimum, additional environmental analysis should be required before considering whether to grant the CUP18-013 request and approve the Proposed Project.	Comment noted. Consistency with the GC General Plan designation and C-1 zoning are discussed in the "Land Use and Planning" section of the IS/MND. Mitigation Measure LU-1 addresses and prohibits any milling and logging activities. The errata for the IS/MND indicates that no milling and logging activities are permitted on site. Therefore, measure LU-2 has been removed as logging and milling are not allowed any days or times. Any uses not allowed within the C-1 district would be prohibited. This is further shown within the conditions of approval which specifically prohibit milling and logging activities and other uses not allowed within the C-1 district.

B-4	Site History and Lack of Compliance: The Site has a long and well-documented history of violations with the County Community Development Department. This history centers on the Project Proponents developing and using the Site for industrial purposes over the course of many years in direct violation of the County's zoning requirements. Dating back to at least 2017, numerous code violations have been issued, multiple deadlines have expired unfulfilled, and the County's requests for further information have gone unanswered. The fact that the pending application was originally submitted in 2018 and was submitted in response to a code violation demonstrates the lengthy history of planning violations at the Site. The Project Proponents' actions and inactions amount to a pattern and practice of willful disregard of the County's codes. To now approve the Proposed Project as presented without additional key mitigation measures would ignore all of the Site's prior violations and make a mockery out of the County's codes and ordinances.	Comment noted. The comment discusses the code compliance history and enforcement of the site. Complaints received regarding violations are referred to the Code Compliance officer, in accordance with Chapter 1.10 of the TCOC. The complaints made on the site were handled in this manner. This does not specify what additional key mitigation measures are being requested. This comment is regarding the past activities on the site and do not address the CEQA document.
B-5	As early as July 2019, at least seven Site violations were found including grading without a permit, operation of a business not consistent with the property's zoning, having employees on-site without proper sanitation facilities, the use of hazardous substances on Site, and the operation of a driveway interfering with the intersection of Tuolumne Road, a main county route. (Community Resource Agency's ("CRA") July 9, 2019 Letter to Project Proponents.) The letter went on to state "Until such time as the Zone Change and Conditional Use Permit is approved, all storage of equipment and materials must cease on your property." (Emphasis in original) The letter then set the deadlines that the Project Proponents were required to meet to be in compliance. The Project Proponents were required to remove all equipment and materials from the site by August 15, 2019 until a Conditional Use Permit was obtained allowing their presence, and a due date of September 27, 2019 was set for submitting the required information and studies to continue processing the requests for a Zone Change and CUP18-013. (Id. page 3.) Then, on September 12, 2019, the CRA was forced to issue another letter due to the Project Proponents' inactions and failure to meet the deadlines. That letter similarly stated: "No more outdoor storage of equipment or the operation of a business will be allowed on your property until a Conditional Use Permit is obtained." (Emphasis in original. Nevertheless, to this day, nearly 4 years later, heavy equipment, construction vehicles, construction materials and log decks are still stored outdoors at the Site. The Project Proponents' blatant disregard for the County's Code is reason alone to deny the Proposed Project as now presented.	Comment noted. This comment is regarding the past activities on the site and do not address the CEQA document specifically. Complaints received regarding violations are referred to the Code Compliance officer, in accordance with Chapter 1.10 of the TCOC. This process was followed.
B-6	The proper zoning for the Proposed Project is either Heavy Commercial or Industrial -not C-1. The purpose of C-1 zoning "is to provide for a variety of sales establishments which serve both the resident and traveling public." (Ordinance Code 17.34.010.) The Proposed Project does not include any sales to residents or the traveling public. Permitted uses under C-1 zoning include enclosed storage of equipment and materials. (Ordinance Code 17.34.020(T).) Open storage of equipment and materials may be allowed subject to the applicant first securing a conditional use permit. (Ordinance Code 17.34.030(I).) While Project Proponents may have applied for a CUP in 2018, no CUP has been secured for the Site - despite more than 5 years of non-compliance. Somewhat ironically, the application for the CUP in 2018 "was submitted to correct a code violation on the [Site]. (Initial Study, page 4.)	Comment noted. Conformance with the GC General Plan and C-1 zoning are discussed and demonstrated in the "Land Use and Planning" section of the IS/MND. The intent of the Conditional Use Permit application is to bring the site into conformance with the TCOC.

B-7	The summary of land use designations issued with the General Plan Update states that the General Commercial designation " . . . provides for a variety of sales and service establishments which serve both the residents of Tuolumne County and its visitors. This designation is found within urban areas and along highway corridors to provide large scale retail and office operations . . . Establishments in this category have a larger market area and greater volume of customers than those under the NC designation . . . General Uses - Typical establishments permitted under this designation include shopping centers, hotels, motels, restaurants, bars, department stores, gift shops and professional offices." There is simply nothing "commercial" about the storing of heavy equipment, vehicles or log decks.	Comment noted. Comment provides information of the GC General Plan designation from the Tuolumne County General Plan. General Plan consistency is discussed and demonstrated in the "Land Use and Planning" Section of the IS/MND under item "b." The GC General Plan is consistent with the C-1 zoning. Outdoor commercial storage is a conditional use in the C-1 zoning. Therefore, Conditional Use Permit CUP18-013 to allow the outdoor storage is being requested and analyzed throughout the document. Conditions of approval further clarify uses that are not allowed within the C-1 zoning.
B-8	The Initial Study incorrectly labels the Site's activities of logging and hauling of materials and equipment as "Commercial." (Initial Study, page 4.) The Site's activities are more appropriately categorized as Industrial when applying the County's Ordinance Code's definitions. "'Industry' means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof resulting in a change of form, character or appearance. Industry, also includes the storage, sales, repair, refinishing, or warehousing of such materials or commodities." (Code 17.04.450 emphasis added.) The activities of logging and hauling of materials and equipment squarely fall within the definition of "industry."	Comment noted. Mitigation Measure LU-1 prohibits the processing of the wood product, as shown in the IS/MND errata. The measure was revised to prohibit any milling or logging activities. Measure LU-2 was removed as these activities are not allowed any days or times on site. The project scope includes the storage of construction equipment, vehicles, construction materials, and log decks. "Open storage of equipment and materials" is a conditional use in the C-1 zoning district.
B-9	Interestingly, even as far back as 2018, it was viewed that the Proposed Project constituted, at least, Heavy Commercial zoning. For example, the September 6, 2018 letter sent from the CRA Director to the Project Proponents stated "the applicant may want to consider re-zoning the site to Heavy Commercial . . ."	Comment noted. A project scope was submitted after the September 6 letter referenced in this letter to indicate the project would not include commercial milling or processing of the logs. Additionally, Mitigation Measures LU-1, as revised in the IS/MND errata, prohibits these uses to ensure compliance with the outdoor storage allowed in the C-1 zoning district.
B-10	Moreover, the July 27, 2020, letter from county planner Natalie Rizzi to the Project Proponents states " . . . County staff have identified active log decks and the processing of logs on the project site, neither of which are not [sic] permitted within the proposed C-1 zoning district. These uses would require a heavy commercial or industrial zoning district that would allow these types of use, which are considered 'General manufacturing, processing and refining.' (Emphasis added.)	Comment noted. See the response to Comment B-9 above.
B-11	The Initial Study states ". . . the milling or processing of timber or logs for commercial use is not a permitted or conditional use on land zoned C-1. . ." (Initial Study, page 4.) The Initial Study, however, later seemingly tips the Project Proponents' hat that they have additional intended uses of the Site: "Construction activities may take place on the project site in the future for development of the processing facility." (Initial Study, page 11. Emphasis added.)	Comment noted. The section of the IS/MND referenced is a typo and is not correct. This does not pertain to the project being considered and was left in from a previous project document. In the Final IS/MND the paragraph on page 11 will be changed to "The project does not include construction of any buildings. The East Sonora Design Guidelines do not have any guidelines to be incorporated into the construction phase as the guidelines focus on the design of buildings and architectural features. Any new construction in the future related to the storage would be subject to a Conditional Use Permit revision and a Site Development Permit, in accordance with Chapter 17.68 of the TCOC. Temporary construction activities would be consistent in visual character with small-scale building and landscaping projects.." Please see the IS/MND errata.
B-12	The Initial Study's conclusion (that the zoning request should be approved to bring the Site into compliance with the General Plan) is misplaced, illogical and disingenuous. Project Proponents should not have been using the Site for the past five years for any purpose other than RE-5 and should not have been allowed to degrade the Site and the Curtis Creek stream corridor without proper mitigation measures FIRST being in place.	Comment noted. Comment makes a general statement about the conclusions of the IS/MND. This comment is regarding the past activities on the site and do not address the CEQA analysis specifically. Complaints received regarding violations are referred to the Code Compliance officer, in accordance with Chapter 1.10 of the TCOC. This site was handled in that manner.

B-13	The Initial Study contains material inaccuracies and inadequacies. 1. Faulty Initial Study/Proposed Mitigated Negative Declaration. An Initial Study was finally prepared this year. The Initial Study evaluated the "potential environmental effects resulting from (1) the requested re-zone from RE-5 to General Commercial and (2) the requested CUP that would allow the specified uses of: outdoor storage of construction equipment, vehicles, construction materials, and log decks and the periodic milling of logs for non-commercial purposes. The Initial Study's conclusion that the project would not result in unmitigated significant environmental impacts is flawed, not only due to material inaccuracies in the description of the Site, but also due to faulty comparisons.	Comment noted. This comment does not provide information about how the CEQA document is inaccurate or faulty and is an introduction to further comments.
B-14	i. The Initial Study inaccurately describes the surrounding properties. The Initial Study incorrectly describes the surrounding and adjacent properties to the Site. There is no existing industrial use on the southerly side of Tuolumne Road adjacent to the Site. It is residential. In addition, a residential subdivision has been proposed on the northern side of Tuolumne Road. To the southeast is land owned by Sonora High and zoned P. There are no adjacent parcels that are industrial type use. As such the potentially affected users are more than "passing motorists" - they are tax-paying residents.	Comment noted. Descriptions of surrounding parcels is based on the General Plan land use designations of the parcels as that is what dictates the uses of a property and the type of development anticipated there. As shown in Figure 4 of the IS/MND, the majority of surrounding parcels contain the GC or LI designations. As parcels proceed down Wards Ferry, they become residential. The IS/MND accurately states "Parcels located southwest of the project site contain the LDR General Plan land use designation and consist of residential uses." Describing the parcel land uses differently as discussed in this comment would not change the analysis that was conducted or introduce impacts.
B-15	Further, the Initial Study downplays the Site's connection to and adjacency to Curtis Creek. Curtis Creek borders the Site on the northern and western sides for approximately 1,000 feet - not just along the "northern side." (Initial Study, page 3.)	Comment noted. The CEQA document provides the general location of Curtis Greek. Text will be revised to indicate its location more specifically. Please see the IS/MND errata for all changes references to this.
B-16	ii. The Initial Study Fails to Account for the Unpermitted Degradation Already Done to the Site. The Initial Study incorrectly states that "[t]here has been grading under Grading Permit G2021-0028 to create two large, mostly level pads. . ." (Initial Study, page 3.) The grading was not done pursuant to a grading permit. The grading was completed without first obtaining a permit and without performing any needed mitigation measures. The grading permit was retroactively issued after all the negative impacts had occurred from the unauthorized grading. As the Initial Study correctly notes, the lower pad is located adjacent to Curtis Creek.	Comment noted. Grading on site was conducted under Grading Permit G2021-00028 issued by the Department of Public Works. The Grading Permit is not part of the project scope as it has been conducted under the grading permit. All comments pertaining to the sites grading have been forwarded to the Department of Public Works.
B-17	iii. The Initial Study's Conclusion is Fundamentally Flawed. The Initial Study is fundamentally flawed, as it is bases its conclusions on the Site's current condition. The Site, despite being zoned RE-5, has been allowed to be used as an industrial construction/logging storage parcel for years. This unauthorized and unpermitted use has severely degraded the Site. Even more problematic is the substantial grading that was performed without first securing the "prerequisite" permitting and implementation of the proper mitigation measures to minimize the negative environmental impacts to the Site. This creates an unfair bias in favor of approving the Proposed Project without consideration of the effects of years of violations. Instead, the Site should be evaluated based on the characteristics and values the Site should (and can again) have if it had been maintained and utilized in compliance with its RE-5 zoning. The Site, while currently quite degraded with vast areas of exposed, disturbed soil, can (and should be) restored to a condition in alignment with it being utilized as a 5-acre residential parcel.	Comment noted. The General Plan land use designation of the site is GC. The General Plan provides information on growth patterns within the County. The project was analyzed against the site conditions at the time of application for Zone Change RZ18-011 and Conditional Use Permit CUP18-013, which were submitted on September 27, 2018. The Environmental analysis compares the existing site conditions to conditions with the project. Any changes in the site conditions since September 2018 have been updated in the analysis.

B-18	iv. The Initial Study's Analysis of Mitigation Measures is Inadequate. An Initial Study, among other requirements, must take account of the whole action involved, including off-site effects as well as on-site effects, cumulative effects as well as project-level effects, indirect effects as well as direct effects, and construction impacts as well as operational impacts. Taking the Initial Study's Factors in turn, CSERC offers the following comments and (where possible) our recommendations:	Comment noted. Comment sets up further comments to come in the response and does not include specific examples.
B-19	Aesthetics: The Aesthetics analysis incorrectly describes the surrounding and adjacent properties to the Site. As stated above, the Site is not adjacent to any industrial activity. It is, however, bordered on at least two sides by residential properties. In addition, a residential subdivision has been proposed on the northern side of Tuolumne Road. As such the potentially affected users are more than just passing motorists. The aesthetics of the Site to the residents is of significant importance. They cannot simply move their homes and they are not briefly viewing the Site as they drive by the Site.	Comment noted. Aesthetics are discussed and analyzed under the "Aesthetics" section of the IS/MND. Items "a" and "b" ask for impacts related to state scenic highways and scenic vistas, of which there are none in the project vicinity. Item "c" asks for impacts related to public viewpoints and consistency with regulations pertaining to scenic quality. Therefore, impacts were analyzed for aesthetic impacts from public view points and consistency with the East Sonora Design Guidelines. Item "d" asks for impacts related to light. Mitigation Measures AES-1 and AES-2 were incorporated to reduce impacts under items "c" and "d" to less than significant.
B-20	East Sonora Goals Policy ES-A.1 "Require[s] new development which borders existing residential neighborhoods to provide adequate and appropriate buffers, such as setbacks or vegetative screening, between itself and the neighborhood." As the Initial Study notes, the East Sonora Goals also encourage water conservation through the retention of existing, on-site vegetation, as well as the integration of native or drought tolerant species of plants.	Comment noted. The landscaping plan required as mitigation in the "Aesthetics" section of the IS/MND requires new planting along Wards Ferry Road. Vegetation along Tuolumne Road is to be maintained as part of the landscaping plan. These represent the public view points of the site. Open Space zoning required under the "Biological Resources" section of the IS/MND would allow for areas in which vegetation cannot be removed except for particular circumstances reviewed by the CDD Director in accordance with Chapter 17.14 of the TCOC along the sites northern and western boundaries, providing screening to adjacent parcels.
B-21	The Site schematic, however, shows multiple, mature oak trees being removed - several being at least 30 inches. Removal of mature oaks certainly is not consistent with the East Sonora Goals of retaining on-site vegetation and providing a pleasing aesthetic.	Comment noted. See the response to comment B-20. Open Space would provide for areas of protected oak trees. The areas required for Open Space zoning contain the highest density of vegetation including oak trees.
B-22	Mitigation Measure AES-1 only requires a landscaping plan to screen views of the Site from Wards Ferry Road. The measure ignores the visual impacts of the Site to the adjacent residential property owners and Tuolumne Road motorists. Tuolumne Road is a main circulation corridor requiring heightened aesthetic protections per the East Sonora Goals Policy ES-C.2 (formerly 16.A.6). The landscaping plan (and monitoring plan) must include adequate measures to mitigate the negative aesthetic impacts of the Site to all observers of the Site - including nearby residents and motorists on Tuolumne Road.	Comment noted. See the response to comment B-20
B-23	Agricultural and Forestry Resources/Habitat Value: It is unknown how many trees have already been removed from the Site. The schematic for the Proposed Project shows multiple, mature oak trees being removed - several at least 30 inches. Those are truly old-growth oaks. Removal or disturbance of these trees should not be permitted, especially due to so many previous violations by the Project Proponents. A Mitigation Measure should be added to the Project to ensure the retention and protection of all still existing trees.	Comment noted. As indicated in Mitigation Measure AES-1, Vegetation along Tuolumne Road is to be maintained. Vegetation and trees within Open Space may not be removed or disturbed except for particular circumstances upon review of the CDD Director, in accordance with Chapter 17.14 of the TCOC. The grading conducted under grading permit G2021-00028 was in compliance with the plans reviewed by Public Works. Public Works finalized the permit and grading conducted on site.

B-24	Air Quality: Project Proponents seek approval to utilize the Site for outdoor storage of construction equipment, vehicles, construction materials, and log decks on the site. The Site is bordered on two sides by residences. Appurtenant to the storage of equipment and vehicles is the maintenance and repair of said equipment and vehicles. This can mean the prolonged running of engines and the machines needed to complete the repairs. The heavy machinery and vehicles used in the logging and hauling business are typically diesel powered. Diesel exhaust is one of the most toxic types of exhausts. Diesel exhaust contains more than 40 known cancer-causing chemicals, and its particulate matter is known to cause cardiovascular and respiratory hospitalizations and premature death. The Initial Study incorrectly calculates and underestimates the number of residences that would be impacted by the air pollution and emissions created at the Site. The Initial Study also downplays the use of the nearby property owned by Sonora Union High School. The high school regularly uses the property for its cross-country meets. The potential negative health impacts to the neighboring residents and the high school students are not insignificant.	Comment noted. Please see the response to comments C-9 and C-10 below. The project site is for outdoor storage, not for vehicle maintenance. There is no infrastructure proposed, such as buildings, fuel or lubricant storage tanks, vehicle filts, or other equipment typical of a heavy machinery/diesel repair shop that would support the maintenance activities that the comment anticipates will occur. Within the C-1 zoning, equipment repair facilities are only allowable within an enclosed building. While the project site is adjacent to property owned by Sonora High, students do not concentrate at this location because it is used for agricultural pursuits. A review of the Sonora High School Cross Country schedule for 2022 and 2023 seasons did not show any events at their adjacent property. Additionally, a condition of approval has been incorporated to prohibit idling of vehicles beyond 10 minutes. Condition of approval 38 specifically prohibits outdoor equipment or vehicle repair.
B-25	Further, as no paving is proposed, the bare soil exposed by the grading of the large pads creates the likelihood of wind-borne dust. The exposed soil will be worn down by the movement of heavy equipment and vehicles making the soil even more susceptible to wind erosion. The deposition of this wind-borne dust on the high school's adjacent agricultural activities and the neighboring residences must be mitigated. While the Initial Study states that the Grading Permit sets forth proper mitigation measures to address these risks, very little in the way of implemented mitigation measures is apparent at the Site.	Comment noted. Chapter 12.20 of the TCOC governs movement of dirt. As stated in the "Geology and Soils" and the "Hydrology and Water Quality" sections of the IS/MND, the site must comply with Chapter 12.20. Proper erosion control methods were verified during Public Works inspections of Grading Permit G2021-00028. Aggregate base permeable surfacing was installed on most of the site's flat surfaces to stabilize the ground. Questions regarding on-going erosion control were forwarded to the Department of Public Works.
B-26	Biological Resources: "Vegetation on the site includes riparian vegetation along the southern portion of the site consisting of valley oak (Quercus lobata), blue oak (Quercus douglasii), interior live oak (Quercus wislizeni), willow (Salix sp.), and Himalayan blackberry (Rubus discolor). . . The Tuolumne County Wildlife maps and the California Department of Forestry and Fire Protection (CalFire) Fire and Resource Assessment Program (FRAP) maps indicate that the project site contains the valley oak woodland (VOW), valley foothill riparian (VRI), blue oak pine (bop) and residential park (rsp) habitat types." (Initial Study, page 23.)	Comment noted. Comment provides a summary from the IS/MND of vegetation and habitat found on site.
B-27	Five special-status animal species potentially occur on the Site: San Joaquin roach, western pond turtle, ringtail, pallid bat and western mastiff bat. The Tuolumne fawn lily, a special-status plant, has been known to occur near the Site. (Initial Study, page 24.)	Comment noted. Comment provides a summary from the IS/MND of special status species potentially on site.
B-28	As noted above, Curtis Creek flows along approximately 1,000 feet of the Site's northern and western borders. The County's General Plan noted the importance of Curtis Creek acknowledging that it is "considered to be [a] major contributor to the Don Pedro Reservoir" and is a "key component" of the County's "water supplies, agriculture, recreation, freshwater and wildlife habitats." (Volume III of the 2018 Tuolumne County General Plan, ES-1.) The General Plan recognized the need to provide protection for Curtis Creek's future viability. Protecting Curtis Creek and its adjacent riparian habitat is of utmost importance.	Comment noted. The comment provides information quoted from the General Plan regarding Curtis Creek.
B-29	The measures set forth in the Initial Study to mitigate the potential negative effects of the Proposed Project should have been in place years ago before the Project Proponents cleared vegetation, graded large sections of the Site, allowed debris to enter Curtis Creek, created additional driveways, and stored heavy machinery, large vehicles, equipment and log decks on the RE-5 zoned Site. The negative impacts to the biological resources of the area will never be fully known since the Project Proponents simply went about their business in direct violation of the County's codes.	Comment noted. This comment is regarding the past activities on the site and do not address the CEQA analysis specifically. Complaints received regarding violations are referred to the Code Compliance officer, in accordance with Chapter 1.10 of the TCOC. This process was followed.

B-30	As noted above, the Site schematic shows multiple, mature oak trees planned to be removed - several at least 30 inches. (Initial Study, page 6.) It is difficult to know how many trees were removed prior to the unpermitted grading that began as late as 2017. No additional trees should be allowed to be removed.	Comment noted. Oak tree impacts were analyzed and discussed within the "Biological Resources" Section of the IS/MND. As discussed in the response to comment B-21, areas zoned Open Space would protect oak trees. The grading was done in compliance with the grading review conducted by Public Works for permit G2021-00028.
B-31	As to the Initial Study's Biological Resources Mitigation Measures, CSERC offers the following comments: BIO-1 as written is moot. BIO-2 does not provide an adequately sized area to protect Curtis Creek and its riparian habitat. The riparian area along Curtis Creek to be re-zoned "O" should have a 100 foot width from the creek's centerline to allow an adequate buffer between the heavy equipment operations and the sensitive riparian habitat along Curtis Creek which may have present several different special-status animal and plant species. The proposed 50 foot corridor is inadequate to protect the riparian habitat for what the County has deemed to be a "key component" of the County's watershed.	Comment noted. Comment on Mitigation Measure BIO-1 does not provide any evidence, just provides an opinion regarding the measure. The comment indicates that the Open Space zoning should be 100 feet and not 50 feet that Mitigation Measure BIO-2 provides. Given the topography of the site, staff determined a 50 feet from the northern property boundary to adequately protect the riparian area.
B-32	BIO-3 should be amended to require the mitigation measures listed be applied not only during "construction," but also during the entire time the Site is operating with commercial or industrial activities. Any project approval should require that staging areas and equipment service and storage areas should be allocated to locations on the Site furthest from the stream corridor. Disturbed soil and disturbed areas should be stabilized immediately - without any caveat as to when the rainy season begins.	Comment noted. Mitigation Measure BIO-3 indicates it is required "when operating in the northern and western portions of the project site adjacent to the riparian mixed hardwood habitat and Curtis Creek." This would be required as on-going whenever project activities occur within these portions of the site, not just during construction activities.
B-33	BIO-4 should require the silt fence to be erected within 30 days of project approval. For all intents and purposes, the "Proposed Project" is already completed. For years now, soil and debris have been flowing unimpeded into Curtis Creek clogging and polluting this recognized "key component" of the County's watershed. Again, the silt fence should be erected within 30 days of project approval.	Comment noted. Comment requests the fence be required to be erected within 30 days and not 60 days as indicated in BIO-4 without citing specific reasons. Staff determined 60 days to be an appropriate amount of time to erect the fence and allow for staff inspections to verify conformance.
B-34	Geology and Soils: The Initial Study incorrectly describes the Site as having "minor" grading and that the activities would not disturb more than one acre. (Initial Study, page 43.) Pursuant to the grading permit schematics submitted after the grading was actually performed, there are more than 5 acres that are graded. This is a major difference. The amount of grading cannot be considered minor by any measure. The Initial Study does acknowledge that discharge from the Site could potentially enter directly to Curtis Creek, requiring a SWPPP be prepared before construction and implemented throughout project construction to comply with National Pollutant Discharge Elimination System (NPDES) requirements. There is no doubt that the Proposed Project has caused debris and soil to be discharged into Curtis Creek. The nearby neighbors have well documented the discharges into Curtis Creek from the Site.	Comment noted. Comments pertaining to the Grading Permit issuance, processing, and review have been forwarded to the Public Works Department. The grading permit has been issued and is not within the scope of the decision of Zone Change RZ18-011 and Conditional Use Permit CUP18-013.

B-35	This section assumes the Project Proponents will proactively report any new proposed activity for the Site to the appropriate agency and obtain that entity's approval before undertaking the activity. Such reliance on the Project Proponents is misplaced based on years of non-compliance. The Proposed Project is already completed, but there is no evidence that the Project Proponents notified the SWRCB and obtained the "necessary" SWPPP even though they graded far more than one acre. Project Proponents should be required to obtain and implement a SWPPP before the County approves any portion of the Proposed Project. This is the only way to ensure the mitigation of the ongoing negative environmental impacts resulting from the extensive grading of the Site.	Comment noted. Grading on site was conducted under Grading Permit G2021-00028 issued by the Department of Public Works. The Grading Permit is not part of the project scope as it has been conducted under the grading permit. A SWPP is a requirement of a grading permit. Any future grading of the site would be subject to the same regulations and reviews.
B-36	Hazards and Hazardous Materials: The Initial Study completely ignores the Site's proximity to Curtis Creek and the adjacent residential neighbors. It also downplays the amounts and types of substances that may be stored at the Site by characterizing the wastes and materials as "common household products." The July 9, 2019 letter from the CRA to the Project Proponents had a different stance stating that a permit must be obtained from the Certified Unified Program Agency operated by the Environmental Health Division of the Community Resources Agency for the storage of diesel, motor oil or other fuels. (Id., page 2.) Mitigation measures should require that specific protections must be in place to reduce the risk of hazardous materials leaking into any area in proximity to Curtis Creek, contaminating the adjacent residences, or otherwise negatively impacting the environment.	Comment noted. A permit must be obtained from the Certified Unified Program Agency (CUPA) operated by the Environmental Health Division for storage of hazardous materials that meets applicable thresholds. This is not included as mitigation as it is a standard condition required to be met. The "Hazards and Hazardous Materials" Section of the IS/MND states "All hazardous substances and wastes are highly regulated by federal, state, and local regulations regarding the use, storage, transportation, handling, processing, and disposal. All hazardous substances and waste are required to be stored, transported, handled, processed, and disposed of in accordance with these regulations" which would include CUPA permits and inspections from the Environmental Health Division.
B-37	Hydrology and Water Quality: The Initial Study sets forth various third party approvals that the Project Proponents must obtain. Those approvals will have their own related compliance measures. However, it is unclear if the Project Proponents have actually (1) applied for the approvals, (2) obtained the approvals, or (3) implemented any of the related compliance measures - even though the Proposed Project is already completed. These approvals, in part, are: (a) submitting a NOI to the SWRCB and preparation of a SWPPP with BMPs, (b) complying with the Central Valley RWQCB requirements, and (c) having an erosion control plan approved by the Department of Public Works. (Initial Study, page 58-9.)	Comment noted. Grading on site was conducted under Grading Permit G2021-00028 issued by the Department of Public Works. The Grading Permit is not part of the project scope as it has been conducted under the grading permit. A SWPP with BMPs, coverage under an NOI, and erosion control plans are requirements of a grading permit issued by the Department of Public Works.
B-38	All of the third party approvals listed in the Initial Study should be required to be obtained as well as the related compliance measures to be in place on the Site before the County approves the Proposed Project - particularly given that the Proposed Project is already essentially completed.	Comment noted. The comment states that all "third party approvals listed in the Initial Study" should be obtained. The permits listed under Table 4 in the "Land Use and Planning" section of the IS/MND lists Grading Permit, Road Encroachment Permit, and General Construction Activity Storm Water Permit. Grading Permit G2021-00028 was issued on December 17, 2021 by the Engineering Division of the Department of Public Works. Road Encroachment Permit PWE2018-00033 was issued by the Engineering Division of the Department of Public Works and was finalled on December 28, 2022.
B-39	Land Use and Planning: This section again mischaracterizes the area surrounding the Site. As set forth above, the area surrounding the Site contains more residential parcels than the Initial Study describes. The Initial Study also incorrectly applies "commercial" aspects to the Proposed Project. There is nothing commercial about the outdoor storage of logging and hauling equipment and vehicles. There is nothing about the Proposed Project that would attract future commercial projects to the area. The Initial Study's mitigation measure LU-1 would be impossible to enforce. How can anyone tell where a log was milled? It is entirely plausible that the Project Proponents mill logs on the Site, move the milled logs to another location and then sell the milled logs commercially. There is absolutely no way to enforce this mitigation measure.	Comment noted. The Response to comment B-3 includes how the project is consistent with the GC General Plan and C-1 zoning. The enforcement of Mitigation Measure LU-1 will be enforced in the same manner as any zoning requirements are handled.

B-40	Public Services: The Initial Study makes no provision for limiting the size of the log decks, their location, or how they are maintained. Storing log decks inherently increases the risk of fire. The County's fire protection services are already over-stretched. Further, the current location of the log decks is in close proximity to residences. Mitigation measures should be in place to limit the size of the log decks to ensure a safe location for their storage and to require proper maintenance by way of installation of an automatic sprinkler system.	Comment noted. The project was reviewed by the Tuolumne County Fire Prevention Division, as discussed in the…sections of the IS/MND. As discussed in the "Wildfire" section of the IS/MND, the Fire Prevention provided comments for the project, in accordance with the California Fire Code. These requirements include the maximum size of the log storage area and the minimum spacing required. These will be incorporated into the conditions of Conditional Use Permit CUP18-013. In accordance with the California Fire Code, sprinklers or other fire suppression is not required for the use. The IS/MND concluded a less than significant impact in which no mitigation was required.
B-41	Conclusion. CSERC urges that either all unauthorized activities on the Site be immediately halted (enforced by the County) and that only actions appropriate for RE-5 be permitted subsequently, or, if the County aims to bring this project into compliance with the appropriate Heavy Commercial or Industrial zoning then CSERC strongly urges that each of the following measures be required in addition to those identified in the Initial Study:	Comment noted. Comment requests all unauthorized activities to be halted. Approval of the project would bring the site into conformance. If the project is not approved, all actives not allowable in the RE-5 zoning would be required to stop as there would be no alternative for compliance.
B-42	(B)The silt fence should be erected within 30 days of project approval, (C)All remaining oaks on the Site should be mandated to be retained and protected, (D) The landscaping plan should also include aesthetic/screening protections for the adjacent property owners and the Tuolumne Road motorists, (E) Storage, equipment service, and staging areas should be allocated to locations on the Site furthest from the stream corridor, and (F) Proper fire safety provisions should be made to ensure the safety of the surrounding community due to the increased fire risk created by the log decks.	Comment noted. The response to comment B-33 addresses the silt fence and timing. Protection of oak trees is discussed in the response to comment B-21. The response to comments B-19, B-20, and B23 addresses the comment regarding landscaping. Project activities may not occur within the Open Space zoning, which allows for adequate setback distances from the riparian and stream areas. The response to comment B-40 addresses the conditions enforced by the Fire Prevention Division.
B-43	CSERC also urges that prior to any project approval by the County, all required third party approvals must first be acquired and implemented by the Project Proponents. The Initial Study assumes these third party mitigation measures in its analysis. As such, they should be a prerequisite for approval. If the Project Proponents do not meet the deadlines, the County should shut down the Site's operation until full compliance can be obtained.	Comment noted. The response to comment B-38 indicates the permits listed in Table 4 of the IS/MND were reviewed and issued by the Department of Public Works.
	Comment C - Tom Parrington	
C-1	This letter includes my comments on the draft Mitigated Negative Declaration (draft MND) which your Community Development Department (CDD) has circulated for public comment.	Comment noted. This comment provides an introductory statement.
C-2	The draft MND is nearly four years beyond when such an environmental assessment should have been completed by your Department and before any grading permit should have been issued by the Public Works Department. It is my understanding that the CDD is responsible for environmental assessments before a grading permit is issued. From the documents received from your Department pursuant to my Public Records Request I could find no previous environmental assessment.	Comment noted. All comments pertaining to the Grading Permit review, processing, and issuance have been forwarded to the Department of Public Works. Grading has been conducted and finalized under permit G2021-00028 and is outside the scope of the review for Zone Change RZ18-011 and Conditional Use Permit CUP18-013.
C-3	As the CDD is well aware, grading of the subject property began without a permit, the amount of grading far exceeded the amount of grading that may be allowed without a permit, and continued for over two years before a grading permit was finally issued on December 17, 2021 by which time much of the grading had been completed.	Comment noted. All comments pertaining to the Grading Permit review, processing, and issuance have been forwarded to the Department of Public Works. Grading has been conducted and finalized under permit G2021-00028 and is outside the scope of the review for Zone Change RZ18-011 and Conditional Use Permit CUP18-013.
C-4	By letter dated July 7, 2019 CDD wrote to Preston and Colleen Leslie about numerous code violations with deadlines to correct and comply with code requirements. One such condition was to remove all equipment and materials by August 15, 2019 which obviously has been ignored as the site continues to be used for truck, vehicle, and log storage.	Comment noted. Comment provides history of the site and summarizes information found in project support documents.

C-5	The portion of the property graded resulted in the removal of a number of oak trees, removal of vegetation along Curtis Creek, and disturbance or destruction of cultural resources such as grinding stones before any environmental review was started by the CDD despite numerous complaints made to the CDD.by nearby residents and others.	Comment noted. The response to comments B-21 and B-30 address oak tree mitigation and analysis. A Cultural Resource Study was prepared by a qualified consultant which analyzed impacts to resources, including griding stones on site. Please see the "Cultural Resources" and "Tribal Cultural Resources" sections of the IS/MND.
C-6	Comments on the Initial Study by reference to page or table. Page 4. USE OF PROPERTY. The draft MND states: Conditional Use Permit CUP18-013 would allow for outdoor vehicle storage,construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. This includes large commercial trucks, construction equipment, construction materials, and log decks. However, the milling or processing of timber or logs for commercial use is not a permitted or conditional use on land zoned C-1, per Title 17 of the Tuolumne County Ordinance Code. It is unreasonable to assume that the owner will not continue to process the logs on site as the Leslies have been doing without limitation for several years including offering such milled lumber for sale on websites as ads have been observed by neighbors on Facebook during this year.	Comment noted. Mitigation Measures LU-1, as revised in the IS/MND errata, prohibits the processing of the wood product. The mitigation monitoring program includes information regarding enforcement of these measures.
C-7	Page 10. **SURROUNDING AREA.** Description of the surrounding area is incorrect and incomplete. Reference is made to Green Waste as an industrial facility. That operation is closed and has been closed for over a year. There is a Sonora Recycling facility off of Eagle Ridge. There is no existing industrial use along the southerly side of Tuolumne Road except the subject property. No mention is made of the ranch property owned by Sonora High School District until page 48 even though it is easterly of and immediately across Wards Ferry Road from the subject property. Both immediately northerly and southerly the existing uses are residential. A residential subdivision has been proposed on the northerly side of Tuolumne Road. Along the southerly side of Tuolumne Road are an older residential property, a discount market and a bar with rental cabins around the bar. No other industrial type uses are in the immediate area unless one considers that TUD maintenance facility next to the TUD offices to be industrial.	Comment noted. Please see the Response to comment B-14 above.
C-8	Page 11. Analysis, paragraph c Construction. The draft MND states: "Construction activities may take place on the project site in the future for development of the processing facility." What processing facility is referred to in this paragraph? A processing facility does not describe anything that might be considered commercial under the proposed rezoning.	Comment noted. See the response to comment B-11 above.

C-9	Page 20. **AIR QUALITY.** The draft MND does not consider this storage and moving heavy equipment, much of which is diesel, to be a problem for this site. the health effects of diesel exhaust states in part: As we breathe, the toxic gases and small particles of diesel exhaust are drawn into the lungs. The microscopic particles in diesel exhaust are less than one-fifth the thickness of a human hair and are small enough to penetrate deep into the lungs, where they contribute to a range of health problems. Diesel exhaust and many individual substances contained in it (including arsenic, benzene, formaldehyde and nickel) have the potential to contribute to mutations in cells that can lead to cancer. In fact, long-term exposure to diesel exhaust particles poses the highest cancer risk of any toxic air contaminant evaluated by OEHHA. ARB estimates that about 70 percent of the cancer risk that the average Californian faces from breathing toxic air pollutants stems from diesel exhaust particles.	Comment noted. Please see the response to comment B-24 above. The vehicles aren't idling when they're stored; they are turned off and static until moved off site. A condition has been incorporated to the conditions of Conditional Use Permit CUP18-013 to prohibit idling of vehicles more than 10 minutes. Additionally, operation and movement of trucks, vehicles, and equipment would only be allowed between the hours of 7:00 am and 7:00 pm.
C-10	Allowing heavy equipment use and storage , many of which may be diesel, should never be allowed next to a residential area. The subject property includes a residence which is proposed to continue as a residential use .	Comment noted. Please see the response to comment B-24 and C-9 above. Tuolumne Road is categorized as a major collector road per the General Plan. These routes function as corridors for through traffic within local areas providing service to towns and other major traffic generators within the County. They also serve to link minor collectors and local access roads with nearby towns and communities or the arterial system. Wards Ferry Road is categorized as a minor collector road. Traffic counts were provided by Public Works. In 2014, 12,283 vehicles were counted along Tuolumne Road at the Wards Ferry intersection. And in 2014, 1,799 vehicles were counted along Wards Ferry Road south of the Tuolumne Road intersection. These vehicles would emit exhaust and diesel exhaust in the vicinity of the project site and would occur at a much more regular occurrence then would be associated with the project.
C-11	Page 25. CALIFORNIA FISH AND GAME CODE 1602. California Fish and Game Code. Under Section 1602, it is unlawful for any person, governmental agency, or public utility to do the following without first notifying CDFW: substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.	Comment noted. The comment only includes a citation of fish and game code.
C-12	Was the CDFW notified before removal of vegetation along Curtis Creek ? Extensive brush was removed along the portion of Curtis Creek next to the subject property. Given the periodic flooding of the lower portion of the property next to the stream, such removal could result in erosion. In addition the existing logging and milling operation has frequently led to debris flowing from the site, especially during this winter's storms. There also is a great risk that petroleum products may have leaked from equipment working and stored on the site.	Comment noted. The California Department of Fish and Wildlife was included in the initial stakeholder notification process in October 2018. They were also notified of the public review period for the IS/MND. No comments were received by Fish and Wildlife. Potential impacts to the creek are discussed in the "Biological Resource" and "Hydrology and Water Quality" sections of the IS/MND. Flood conditions are discussed in the "Hydrology and Water Quality" section of the IS/MND.

C-13	Page 28. Biological Resources. In the CDD's letter to the Leslies dated October 22, 2018 referenced is made to the stream known as Curtis Creek along the northwestern property boundary which is to be protected by a 75 foot buffer from the centerline of the stream using O zoning. At Table 7 Mitigation Measure Bio-2 provides: The northern and western 50 feet of the project site as shown in Figure 3 of the Initial Study shall be rezoned to Open Space. The rezone shall be approved by the Tuolumne County Board of Supervisors	Comment noted. The comment references a letter found in the project file and copies the language of Mitigation Measure BIO-2.
C-14	Why does the draft MND now only require a setback of 50 feet rather than 75 feet? The lower portion of the subject property is a flood plain prone to seasonal flooding every few years and more, not less, should be protected. This year flooding carried significant debris including logs downstream which has to be cleared by the applicant from neighboring properties.	Comment noted. See the response to comment B-31.
C-15	Page 62. Analysis Land Use Planning. The Draft MND reads: Policy 6.D.6 Identify areas within the County which will be appealing to, and capable of accommodating, the amount of industrial and other employment-generating development required to meet the County's needs over the planning horizon of this General Plan. The proposed project is located within an area surrounded by commercial and industrial uses. The proposed project would include outdoor vehicle storage, construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. The proposed project would support Goals 1.A and 1.G and Policies 1.A.5, 1.G.3, and 6.D.6 of the Tuolumne County General	Comment noted. The comment includes language copied from the IS/MND.
C-16	As noted in my comments above describing the surrounding area , it is a gross misstatement to claim that the project is in an area surrounded by industrial uses. The nearest commercial use consists of a small discount market and bar. If commercial uses are to be encouraged for this area, having a prominent corner parcel as an equipment and vehicle storage area is hardly the way to entice commercial development to the area.	Comment noted. Please see the response to comment B-14.
C-17	Page 63. Table 4 reads: Prior to development of the project site, the following entitlements may be required: Table 4: Future Entitlements. Permit Agency. Grading Permit Engineering Division of the Department of Public Works. Road Encroachment Permit Engineering Division of the Department of Public Works. General Construction Activity Storm Water Permit Regional Water Quality Control Board.	Comment noted. The comment includes language copied from the IS/MND.
C-18	Other than a Grading Permit, has either a Road Encroachment Permit or Storm Water Permit been obtained for all the work and activity at the subject property?	Comment noted. Please see the Response to comment B-38.
C-19	Wards Ferry Road. No mention is made of the condition of and continuing deterioration of Wards Ferry Road. Bringing heavy equipment in and out of Wards Ferry Road to the site will cause further deterioration of already impaired pavement, most of which needs to be replaced, not patched.	Comment noted. As required by Chapter 3.54 of the TCOC, Traffic Impact Mitigation Fees are required to be paid for a projects' cumulative impact on the County road system. This was discussed in the "Transportation" section of the IS/MND.
C-20	Under the County's General Plan, Transportation Element 4.A.t reads: 4.A.t - Require new development to mitigate that development's impacts on the local and regional transportation system through the fair share contribution of improvements to the master planned system and/or the payment of Traffic Impact Mitigation Fees. No payment or other mitigation for impacts to traffic or road deterioration is mentioned the draft MND.	Comment noted. The requirement of payment of Traffic Impact Mitigation Fees is discussed in the "Transportation" section of the IS/MND.

C-21	Page 59. Water Quality Plan. Implementation of the East Sonora Community Plan requires as a condition of approval of new development that surface runoff from that development be filtered through sediment basins or other measures. In addition preparation of a Storm Water Pollution Prevention Plan (PWPPP) by a qualified professional is required prior to issuance of a grading permit by the Department of Public Works. Was such a SWPPP prepared prior to issuance of the grading permit?	Comment noted. The comment copies language from the IS/MND and questions if a SWPPP was obtained. A SWPP with BMPs and coverage under an NOI are requirements of a grading permit issued by the Department of Public Works. Grading Permit G2021-00018 was reviewed, issued, and finalized by the Department of Public Works and is outside the scope of Zone Change RZ18-011 and Conditional Use Permit CUP18-013.
C-22	Table 7 Mitigation Monitoring and Reporting Program. If a proper process had been followed by your Department and the Department of Public Works , all of the mitigation measures required under the Mitigation Monitoring and Reporting Program would have been required as part of any grading permit before the property was drastically altered from its prior condition. As the Community Development Department's files amply document, the Leslies started and continued grading of the property for several years without a grading permit until one finally was issued in December, 2021.	Comment noted. Complaints receive are handled by the Code Compliance process as demonstrated in Chapter 1.10 of the TCOC.
C-23	Bio-3 reads in part: BIO-3: The project applicant should implement construction best management practices (BMPs) when operating in the northern portion of the project site adjacent to the riparian mixed hardwood habitat and Curtis Creek. BMPs will include those required by the project Stormwater Pollution Prevention Plan and the Tuolumne County Biological Resources Review Guide, and may (bold added) include the following: equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Prior to the start of project activities, inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed to prevent etc.	Comment noted. Comment copies language from the IS/MND.
C-24	The BMPs listed should be mandatory, not just "may". BMPs should have been established prior to the start of grading and been followed by the applicant.	Comment noted. A SWPP with BMPs and coverage under an NOI are requirements of a grading permit issued by the Department of Public Works. Grading Permit G2021-00018 was reviewed, issued, and finalized by the Department of Public Works and is outside the scope of Zone Change RZ18-011 and Conditional Use Permit CUP18-013. On-going operation of the site will need to comply with BMPs as indicated in Mitigation Measure BIO-3.
C-25	Given the age of the equipment currently on site including several old tractors displayed on the easterly edge of the site, it is a stretch to expect that the equipment will be maintained in such a manner as will prevent oil seepage onto the ground and likely into the stream. Replacing aged seals is an expensive and time consuming process whereas adding more oil or grease is a quick and simple fix.	Comment noted. Use of hazardous substances and waste are discussed in the "Hazards and Hazardous Materials" section of the IS/MND. Use of hazardous materials and disposal of waste would be in accordance with federal, state, and local regulations.
C-26	LU-1 reads in part No commercial log milling or processing shall occur on site and no wood product shall be commercially sold. Any processing of the logs shall be for personal use only. This condition will be on-going and will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code.	Comment noted. Comment provides a summary of Mitigation Measure LU-1 from the "Land Use and Planning" section of the IS/MND. LU-1 was revised within the IS/MND errata.
C-27	Given the number of complaints from neighbors that have been made to date, it is a stretch to expect that the Leslies will face any consequence from future complaints. Due to threats made by crew working for the Leslies, one neighbor sought and obtained a restraining order dated Jan. 12, 2018 issued by the Superior Court Case No. CV 61326 against Robbie Robles, one of the Leslies' employees.	Comment noted. Comment includes civil information that is outside the purview of the CDD or Board of Supervisors.

C-28	Storage and milling of logs has increased during the time that the Leslies application has been pending. It is my understanding that the storage and milling is conducted on the lower portion of the property by a third party, not the Leslies or their company. Advertisements have been observed by neighbors offering to sell milled lumber from the site. It is doubtful this practice will change given the Leslies prior disregard for the County's procedures and conditions.	Comment noted. Conditional Use Permit CUP18-013 allows for the storage of logs and does not allow for commercial milling. Mitigation Measure LU-1, as indicated in the IS/MND errata, prohibits log milling and processing on the site. The site is required to comply with the zoning regulations of the C-1 district as indicated in Chapter 17.34 of the TCOC. Conditions 37 and 38 further clarify uses that are not allowable on site based on the C-1 zoning.
C-29	Storage of logs presents a fire hazard. No provision is made for fire prevention for logs stored on the lower portion of the property such as a sprinkler system to keep the logs moist. At a minimum a fire suppression should be required and subject to approval bt the County Fire Department.	Comment noted. The project was reviewed by the Tuolumne County Fire Prevention Division, as discussed in the IS/MND. As discussed in the "Wildfire" section of the IS/MND, the Fire Prevention provided comments for the project, in accordance with the California Fire Code. These will be incorporated into the conditions of Conditional Use Permit CUP18-013. In accordance with the California Fire Code, sprinklers or other fire suppression is not required for the use. The IS/MND concluded a less than significant impact in which no mitigation was required.
C-30	The best mitigation for this property is to deny the proposed CUP. All uses which are not permitted in the current residential zone or permitted under a proposed C-1 zone without a CUP must cease and all equipment and log storage removed.	Comment noted. Comment states the CUP should be denied. The comment does not indicate which findings of inconsistency should dictate the reason for denial. The findings for a Conditional Use Permit application are found in Chapter 17.68 of the TCOC.
C-31	I look forward to the CDD's response to my comments and to those which others may make. Please advise me of any hearings which may be scheduled in the future before the Planning Commission and Board of Supervisors for this property.	Comment noted. This comment provides a conclusionary statement. The comments are addressed through this Response to Comments documents. Notices of public hearing are provided to adjoining property owners in accordance with Chapter 17.68 of the TCOC.
Comment Letter D- Marilyn Scheller		
D-1	RE: Rezoning of Leslie property. Application for Conditional Use Permit 18-013. The above property is located at the corner of Wards Ferry Road and Tuolumne Road. I own three separate parcels along Curtis Creek below this property on Wards Ferry Road and have seen the results of what has taken place over the few years on this property.	Comment noted. Comment introduces the project and location. Comment indicates the commenter owns property near the project site.
D-2	First, the grading done resulted in massive amounts of mud flowing into Curtis Creek during the rainy season. The creek flows through my property so is easy to witness on a daily basis. Was any permit isssued for this project? This is in violation of fish and game laws.	Comment noted. Mitigation Measure BIO-4 requires a silt fence to be placed along areas in which log storage occurs within 100 feet of the Open Space zoning to prohibit woody materials from entering the creek, as indicated in the IS/MND errata. The fence is required to be present and maintained year round. Permits that were obtained on site are discussed in the response to comment B-38. Comment states that this would be in violation of Fish and Game laws but does not cite any specific code sections or violations.

D-3	Also the logging and lumber milling that has gone on there also had a huge effect on the creek with bark and debris flowing into the creek. Also timbers and logs floated down stream in heavy rains. The creek is a mess from this operation. I never received any notice for a permit application for this property.	Comment noted. The IS/MND errata will be clarified to indicate that Mitigation Measure BIO-4 requires a silt fence to be placed along areas in which log storage occurs within 100 feet of the Open Space zoning to prohibit woody materials from entering the creek. The fence is required to be present and maintained year round. The measure was correctly written in Table 7 of the IS/MND. The mitigation measure has been incorporated into the conditions of approval for CUP18-013 and has been agreed upon by the project proponent. The only County permits that include notification of adjoining neighbors are those contained in Chapters 17.68 and 17.70 of the TCOC. Noticing requirements were followed.
D-4	The application calls for "construction materials" on the property. This needs to be defined more as it sounds like a blank check for anything under this title.	Comment noted. The type of items stored on site are discussed throughout the IS/MND.
D-5	I have lived here for 50 years and my experience with code and compliance is that nothing is enforced through them. Good example is the Howard Sundborg property in frontanthin of cascade park that is under a conditional use permit that has violated it extensively and code and compliance has been notified how it violated its permit yet nothing is done and the site gets worse each month. Proof that conditional use permits are close to a joke on enforcement by the county.	Comment noted. Comment makes a comment on the overall Code Compliance process and enforcement, which is outside the scope of this project or document. Comment references another code case not related to the project site.
D-6	Property owners on the creek are tired of the abuse to this waterway. I object to this project based on past performance of this applicant in ignoring the permit process and county codes. Leslie has no respect or regard for his neighbors or the law.	Comment noted. Comment makes a general statement about property owners along the creek. Comment also includes an opinion on the applicant and that should be used as a basis of denial of the permit. The response to comment B-2 above explains findings of approval or denial utilized for Conditional Use Permit and Zone Change applications.
Comment Letter E- Jeff Boatman, Response #1		
E-1	This is Jeff Boatman. I was the younger guy at the meeting the other day. Thanks for taking the time to review my concerns about the proposed conversion of the Leslie property from residential to commercial use.	Comment noted. Comment makes an introductory statement.
E-2	First off, I think it's important to point out that commercial activities are ongoing at the site, and have been since at least 2018. I think this sort of egregious disregard for the law and the due process of review and environmental assessment should factor into the decision of whether it is suitable to give a commercial conversion to a property owner who has had a blatant disregard for the law, environmental assessment, and environmental impact.	Comment noted. Comment includes an opinion about the applicant and opinions on what the County should use as a basis for a decision on a discretionary action.

E-3	My family has owned the adjacent property for over 70 years. It was my grandfather's home, and I grew up on the property once my parents moved in next door. It's been my primary residence for most of my 48 years on this planet. I had a friend that rented the property from Preston Leslie's grandmother, the original owner of the land, when I was in elementary school. I remember playing on the granite stones up on the hill that is no longer there that contained at least one example of MiWuk Native American grinding stones. Those are no longer there, and were removed without proper review. When Preston Leslie' father inherited the land in the early 2000s there was somebody living in a dilapidated old cabin without power or running water for a few years. This cabin has been abandoned and in disrepair for at least 20 years before this. He was arrested one night for warrant violations after BBQing at 1am high on drugs during the hottest part of summer. I called the fire department because of the fire risk. This individual was also openly hostile to neighbors. When Preston Leslie inherited the property from his father, there was somebody living on the site in a camping trailer, once again without water, power, or sanitation. I note these things, which doesn't come close to detailing the amount of violations at the site, to point out the history of blatant disregard for the law and lack of respect for adjacent property owners.	Comment noted. Comment provides a history of the project site as seen from the commenter's point of view. Comment includes information regarding a civil matter which is not within the purview of the CDD or Board of Supervisors. Potential impacts to grinding stones are discussed in the response to comment C-5.
E-4	When demolition of the existing buildings began around 2017-18, the demolition debris was pushed into a hole and buried. This was done away from the road to be out of view from passing motorists, but was clearly visible from my property. This demolition was also done in the middle of winter and created considerable runoff and impact to Curtis Creek due to heavy rainfall. Much of the demolition and grading on site has occurred in winter and had significant impact on the creek. This demolition which was begun in the winter also resulted in a conflict between the closet neighbors and the workers doing the demolition. This resulted in threats of violence being made towards the neighbors, who sought a restraining order against the individuals making those threats.	Comment noted. The project proponents secured Demolition Permits through the Building and Safety Division prior to the application for Zone Change RZ18-011 and Conditional Use Permit CUP18-013. The proponent also secured the Demolition Review through the Land Use and Natural Resources Division in accordance with Chapter 14.08 of the TCOC. Comment also includes information regarding a civil case, which is not within the purview of the Community Development Department or County Board of Supervisors.
E-5	When the initial request for comment to adjacent property holders was sent out back around 2018, one of the provisions was that no logs be stored or processed on site. This stipulation was violated shortly thereafter, and continues to be violated to this day. Much of the processing of logs done onsite has also been done on weekends, creating a significant impact to the quality of life of the adjacent property dwellers. Ads for the commercial sale of this processed lumber has also been observed on Facebook recently, in further violation of the noncommercial clause for such activities.	Comment noted. Since the original notification circulated in 2018, the project scope changed to what is currently being assessed and analyzed.

E-6	The riparian habitat on the portion of the property that is closest to Tuolumne Rd and currently is being used for log storage and processing was removed completely. This are is the historic flood plain for Curtis Creek. It was formerly a thicket of berry bushes that provided habitat for many animals. It was not graded flat by the Leslies because it was already flat from being the flood plain. It exists after a turn in the creek. It doesn't take a hydrologist to understand that this area has flooded for centuries, and will do so in the future, as it did this last winter after the significant rains. This created a substantial impact to the waterway with milled lumber strewn throughout the creek at least mile downstream to the mobile home park. Much of it is still behind my property. No attempt to clean up this mess was taken. In fact, in the days after the weather event they were advertising wet milled lumber for sale on Facebook. No construction or storage should take place on this flood plain. It's not simple a matter of a setback distance, but the lack of a difference in elevation, and the position in a corner of the creek, which will assuredly cause flooding in the future.	Comment noted. The area surrounding Curtis Creek is identified as FEMA Flood Zone A. Flood Zone A is defined as "Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage." The area of the site that contain Flood Zone A would be within Open Space zoning in which storage of materials are not permitted. The remainder of the site, and where the storage would take place, is within FEMA Flood Zone X. Flood Zone X is defined as and "area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level. Zone X is the area determined to be outside the 500-year flood and protected by levee from 100- year flood." Flood conditions are discussed in the "Hydrology and Water Quality" section of the IS/MND. Log storage would not occur within the area identified as Flood Zone A.
E-7	As mentioned before, commercial activity is ongoing at the site without the attainment of the conversion or appropriate permits. This is being done without proper sanitation or OSHA complaint work facilities.	Comment noted. The project scope provided by the applicant indicated that workers would not be going to the site.
E-8	The proposed conversion will greatly impact the safety of traffic on Tuolumne Rd and the continued degradation of Wards Ferry Rd. What is being done to address this?	Comment noted. Traffic impacts are discussed within the "Transportation Section of the IS/MND. Traffic Impact Mitigation Fees are required in accordance with Chapter 3.54 of the TCOC to address impacts to the County road system. A new encroachment permit was issued and finalled by the Engineering Division of the Department of Public Works to better allow for vehicles entering and exiting the site.
E-9	There has also been commercial sales of Christmas trees and an associated food vendor last winter. How is that legal?	Comment noted. Christmas tree farms are not a permitted or conditional use in the RE-5 zoning district. Christmas tree farms are a permitted use in the C-1 zoning district. Any zoning violations have been recorded under the code compliance case. If the Zone Change is not approved, all zoning violations would be required to stop as there would be no alternative to correct the violations. Condition 38 of the conditions of approval specifically prohibits outdoor sales as a primary use of the parcel.
E-10	There have been multiple occasions of equipment being sandblasted over bare dirt on site with the associated environmental impact and noise. That is far beyond equipment storage and constitutes industrial activities.	Sandblasting is not a permitted or conditional use in the RE-5 or C-1 zoning districts. Complaints have been recorded under the code compliance case and have been forwarded to the Air Pollution Control District (APCD) and Environmental Health Division. If Conditional Use Permit CUP18-013 is issued, specific uses will be listed as prohibited. The site is required to comply with the zoning regulations of the C-1 district as indicated in Chapter 17.34 of the TCOC. Condition 38 of the conditions of approval specifically prohibit sandblasting activities on site.
E-11	I understand that this location falls under county plans for future commercial development, but the activity going on there now without the permits fall more under industrial use. My concern is all the things I've noted have been occurring on the property while the conversion is being sought. I'm very wary of how much worst it may get once a permit is issued, and that there will be limited resources to force any compliance. I don't think a commercial conversion should be issued to the current property owners due to their continued disregard for the law, even if commercial conversion is considered in the future.	Comment noted. The response to comment B-2 above references required findings of an application and the decision to deny or approve the application. This comment provides an opinion as to what should be utilized by the County when making a decision on a discretionary entitlement.

E-12	Thanks for your time. Please feel free to contact me with any questions or requests for clarification. I'll also be sending a separate email with photographs and videos of the violations and flooding on the site.	Comment noted. Comment includes a conclusionary statement.
	Comment Letter F- Jeff Boatman, Response #2	
F-1	Here's some links to various photos I've taken of violations at the Leslie property over the years. I wish I had a better record of all the violations. This is only a small portion.	Comment noted. Comment indicates that pictures are shared of the project site. The pictures were saved into the project files and included in the comments.
F-2	Recent flooding and impact to Curtis Creek. Beyond the obvious impact to the waterway from operations on the flood plain, the milled lumber created a dam as it was swept down stream and nearly caused the residence upstream to evacuate because of rising water levels. This was averted by driving an excavator through the waterway causing further environmental damage. 69 items shared.	Comment noted. Photos document hydrology patterns on site following a major storm. The response to comment E-6 above provides information on Flood Zones as identified by FEMA. Flood conditions are discussed in the "Hydrology and Water Quality" section of the IS/MND. Log storage would not occur within the area identified as Flood Zone A.
F-3	Here's some photos of the day after the flooding, with impact to the site and documentation of the milled lumber behind my property throughout the creek. Additional pics are from the mobile home park almost a mile downstream with milled lumber strewn about the creek. More lumber probably made it further downstream, but that area is private property. 40 photos shared.	Comment noted. Photos document hydrology patterns on site following a major storm. The response to comment E-6 above provides information on Flood Zones as identified by FEMA. Flood conditions are discussed in the "Hydrology and Water Quality" section of the IS/MND. Log storage would not occur within the area identified as Flood Zone A.
F-4	Grading activities and log storage and processing documentation form June 13th 2019. 23 items shared.	Comment noted. Photos are documenting violations on site. Complaints regarding log storage and grading without a permit were provided to the Code Compliance Division and were handled in accordance with Chapter 1.10 of the TCOC. Grading Permit G2021-00028 was issued on December 17, 2022 by the Department of Public Works to correct grading violations on site. Zone Change RZ18-011 and Conditional Use Permit CUP18-013 would allow for the log storage on site.
F-5	Grading and road construction onto the floodplain June 10th 2019. I would be interested to know if permits were acquired before or after this activity began? 7 photos shared.	Comment noted. Photos are documenting violations on site. Complaints regarding grading without a permit were provided to the Code Compliance Division and were handled in accordance with Chapter 1.10 of the TCOC. Grading Permit G2021-00028 was issued on December 17, 2022 by the Department of Public Works to correct grading violations on site.
F-6	Evidence of log deck and commercial activity before hill top removal December 2018. 7 photos shared.	Comment noted. See the response to comment F-4 above.
F-7	Recent sandblasting activities May 2023. 8 items shared.	Comment noted. See the response to comment E-10 above.
F-8	There has plenty more I wish I had documentation of, including multiple occasions of sandblasting, odd hours of loud equipment operation, and plenty of processing of stored logs on weekends, early mornings and late evenings. Not to mention the way excavations were done in winter months with significant runoff effecting the creek. To say that these neighbors have been menaces with zero regard for the well being of adjacent neighbors would be an understatement.	Comment noted. See the response to comment E-10 above. Any uses not allowed as a permitted use within the C-1 zoning district would be handled as a zoning violations. Any changes to the Conditional Use Permit would require a formal revision to be submitted and routed through the Planning and environmental review process. Condition 38 of the conditions of approval specifically prohibits uses on site not allowed within the C-1 zoning.
F-9	Thanks for your time. Feel free to contact me if you need anything.	Comment noted. Comment just includes a conclusionary statement.

Initial Study/Mitigated Negative Declaration

Leslie

Zone Change RZ18-018

Conditional Use Permit CUP18-013

Lead Agency:
Tuolumne County
Community Development Department
48 Yaney Avenue
Sonora, California 95370
209-533-5633
www.tuolumnecounty.ca.gov

Owner/Applicant:
Preston and Colleen Leslie

April 11, 2023

INTRODUCTION AND REGULATORY GUIDANCE

This Initial Study/Proposed Mitigated Negative Declaration (IS/Proposed MND) has been prepared by Tuolumne County to evaluate potential environmental effects resulting from the rezone to General Commercial, outdoor storage of commercial equipment, vehicles, and materials, and grading for these uses in East Sonora, in Tuolumne County, California.

This document has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the *State CEQA Guidelines* (California Code of Regulations Section 15000 et seq.). An initial study is prepared by a lead agency to determine if a project may have a significant effect on the environment (*State CEQA Guidelines* Section 15063[a]), and thus to determine the appropriate environmental document. In accordance with State CEQA Guidelines Section 15070, a "public agency shall prepare…a proposed negative declaration or mitigated negative declaration…when: (a) The Initial Study shows that there is no substantial evidence…that the project may have a significant impact on the environment, or (b) The Initial Study identifies potentially significant effects but revisions to the project plans or proposal are agreed to by the applicant and such revisions would reduce potentially significant effects to a less-than-significant level." In this circumstance, the lead agency prepares a written statement describing its reasons for concluding that the project would not have a significant effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). By contrast, an EIR is required when the project may have a significant environmental impact that cannot clearly be reduced to a less-than-significant effect by adoption of mitigation or by revisions in the project design.

As described in the environmental checklist (Section 2), the project would not result in any unmitigated significant environmental impacts. Therefore, an IS/Proposed MND is the appropriate document for compliance with the requirements of CEQA. This IS/Proposed MND conforms to these requirements and to the content requirements of *State CEQA Guidelines* Section 15071.

PUBLIC REVIEW REQUIREMENTS

Under CEQA, the lead agency is the public agency with primary responsibility over approval of the project. Tuolumne County is the CEQA lead agency. The purpose of this document is to present information to decision-makers and the public about the environmental consequences of implementing the project. This disclosure document is being made available to the public for review and comment. This IS/Proposed MND will be available for a 30-day public review period from April 12, 2023 to May 12, 2023.

Supporting documentation referenced in this document is available for review at:
Tuolumne County Community Development Department
48 Yaney Avenue, Sonora, CA 95370

Comments must be postmarked by May 12, 2023, and should be addressed to:
Natalie Rizzi, Senior Planner
Tuolumne County Community Development Department
2 South Green Street, CA 95370
nrizzi@co.tuolumne.ca.us

After comments are received from the public and reviewing agencies, the Tuolumne County Board of Supervisors may (1) certify the MND and approve the project; (2) require additional environmental analysis; or (3) disapprove the project. If the project is approved, the applicant may proceed with the project.

PROJECT INFORMATION

DATE: April 11, 2023

SURFACE/MINERAL RIGHTS OWNERs Preston and Colleen Leslie

APPLICANT: Preston and Colleen Leslie

PROJECT DESCRIPTION:

1. Ordinance for Zone Change RZ18-011 to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial) under Title 17 of the Tuolumne County Ordinance Code.

2. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres.

LOCATION: The project site consists of two parcels totaling 6.2± acres located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Within Sections 9 and 10 of Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 097-140-007 and 097-140-009. Within Supervisorial District Number 4.

SITE DESCRIPTION: The project site consists of two parcels located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Assessor's Parcel Number (APN) 097-140-007 is a 5.4± acre parcel zoned RE-5 and contains the GC (General Commercial) General Plan land use designation. APN 097-140-009 is a 0.9± acre parcel zoned C-1 and contains the GC General Plan land use designation. APN 097-140-007 was developed in the 1960's with a residence, barn, and storage building. Two additional residences were recently demolished under Demolition Permit D18-002. The majority of the storage of equipment, vehicles, and materials occurs within APN 097-140-007. APN 097-140-009 is currently vacant; one access driveway serves this parcel, encroaching onto Wards Ferry Road. A second driveway closer to the intersection of Wards Ferry Road and Tuolumne Road has recently been blocked off.

Curtis Creek fronts the site on its northern side, with an incised bank. The creek is densely vegetated with blackberries and other riparian trees and plants. There has been grading under Grading Permit G2021-00028 to create two large, mostly level pads on the site, with one lower pad adjacent to and above the creek bed, and the second, man-made earthen pad covering the southern half of the lands, with an earthen fill slope between the Wards Ferry Road right-of-way and the pad. Access roads have been graded on site to link the two main pads and to link the southern pad to Wards Ferry Road, for the driveway access.

DETAILED PROJECT DESCRIPTION: Current zoning of the parcel is RE-5. Presently, the parcel is being used for outdoor storage of construction equipment, vehicles, construction materials, and log decks, all appurtenant to a business owned and operated by the Leslie family. There is also

periodic milling of logs on the site, as well, however these are not being milled for any commercial operations.

An application for Zone Change RZ18-011 and Conditional Use Permit CUP18-013 was submitted on September 27, 2018. The application was submitted to correct a code violation on the project site for commercial activities being conducted on a parcel zoned RE-5. The existing zoning of RE-5 is not compatible with the existing General Plan land use designation of GC, therefore approval of Zone Change RZ18-011 will bring the parcel into compliance with the existing General Plan land use designation of General Commercial.

Conditional Use Permit CUP18-013 would allow for outdoor vehicle storage, construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. This includes large commercial trucks, construction equipment, construction materials, and log decks. However, the milling or processing of timber or logs for commercial use is not a permitted or conditional use on land zoned C-1, per Title 17 of the Tuolumne County Ordinance Code.

There has been grading to create large, mostly level pads on the site for the storage of equipment, vehicles and materials, with one lower pad adjacent to and above the creek bed, and another, man-made earthen pad covering the southern half of the lands, with earthen fill slope between the Wards Ferry Road right-of-way and the pad. Grading Permit G2021-00028 was submitted and issued by the Department of Public Works to correct the grading violations and to allow for grading of the site. All grading under Grading Permit G2021-00028 has been completed on site.

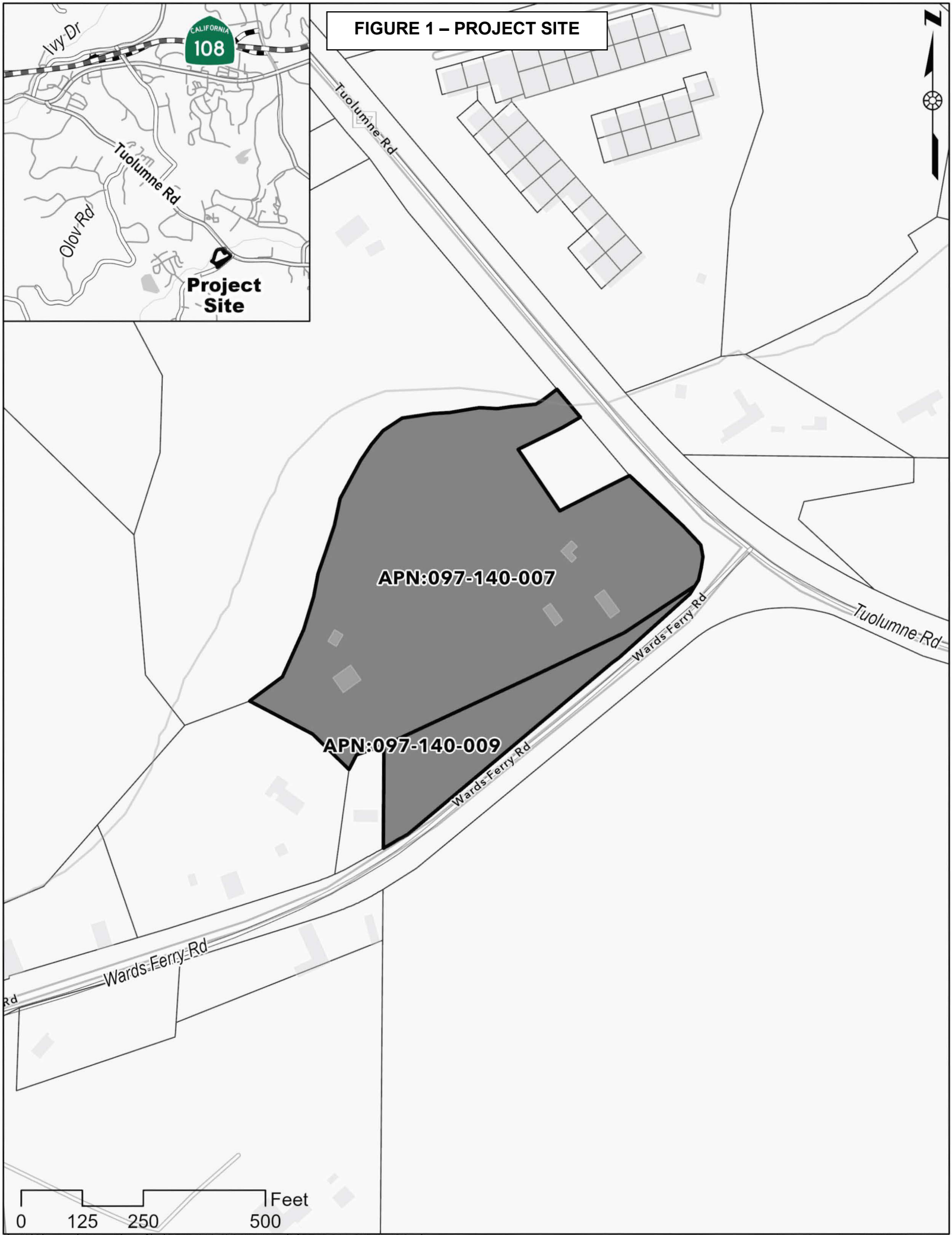
Other Agency Approvals:

In addition to County review and approval, the project would require permit issuance approvals from other agencies. These agencies would serve as responsible and trustee agencies pursuant to *CEQA Guidelines* Section 15381 and Section 15386, respectively. This document provides the necessary environmental information for discretionary actions by these agencies.

- California Department of Fish and Wildlife (CDFW) –Reviews/approves project for compliance with applicable rules and regulation, specifically impacts to sensitive plant, animal, and wetland/riparian habitat. Collects CDFW filing fee for review of project environmental document.
- US Fish and Wildlife Service – Reviews/approves applicable rules and regulation, specifically impacts to sensitive plant, animal, and wetland/riparian habitat. The authority to contact regarding buffer protection zones for elderberry shrubs.
- Native American Heritage Commission
- State Water Resources Control Board
- Tuolumne County—for encroachment permits, grading permits, and building permits.

Consultation Pursuant to Public Resources Code Section 21080.3.1:

In accordance with Senate Bill 52, formal consultation letters were sent to the contacts for the Chicken Ranch Rancheria of Me-Wuk Indians and Tuolumne Band of Me-Wuk Indians Tribes. AB 52 consultation letters we sent via certified mail on July 19, 2022. To date, neither Tribe has requested consultation or provided comments on the proposed project back to County staff.

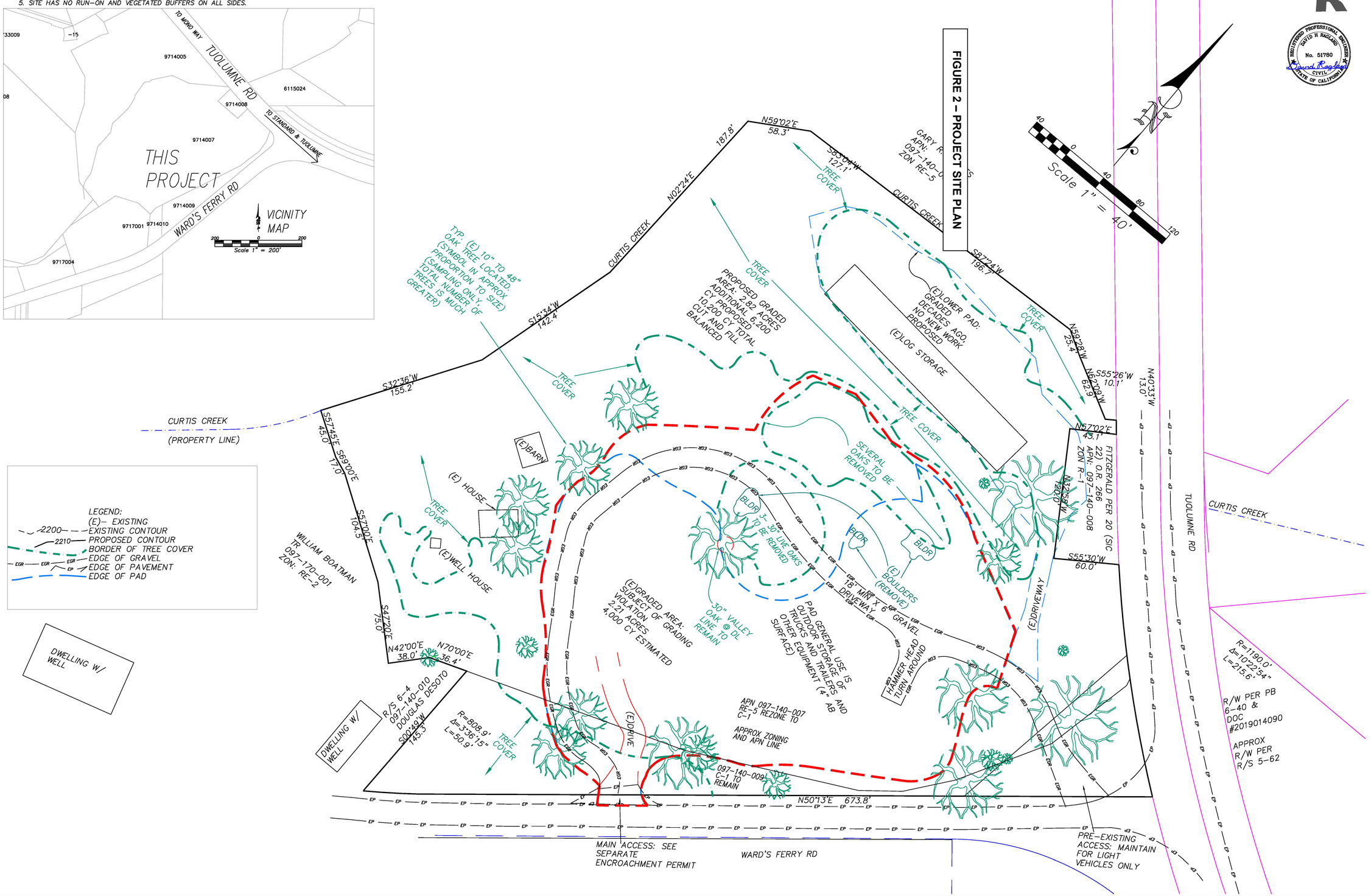


Path: X:\Planning\Temp_Shapefiles\RZ18-011 CUP18-13 Leslie\RZ18-011 CUP18-13 Leslie.aprx

Date Saved: 12/13/2022 10:42

NOTES:
1. SUBJECT PROPERTY: LAND OF DOC# 2019014090, 7.50 ACRES
2. APN 097-140-007, 009
3. THIS APPLICATION ALLOWS FOR MORE THAN 3 ACRES OR 40% UNDEVELOPED INCLUDING OAK GROVES AND RIPARIAN AREA AROUND CREEK, WHICH INCLUDES STANDS OF ASH, ALDER, WILLOW.
4. PROPOSED GRADED AREA: 2.82 ACRES ADDITIONAL 6,200 CY PROPOSED 10,200 CY TOTAL CUT AND FILL BALANCED.
5. SITE HAS NO RUN-ON AND VEGETATED BUFFERS ON ALL SIDES.

FIGURE 2 – PROJECT SITE PLAN



LEGEND:
(E)– EXISTING
2200 EXISTING CONTOUR
2210 PROPOSED CONTOUR
BORDER OF TREE COVER
EGR EDGE OF GRAVEL
EP EDGE OF PAVEMENT
EDGE OF PAD

DAVID H RAGLAND
No. 51780
CIVIL
STATE OF CALIFORNIA

David Ragland
ENGINEERING AND LAND SURVEYING
19545 ROGERS ROAD
SONORA, CA 95370
Phone (209) 532-7491
Email: draglan4@mlode.com

1/2

GRADING PLAN
1. SITE LAYOUT
RZ18-011, CUP18-013
LAND OF DOC# 2019014090
APN 097-140-007, 009

REVISIONS

NO.	DATE	DESCRIPTION

1"=40'

Date: 08/22/2021

PRESTON AND COLLEEN LESLIE
17617 BUTTERCUP CIRCLE
SONORA CA 95370
209-840-1827 PRESTON
840-1664 COLLEEN
colleen@leslieheavyhaul.com

ENVIRONMENTAL EVALUATION

TERMINOLOGY DEFINITIONS: The following terminology from Appendix G of the *State CEQA Guidelines* is used in this environmental analysis to describe the level of significance of potential impacts to each resource area:

- ***Potentially Significant Impact*.** This term applies to adverse environmental consequences that have the potential to be significant according to the threshold criteria identified for the resource, even after mitigation strategies are applied and/or an adverse effect that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared consistent with CEQA.
- ***Less-than-Significant Impact with Mitigation*.** This item applies to adverse environmental consequences that have the potential to be significant but can be reduced to less-than-significant levels through the application of identified mitigation strategies that have not already been incorporated into the proposed project.
- ***Less-than-Significant Impact*.** This term applies to potentially adverse environmental consequences that do not meet the significance threshold criteria for that resource. Therefore, no mitigation measures are required.
- ***No Impact.*** This term means no adverse environmental consequences have been identified for the resource or the consequences are negligible or undetectable. Therefore, no mitigation measures are required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance
☒ None with Mitigation Implemented		

DETERMINATION (To be completed by the Lead Agency) on the basis on the initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a MITIGATED NEGATIVE DECLATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARTION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Natalie Rii
FOR **Quincy Yaley, AICP**
Environmental Coordinator

4-10-2023
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

AESTHETICS:

Issues and Supporting Information Sources		*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:					
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experiences from publicly assessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☒	☐	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

Environmental Setting:

Visual or aesthetic resources are generally defined as the natural and built features of the landscape that can be seen. The combination of landform, water, and vegetation patterns represents the natural landscape that defines an area's visual character, whereas built features such as buildings, roads, and other structures reflect human or cultural modifications to the landscape. These natural and built landscape features or visual resources contribute to the public's experience and appreciation of the environment. Depending on the extent to which a project's presence would alter the perceived visual character and quality of the environment, visual or aesthetic impact may occur. It should be noted that visual change in and of itself does not necessarily represent an adverse impact, and in some cases may result in a beneficial visual effect.

The aesthetic analysis is based on field observations and the review of information including site maps, drawings, technical data, and aerial and ground level photographs of the area. In addition, as part of this study, planning documents pertinent to visual quality including the Tuolumne County General Plan were reviewed. The analysis also responds to the California Environmental Quality Act (CEQA) guidelines for visual impact analysis as well as the goals, programs, and implementation programs outlined in the Tuolumne County General Plan and the Tuolumne County Ordinance Code.

The Tuolumne County General Plan recognizes agricultural and timberlands as having historically defined the rural character and scenic beauty of the County. There are no scenic vistas within the project vicinity at the project site, and the project does not contain agricultural or timberlands. There are existing light sources on the site associated with the surrounding commercial/industrial land uses.

The project site is located within the area that is subject to the East Sonora Community Plan contained within Volume III of the 2018 Tuolumne County General Plan. Policy ES-B.1 and Implementation Program ES-B.a indicate that the project is subject to the East Sonora Design Guidelines.

The project site is was developed with a mix of commercial and residential uses, including a residence, barn, and storage building on APN 097-140-007. These have been removed with proper Demolition Permits. The site also contains access driveways, level pads, and storage of equipment, vehicles, and materials. There has been grading on the site to create the access driveways and pads.

Parcels to the north, east, and west of the site contain the Light Industrial General Plan land use designation and are developed with industrial and commercial uses. To the west of the site is the Green Works green waste

facility. The parcels immediately north of the project site contain the GC General Plan land use designation and are developed with a mix of residential and commercial uses. Parcels located southwest of the project site contain the LDR General Plan land use designation and consist of residential uses.

Potentially affected viewers in the area includes motorists and other viewers along Tuolumne Road and Wards Ferry Road, both of which are publicly dedicated, County-maintained roads. Motorists would represent the largest of the affected viewer groups and include the public views of the project site.

Analysis:

a) A scenic vista is considered a view of an area that has remarkable scenery or a natural or cultural resource that is indigenous to the area. There are three vista points within Tuolumne County that have been officially designated by the California Department of Transportation (Caltrans) as a scenic vista point. Two of these are found at Lake Don Pedro and the third one is the "Rim of the World" which is along State Highway 120 east of the community of Groveland. The project site does not offer long-distance or unique scenic views. The project consists of a Zone Change to the C-1 zoning district and a Conditional Use Permit to allow for the outdoor storage of commercial equipment, vehicles and materials. The project site is not considered to have qualities that would require preservation or mitigation. There would be less than-significant impacts to a scenic vista.

b) Tuolumne County does not currently have any officially designated state scenic highways, although portions of State highways 49, 108, 120 are eligible for designation. These portions have been identified as locally designated scenic routes. State Highway 49 has been recognized as a locally designated scenic route from the Mariposa County Line to Route 120 near Moccasin Creek and from Route 120 at Chinese Camp to the Calaveras County line, exclusive of the City of Sonora. State Highway 108 from the intersection with State Highway 49 easterly to the Mono County line has also been recognized as a locally designated scenic highway. The project site is located approximately 1.6± aerial miles from its closest point to State Route 108. However, due to topography, development of parcels in between, and the distance, the project site is not visible from any officially designated or locally designated state scenic highway. Therefore, there is no impact.

c) The project site is within the area that is subject to the East Sonora Community Plan and therefore the East Sonora Design Guidelines. The project must be found to be compatible with the East Sonora Design Guidelines and must implement design features as indicated in the guidelines. The visual character of a project can result in potential impacts from project construction and operation. Impacts are discussed for construction and operation separately, below. The discussion will focus on consistency with the East Sonora Design Guidelines as this would be the County's applicable regulations governing scenic quality of the site.

Construction

Construction activities may take place on the project site in the future for development of the processing facility. Temporary construction activities would be consistent in visual character with small-scale building and landscaping projects. The East Sonora Design Guidelines do not have any guidelines to be incorporated into the construction phase as the guidelines focus on the design of buildings and architectural features.

Operation

The project is located within the area that is subject to the East Sonora Community Plan and East Sonora Design Guidelines.

The East Sonora Design Guidelines provide information as to how future development should be

constructed. Much of the East Sonora Design Guidelines pertain to design and architectural features of buildings. The proposed project does not include the development of any buildings, so many of the design guidelines do not apply. However, some of the applicable guidelines are listed below.

The design guidelines contain guidelines related to industrial uses. The East Sonora Design Guidelines for industrial uses are as follows:

- Orient heavy industrial uses and loading areas away from the primary street.
- Minimize parking along the front edge of the lot and the primary street.
- Screen the views of industrial uses and loading bays from the street.

The objective of landscaping as contained in the East Sonora Design Guidelines is to increase the quality of the built/developed environment with the appropriate integration of landscaping. The East Sonora Design Guidelines for landscaping are as follows:

- Landscaping should define specific areas by focusing on entrances to structures and parking areas, creating edges, and providing screening for loading and equipment areas.
- Encourage water conservation through the retention of existing, on-site vegetation, as well as the integration of native or drought tolerant species of plants.
- Utilize landscaping to enhance public places in order to create an environment that is comfortable and pleasing for pedestrians and motorists.
- Pedestrian access to sidewalks or structures should be considered in the design of all landscaped areas.
- Planting next to walkways and adjacent to other pedestrian places should include smaller species of shrubs and trees to maintain an intimate human scale and canopied trees to provide shade during the summer.
- Encourage landscape plans to reduce the asphalt impact currently found in East Sonora. These areas should include focal points that employees and visitors use. Planting of street trees along transportation routes and at entrances to commercial centers are encouraged; in particular, create a formal landscaped entrance to the Mono Way business corridor.
- Incorporate native landscaping within parking lots and along building frontages. Provide native landscaping along the right-of-way to screen parking lots.
- Encourage the use of native landscaping along the building's edge and parking lot. For gas stations, provide landscaping to screen above ground tanks and pipes from street views.
- Include water efficient landscaping utilizing native, drought resistant plants. The use of bioswales are encouraged.

In order to ensure compliance with the East Sonora Design Guidelines and to reduce impacts related to a less than significant level, Mitigation Measure AES-1 requiring a landscaping plan to adequate screen views from the roadways has been incorporated. There would be a less than significant impact with mitigation incorporated.

d) New sources of light and glare are not proposed at this time. However, to ensure that any lighting installed in the future would not create a significant impact, Mitigation Measure AES-2 has been incorporated. Mitigation Measure AES-2 would require that prior to the installation of any commercial lighting, a lighting plan will be required implementing Dark Sky lighting, such fixtures that minimize glare while reducing light trespass and skyglow. Mitigation Measure AES-2 will require any exterior lighting to incorporate the following: direct the light downward to the area to be illuminated, install shields to direct light and reduce glare, utilize low rise light standards or fixtures attached to the buildings, and utilize low or high pressure sodium lamps instead of halogen type lights. The project proponent will be required to submit a lighting plan to show consistency with the above provisions. Consistency with Mitigation Measure AES-2 will be reviewed by Community Development Department (CDD) staff upon receipt of a

building permit for any structure on site. The lighting plan will be required to be reviewed and approved by CDD Staff prior to the issuance of a building permit. There would be a less than significant impact with mitigation.

Mitigation Measures:

AES-1: A Landscaping Plan, developed by a qualified professional, shall be submitted and approved by the Land Use and Natural Resources Division. The landscaping plan shall be consistent with the East Sonora Community Plan in Volume III of the 2018 Tuolumne County General Plan, the East Sonora Design Guidelines, and Chapter 15.28 of the Tuolumne County Ordinance Code. The landscaping shall be located adjacent to Wards Ferry Road and shall be planted with an equal combination of drought-tolerant shrubs and trees at a five-gallon minimum and shall not block sight lines of motorists using/entering/existing onto Wards Ferry Road or Tuolumne Road. The landscaping layout shall not hamper County of Tuolumne Public Works road maintenance operations, such as roadside ditch maintenance, or potentially encumber the road right-of-way with overhanging foliage in the traveled lanes of the existing roadways. Appropriate erosion control countermeasures shall be reflected in the design and construction of the landscaping.

Vegetation along Tuolumne Road and Curtis Creek on the project site shall remain in its current form and be maintained for visual screening-if any vegetation is removed, it shall be replaced in kind. This vegetation in this area shall also be identified on the Landscaping Plan with a note that it is to remain and be maintained. Any planting within the Open Space zoning shall be reviewed by the Land Use and Natural Resources Division prior to installation.

AES-2: If lighting is proposed for the site in the future, a lighting plan shall be submitted and approved by the Land Use and Natural Resources Division prior to the placement of permanent exterior lighting on the site associated with the storage of commercial equipment, vehicles, and/or materials. Any exterior lighting shall incorporate the following features: direction of light downward to the area to be illuminated, installation of shields to direct light and reduce glare, utilization of low rise light standards or fixtures attached to any buildings, and utilization of low- or high-pressure sodium lamps instead of halogen type lights.

Mitigation Monitoring:

Mitigation Measure AES-1 will be required to be met as follows: a Landscaping Plan shall be submitted to the Land Use and Natural Resources staff within 60 days of approval of the project. Within 60 days of approval of the Landscaping Plan, the vegetation shall be installed on the project site according to the approved plan. The applicant shall also be responsible for continued maintenance of the landscaping, including irrigation if necessary, and any dead or dying vegetation planted as a result of the plan shall be replaced in-kind.

Mitigation Measure AES-2 will be required to be met prior to the placement of permanent exterior lighting on the site associated with the storage of commercial equipment, vehicles, and material.

Mitigation Measures AES-1 and AES-2 will be verified by the Land Use and Natural Resources Division. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

AGRICULTURAL AND FORESTRY RESOURCES:

In determining whether the impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation, as an optional model to use in assessing impacts on farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land. This includes: Forest and Range Assessment Project, the Forestry Assessment Project and Forest Carbon Measurement methodology provided in Forest Protocols, adopted by the California Air Resources Board.

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐[1]	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☒	☐
d) Result in the loss of forest land, or conversion of forest land to non-forest use?	☐	☐	☒	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☒	☐

Environmental Setting:

Lands of agricultural importance in Tuolumne County are designated AG (Agricultural), TPZ (Timber Production), or O (Open Space) by the General Plan land use diagrams. Exclusive agricultural properties contain the AE-160 (Exclusive Agricultural, One Hundred Sixty Acre Minimum), AE-80 (Exclusive Agricultural, Eighty Acre Minimum), and AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) Zoning. Parcels within the Williamson Act must contain the Agricultural Preserve Combining (:AP) zoning, as required by Tuolumne County Resolution 106-04. Chapter 8 of the 2018 Tuolumne County General Plan contains the Goals, Policies, and Implementation Programs related to agriculture in Tuolumne County. The project was reviewed for consistency with the Agricultural Element of the General Plan. The project site is currently zoned RE-5 and C-1 and contains the GC General Plan land use designation.

The California Department of Forestry and Fire Protection (CalFire) regulates timber harvesting and logging on privately owned lands in California. Prior to the conversion of land to a land use other than growing timber, a Timberland Conversion permit must be reviewed and approved by CalFire.

California Land Conservation Act

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for preserving agricultural land or related open space uses. Land under agricultural production can have its annual assessed valuation for property tax calculation reduced if the owner agrees to place the land under a Williamson Act contract for 10 years, renewable annually. Tuolumne County Resolution 106-04, approved by the Board of Supervisors on June 15, 2004, contains the County's rules and

regulations to govern land within Agricultural Preserves and land within the Williamson Act Land Conservation Program.

Z'berg-Nejedly Forest Practice Act of 1976

The project site is located on private property and as such for actions related specifically to potential impacts from forest resources could be subject to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (FPA) that have been promulgated as the California Forest Practice Rules. Land within Tuolumne County that is subject to the Z'berg-Nejedly Forest Practice Act of 1976 is demonstrated by the TPZ (Timberland Preserve) zoning district and the TPZ General Plan land use designation. The TPZ zoning district is utilized for the protection of timberland. The TPZ zoning district is for the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the County as a whole. This zone is intended to qualify its land pursuant to Z'bergWarren-Keene-Collier Forest Taxation Reform Act of 1976 or such other legislative statutes or constitutional authorization as may be developed for defining a timberland preserve. Land within Tuolumne County that is subject to the Z'berg-Nejedly Forest Practice Act of 1976 is demonstrated by the TPZ (Timberland Preserve) zoning district and the TPZ General Plan land use designation.

Analysis:

a) The project site has not been mapped under the Farmland Mapping and Monitoring Program of the California Resources Agency. However, the project site has been mapped under the United States Department of Agriculture Natural Resources Conservation Service web soil survey maps. The project site contains the Sierra-Verjeles-Aquic Haploxeralfs complex soils, found on 0-8% slopes and the Cumulic Humixerepts-Riverwash complex soils, found on 0 to 8% slopes. Neither of these soil types are considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, there will be no impact.

b) The project site is zoned RE-5 and C-1 and contains the GC General Plan land use designation. Neither of these are compatible with zoning for inclusion within the Williamson Act. The project site is not within a Williamson Act Land Conservation contract. There are no parcels within the immediate vicinity of the project site that are zoned Exclusive Agricultural, contain the Agricultural General Plan land use designation, or within a Williamson Act contract. Therefore, there will be no impact as the project would not conflict with existing zoning for agricultural use or a Williamson Act Contract.

c,d) The TPZ zoning district is utilized for the protection of timberland. The TPZ zoning district is for the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the County as a whole. This zone is intended to qualify its land pursuant to Z'bergWarren-Keene-Collier Forest Taxation Reform Act of 1976 or such other legislative statutes or constitutional authorization as may be developed for defining a timberland preserve. The TPZ land use designation provides for the growing and harvesting of timber and other forest products in concert with limited, low-intensity public and private commercial recreational uses. Typical land uses allowed in the TPZ designation include all commercial timber production operations and facilities, agricultural operations, mineral and other resource extraction operations, recreation uses such as public utility and safety facilities.

The project site does not contain the TPZ zoning district or the TPZ General Plan land use designation. There are no parcels within the vicinity of the project site that contain the TPZ zoning district or the TPZ land use designation.

The California Department of Forestry and Fire Protection (CalFire) regulates timber harvesting and logging on privately owned lands in California. Prior to the conversion of land to a land use other than growing timber, a Timberland Conversion permit must be reviewed and approved by CalFire. The project site is currently vacant and contains commercial tree species, as defined by CalFire, consisting of Ponderosa Pine. If the project will require the cutting or removal of commercial tree species, the project

proponent is required to submit a timber harvest plan to CalFire for their review and approval. If the area of timber harvest is less than three acres in size, a Less Than Three Acre Conversion Exemption may be obtained from CalFire. The project will be conditioned to require a timber harvest plan or application for Less Than Three Acre Conversion Exemption to be submitted to CalFire for review and approval prior to the cutting or removal of commercial tree species. The approved harvest plan or exemption from CalFire will be required to be submitted to the Land Use and Natural Resources Division. Compliance with this requirement would result in a less than significant impact on timberland.

e) The project site is not located near land zoned Exclusive Agricultural or containing the Agricultural General Plan land use designation. The nearest parcel with the Agricultural General Plan land use designation is located approximately 2,000 feet south of the project site. Therefore, it is unlikely that the project would have impacts that would result in the conversion of agricultural land to a non-agricultural use. There is a less than significant impact.

Mitigation Measures: None Required

Mitigation Monitoring: Not Applicable

AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Where available, the significance criteria established by the Tuolumne County Air Pollution Control District has been relied upon to make the following determinations. Would the Proposed Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Environmental Setting:

This section describes the impacts of the proposed project on local and regional air quality. It describes existing air quality in the foothills; project related direct and indirect emissions; health effects; and the impacts of these emissions on both the project and cumulative/regional scale.

The U.S. Environmental Protection Agency (EPA) designated Tuolumne County as “attainment/unclassified” for the 2008 eight-hour federal ozone standard on July 20, 2012. Tuolumne County is “attainment/unclassified” for all other federal ambient air quality standards. With respect to State ambient air quality standards, Tuolumne County is classified as “nonattainment” for ozone and “attainment/unclassified” for all other State standards. The State ozone “nonattainment” status is due to overwhelming transport of ozone precursors from upwind, urban areas.

Air pollution is directly related to a region’s topographic features, and the California Air Resources Board (CARB) has divided California into regional air basins according to topographic air drainage features. The Mountain Counties Air Basin (MCAB) includes Plumas, Sierra, Nevada, Placer (middle portion), El Dorado (western portion), Amador, Calaveras, Tuolumne, and Mariposa Counties. While the MCAB encompasses such an expansive territory, the population of the entire air basin is less than 500,000 (472,991 in 2010). The basin lies along the northern Sierra Nevada Mountain Range, close to or contiguous with the Nevada border, and covers an area of roughly 11,000 square miles.

Elevations range from over 10,000 feet at the Sierra crest down to several hundred feet above sea level at the Stanislaus County boundary. Throughout the MCAB basin, the topography is highly variable, and includes rugged mountain peaks and valleys with extreme slopes and differences in elevation in the Sierras, as well as rolling foothills to the west.

The general climate of the MCAB varies considerably with elevation and proximity to the Sierra ridge. The terrain features of the basin make it possible for various climates to exist in a relatively close proximity. The Sierra Nevada receives large amounts of precipitation in the winter, with lighter amounts in the summer. Precipitation levels are high in the highest mountain elevations but decline rapidly toward the western portion of the basin. Winter temperatures in the mountains can be below freezing for weeks at a time, and substantial depths of snow can accumulate, but in the western foothills, winter temperatures usually dip below freezing only

at night and precipitation is mixed as rain or light snow. In the summer, temperatures in the mountains are mild, with daytime peaks in the 70s to low 80s, but the western end of the basin can routinely exceed 100 degrees.

Local Climate and Sources of Air Pollution

The climate in Tuolumne County can be considered Mediterranean with moist and cold winters and warm and dry summers. The mean annual precipitation is 33 to 49 inches (838 to 1,245 millimeters). Mean annual temperature is 41 to 53 degrees F (5.0 to 11.7 degrees C). The frost-free period is 100 to 150 days.

Table 1. Tuolumne County Designations and Classifications

Pollutant	Designation/Classification	
	Federal Standard	State Standard
Ozone - One hour	Attainment	Nonattainment
Ozone - Eight hour	Nonattainment	Nonattainment
PM 10	Unclassified	Unclassified
PM 2.5	Attainment/Unclassified	Unclassified
Carbon Monoxide	Attainment/Unclassified	Attainment
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Unclassified	Attainment
Lead (Particulate)	Attainment/Unclassified	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified

Source: CARB

"Inhalable coarse particles (PM2.5-10)," such as those found near roadways and dusty industries, are between 2.5 and 10 micrometers in diameter. PM2.5-10 is deposited in the thoracic region of the lungs.

"Fine particles (PM2.5)," such as those found in smoke and haze, are 2.5 micrometers in diameter and smaller. These particles can be directly emitted from sources such as forest fires, or they can form when gases emitted from power plants, industries and automobiles react in the air. They penetrate deeply into the thoracic and alveolar regions of the lungs.

The Tuolumne County Air Pollution Control District (TCAPCD) does not meet the state one-hour or eight-hour standard for ozone and does not meet the federal eight-hour standard for ozone. The District is either in attainment or in an unclassified area for the remainder of the pollutants in Table 1, due to the lack of availability of data.

Local jurisdictions have the authority and responsibility to reduce air pollution through their policies, codes, and land use planning. The project was evaluated under the California Air Resource Board (CARB) air quality standards and area designations, and the Tuolumne County Air Pollution Control District's thresholds of significance, and the Tuolumne County Ordinance Code and Tuolumne County General Plan.

TCAPCD is the primary agency responsible for planning to meet National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) in the County and is responsible for implementing emissions standards and other requirements of federal and state laws regarding most types of stationary emission sources. In addition, TCAPCD has also set emissions thresholds for certain pollutants for the purposes CEQA. Pursuant to the State CEQA Guidelines, air quality impacts from project implementation would be significant if the project would:

- violate any air quality standard or contribute substantially to an existing or project air quality violation—for the purposes of the project locations, result in construction or operations of a project that generated emissions in excess of the following thresholds, except CO, used by TCAPCD (2017):
- reactive organic gases (ROG) – 1,000 pounds per day (lb/day) or 100 tons per year (tpy)
- oxides of nitrogen (NOX) – 1,000 lb/day or 100 tpy
- PM10 – 1,000 lb/day or 100 tpy
- CO – 1,000 lb/day or 100 tpy

- expose sensitive receptors to a substantial incremental increase in toxic air contaminant (TAC) emissions; or create objectionable odors affecting a substantial number of people

Primary criteria pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory) into the atmosphere. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), oxides of nitrogen (NO_X), respirable and fine particulate matter (PM_{10} and $PM_{2.5}$), sulfur dioxide (SO_2), and lead. Secondary criteria pollutants are created by atmospheric chemical and photochemical reactions; ROG together with NO_X form the building blocks for the creation of photochemical (secondary) pollutants. Secondary criteria pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog). The characteristics, sources, and effects of the criteria air pollutants of most concern are described below.

Carbon Monoxide, CO, is a local pollutant that is found in high concentrations only near the source. The major source of CO, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations, therefore, are usually found only near areas of high traffic volumes. CO's health effects are related to its affinity for hemoglobin in the blood. At high concentrations, CO reduces the amount of oxygen in the blood, causing heart difficulties in people with chronic diseases, reduced lung capacity, and impaired mental abilities.

Ozone is produced by a photochemical reaction (triggered by sunlight) between NO_X and ROG. NO_X is formed during the combustion of fuels, while ROG is formed during combustion and evaporation of fossil fuels and organic solvents. Because ozone requires sunlight to form, it mostly occurs in concentrations considered serious between the months of April and October. Ozone is a pungent, colorless, toxic gas with direct health effects on humans, including respiratory and eye irritation and possible changes in lung functions. Groups most sensitive to ozone include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors.

Nitrogen Dioxide, NO_2, is a byproduct of fuel combustion, with the primary source being motor vehicles and industrial boilers and furnaces. The principal form of NO_X produced by combustion is NO, but NO reacts rapidly to form NO_2, creating the mixture of NO and NO_2 commonly called NO_X. NO_2 is an acute irritant. A relationship between NO_2 and chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below 0.3 part per million may occur. NO_2 absorbs blue light and causes a reddish-brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of PM_{10} and acid rain.

PM_{10} is respirable particulate matter (PM) measuring no more than 10 microns in diameter, while $PM_{2.5}$ is fine PM measuring no more than 2.5 microns in diameter. PM_{10} and $PM_{2.5}$ are mostly dust particles, nitrates, and sulfates. Both PM_{10} and $PM_{2.5}$ are byproducts of fuel combustion and wind erosion of soil and unpaved roads and are directly emitted into the atmosphere through these processes. They are also created in the atmosphere through chemical reactions. The characteristics, sources, and potential health effects associated with respirable particulates (those between 2.5 and 10 microns in diameter) and fine particulates ($PM_{2.5}$) can be very different. Respirable particulates generally come from windblown dust and dust kicked up from mobile sources. Fine particulates are generally associated with combustion processes and are formed in the atmosphere as a secondary pollutant through chemical reactions. $PM_{2.5}$ is more likely to penetrate deeply into the lungs and poses a health threat to all groups, but particularly to the elderly, children, and those with respiratory problems. More than half of the PM_{10} and $PM_{2.5}$ that is inhaled into the lungs remains there. These materials can damage health by interfering with the body's mechanisms for clearing the respiratory tract or by acting as carriers of an absorbed toxic substance.

Sulfur Dioxide, SO_2, is a colorless, pungent, irritating gas formed primarily by the combustion of sulfur-containing fossil fuels. In humid atmospheres, SO_2 can form sulfur trioxide and sulfuric acid mist, with some of the latter eventually reacting to produce sulfate particulates. This contaminant is the natural combustion product of sulfur or sulfur-containing fuels. Fuel combustion is the major source, while chemical plants, sulfur recovery plants, and metal processing are minor contributors. At sufficiently high concentrations, SO_2 irritates the upper respiratory tract. At lower concentrations, when in conjunction with particulates, SO_2 appears able to do still greater harm by injuring lung tissues. Sulfur oxides, in combination with moisture and oxygen, can yellow the

leaves of plants, dissolve marble, and eat away iron and steel. Sulfur oxides can also react to form sulfates, which reduce visibility.

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). There are existing industrial and commercial land uses in the vicinity of the project site that may emit intermittent odors as a result of business operations.

Sensitive receptors are generally considered to include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the elderly. Residential dwellings, schools, hospitals, outdoor playgrounds, places of worship, and similar facilities are of primary concern because of the presence of individuals particularly sensitive to pollutants and/or the potential for increased and prolonged exposure of individuals to pollutants. There is a residence located on the project site and on adjacent parcels to the southwest of the project site. The parcel owned by Sonora Union High School located on the opposite side of Wards Ferry Road is occasionally uses for sporting events or agricultural uses by the school.

Analysis:

a) Tuolumne County does not currently have an air quality plan. Tuolumne County's 2018 General Plan contains an Air Quality Element. The project has been reviewed for consistency with the Air Quality Element of the 2018 General Plan. The following goals, policies, and implementation programs of the Air Quality Element apply to the project:

   Policy 15.A.1: *Accurately determine and fairly mitigate the local and regional air quality impacts of land development projects proposed in the County.*

   The CalEEMod was used to determine the air quality impacts of the project. The estimated emissions are less than the thresholds set by the County, therefore no mitigation measures are needed. See the analysis in section b below for additional information.

   Implementation Program 15.A.k of the Air Quality Element of the General Plan directs the County to require dust-control measures during project related activities. Any grading on the site is required to be in conformance with Chapter 12.20 of the TCOC. Section 12.20.370 of the TCOC requires the use of a watering truck or other watering device to suppress dust. The project will be conditioned to meet these requirements for any future grading. This was required for the grading conducted under Grading Permit G2021-00028.

   The project is consistent with the Air Quality Element of the 2018 General Plan. Therefore, there is a less than significant impact.

b) Construction and operations are discussed separately below.

   Criteria air pollutant emissions from construction and operation of the proposed project were modeled using the California Emissions Estimator Model (CalEEMod), version 2016.3.2 (California Air Pollution Control Officers Association [CAPCOA] 2016a. The proposed land uses were matched to the most similar land use types available in CalEEMod, which CalEEMod uses to estimate default modeling assumptions (e.g., the construction phasing durations, number of equipment, equipment hours per day, and worker trips). All model assumptions and model outputs can be found in Appendix A of this document. Table 2 below shows the annual emissions summary for the emissions that TCAPCD has set thresholds for.

Construction

Construction associated with the proposed project included grading for the storage pads and on-site roads and driveways. Construction activities only included grading and excavation as no buildings or paved areas are proposed. Typical construction equipment would include dozers, excavators, loaders/backhoes, and haul trucks. Grading has been completed under Grading Permit G2021-00028 and the applicant is not proposing additional grading at this time.

As shown in Table 2 below, criteria air pollutant emissions generated by project construction would not exceed TCAPCD's significance thresholds. Therefore, air quality impacts related to construction would be less than significant.

Operation

Operation of the proposed project would be minimal, as the project entails the outdoor storage of commercial equipment, vehicles, and materials. Occasional movement of the equipment, vehicles, and materials would occur. However, this would have minimal impacts on air quality. Table 2 below shows that the project would be below TCAPCD's significance thresholds, and there would be no measurable emissions associated with the operational uses on site. Therefore, operational air quality impacts would be less than significant.

Table 2: Annual Emissions Model Summary

	ROG (tons/year)	NO_X (tons/year)	PM_{10} total (tons/year)	CO (tons/year)
Annual Construction Emission	0.0368	0.3580	0.0160	0.2902
Annual Operational Emission	0	0	0	.00001
TCAPCD Threshold	100	100	100	100
Exceed Significance Threshold?	No	No	No	No

c) There is a residence located on the project site and on adjacent parcels to the southwest of the project site. The parcel owned by Sonora Union High School located on the opposite side of Wards Ferry Road is occasionally used for daytime sporting events, and there are ongoing agricultural activities by the school at that site. The project will be required to comply with regulations pertaining to the grading on site, including dust suppression, erosion control, and best management practices for any future grading. These requirements were included for the grading conducted under Grading Permit G2021-00028. The project would be required co comply with all applicable Federal, State, and Local regulations pertaining to air quality. The proposed project would not create a source of substantial pollutants and would therefore not adversely affect those residing in the vicinity. Therefore, there would be a less than significant impact.

d) The occurrence and severity of odor impacts depends on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the proximity and sensitivity of exposed individuals. The main odor associated with the project would be from diesel from operation and movement of equipment and vehicles on the site. However, as the project does not include industrial

activity and entails the storage of equipment, vehicles, and materials, impacts associated with odor would be limited in duration. Additionally, the use would be consistent with other land uses in the vicinity of the project site. The project would be required to comply with all applicable air quality regulations. This impact would be less than significant.

Mitigation Measure: None Required

Mitigation Monitoring: Not applicable

BIOLOGICAL RESOURCES

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on State or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Environmental Setting:

The elevation on the project site is approximately 2,220 feet above mean sea level. Vegetation on the site includes riparian vegetation along the southern portion of the site consisting of valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), interior live oak (*Quercus wislizeni*), willow (Salix sp.), and Himalayan blackberry (*Rubus discolor*). The riparian area surrounding Curtis Creek encompasses the northern portion of the project site. The Tuolumne County Wildlife maps and the California Department of Forestry and Fire Protection (CalFire) Fire and Resource Assessment Program (FRAP) maps indicate that the project site contains the valley oak woodland (VOW), valley foothill riparian (VRI), blue oak pine (bop) and residential park (rsp) habitat types.

Pursuant to the Tuolumne County Wildlife Handbook (TCWH) the VOW and VRI habitat types are considered second priority habitats, which are habitats which are essential for maintaining divers and abundant wildlife in the County. The bop habitat is considered a third priority habitat, which are common habitats that are of considerable value to wildlife. The rsp habitat is considered a fourth priority habitat, which are common habitats that are of relatively low value to wildlife.

The California Natural Diversity Database (CNDDB) includes plants and animal species that are rare, threatened, or endangered within California. The CNDDB is an inventory of these species and the location of know occurrences of these species. The California Native Plant Society (CNPS) maintains a database of rare and endangered plants of California. The US Fish and Wildlife Service (USFWS) maintains an Information for Planning and Consultation (IPac) database, which includes threatened and endangered species, critical habitats, and other special status species and sensitive habitats.

Of the 37 special-status plant species that are known to occur within the nine USGS 7.5-minute quadrangles including and surrounding the project site two species were determined to have potential to occur based on the presence of habitat suitable for the species. Of the 30 special-status wildlife species that could occur within the nine USGS 7.5-minute quadrangles including and surrounding the project site, five species were determined to have potential to occur based on the presence of habitat suitable for the species.

The five special-status species with potential to occur on the project site would be limited to Curtis Creek (i.e., San Joaquin roach), Curtis Creek and its streambanks (i.e., western pond turtle), or the riparian mixed hardwood habitat adjacent to Curtis Creek (i.e., ringtail, pallid bat, western mastiff bat). The riparian mixed hardwood habitat may also provide roosting habitat for common bat species.

The Tuolumne County Geotechnical Interpretive System (GIS) Maps indicate that the special status plant species Tuolumne fawn lily (*Erythronium tuolumnense*) has been known to occur within the vicinity of the project site. The habitat for the Tuolumne fawn lily would be limited to the streambanks immediately adjacent to Curtis Creek. No other species listed on the CNDDB have been known to occur within the project site.

Regulatory Setting:

Biological resources are regulated by federal, state, and local laws. In California and specifically in Tuolumne County, the Federal Engendered Species Act, Clean Water Act (CWA), California Endangered Species Act (CESA), Tuolumne County General Plan, the Tuolumne County Ordinance Code, and the Tuolumne County Wildlife Handbook are the primary regulations considered in this analysis.

Federal

Pursuant to the ESA, USFWS and the National Marine Fisheries Service (NMFS) have authority over projects that may affect the continued existence of federally listed (threatened or endangered) species. Section 9 of ESA prohibits any person from "taking" an endangered or threatened fish or wildlife species or removing, damaging, or destroying a listed plant species on federal land or where the taking of the plant is prohibited by state law. Take is defined under ESA, in part, as killing, harming, or harassing. Under federal regulations, take is further defined to include habitat modification or degradation where it results in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. If a proposed project would result in take of a federally listed species, the project applicant must consult with USFWS or NMFS before the take occurs under Section 10(a) of ESA or Section 7 of ESA if another federal agency is involved in the action. Conservation measures to minimize or compensate for the take are typically required.

Section 404 of the CWA requires project proponents to obtain a permit from the U.S. Army Corps of Engineers (USACE) before performing any activity that involves any discharge of dredged or fill material into waters of the United States, including wetlands. Waters of the United States include navigable waters of the United States, interstate waters, tidally influenced waters, and all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries. Many surface waters and wetlands in California meet the criteria for waters of the United States. In accordance with Section 401 of the CWA, projects that apply for a USACE permit for discharge of dredged or fill material must obtain water quality certification from the appropriate regional water quality control board (RWQCB) indicating that the action would uphold state water quality standards.

State

Pursuant to CESA, a permit from the California Department of Fish and Wildlife (CDFW) is required for projects that could "take" a species state listed as threatened or endangered. Section 2080 of CESA prohibits take of state-listed species. Under CESA, take is defined as any activity that would directly or indirectly kill an individual of a species. The definition does not include “harm” or “harass” like the federal act. As a result, the threshold for

take under CESA is higher than under ESA (i.e., habitat modification is not necessarily considered take under CESA). Authorization for take of state-listed species can be obtained through a California Fish and Game Code Section 2081 incidental take permit.

The California Fish and Game Code identifies Fully Protected Species in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species and do not provide for authorization of incidental take. DFW has informed nonfederal agencies and private parties that their actions must avoid take of any fully protected species. In addition, Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, and falcons), including their nests or eggs.

Section 3503 of the Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 of the California Fish and Game Code states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders Falconiformes and Strigiformes), including their nests or eggs. Typical violations include destruction of active nests as a result of tree removal or disturbance caused by project construction or other activities that cause the adults to abandon the nest, resulting in loss of eggs and/or young.

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by CDFW under Section 1602 of the California Fish and Game Code. Under Section 1602, it is unlawful for any person, governmental agency, or public utility to do the following without first notifying CDFW:

- substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake; or
- deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

The regulatory definition of a stream is a body of water that flows at least periodically or intermittently through a bed or channel that has banks and supports fish or other aquatic life. This definition includes watercourses with a surface or subsurface flow that supports or has supported riparian vegetation. CDFW's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife. A CDFW streambed alteration agreement must be obtained for any action that would result in an impact on a river, stream, or lake.

The State Water Resources Control Board (SWRCB) and each of nine local RWQCBs have jurisdiction over "waters of the State" pursuant to the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq., which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. SWRCB has issued general Waste Discharge Requirements regarding discharges to "isolated" waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction). The local RWQCB enforces actions under this general order for isolated waters not subject to federal jurisdiction and is also responsible for the issuance of water quality certifications pursuant to Section 401 of the CWA for waters subject to federal jurisdiction.

Under CEQA, special-status species include those species meeting the following criteria:

- Plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal and State Endangered Species Acts. Both acts afford protection to listed species;
- California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue;
- U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern;
- Sensitive species included in USFWS Recovery Plans; and

- CDFW special-status invertebrates.

Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal. In addition, plant species on the California Native Plant Society (CNPS) Lists 1 and 2 are considered special-status plant species and are protected under CEQA.

Local

The Tuolumne County Wildlife Handbook (TCWH) and its associated maps detail the distribution of various habitat types countywide, evaluate their relative biological value, and establish Tuolumne County's standards and thresholds for evaluating the potential biological impacts pursuant to CEQA (Tuolumne County 1987). The avoidance and mitigation measures provided in the TCWH are intended to facilitate a consistent, fair, and cost-effective approach to wildlife mitigation that provides the greatest protection for the most sensitive resources. However, if a site-specific biological evaluation is conducted by a qualified biologist the environmental analysis and mitigation measures can rely on the recommendations of the biologist in lieu of the TCWH recommendations. The applicant has agreed to utilize the measures as indicated in the Tuolumne County Wildlife Handbook.

The TCWH ranks highest priority habitats as first priority and lowest priority habitats as fourth priority. The project site contains VOW and VRI habitat which are ranked as second priority habitats, the bop habitat, which is ranked as third priority habitat, and the rsp which is ranked as fourth priority habitat. The TCWH encourages protecting the highest priority habitats, which would consist of the VOW and VRI habitats.

Implementation Program 16.B.i of the 2018 General Plan requires development that is subject to a discretionary entitlement from the County and to environmental review under the California Environmental Quality Act (CEQA) to evaluate potential impacts to biological resources and mitigate significant impacts for the following or as otherwise required by State or Federal law:

- Species listed or proposed for listing as threatened, rare, or endangered under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA);
- Species considered as candidates for listing under the ESA or CESA;
- Wildlife species designated by CDFW as Species of Special Concern;
- Animals fully protected under the California Fish and Game Code; and
- Plants considered by CDFW to be "rare, threatened, or endangered in California" (California Rare Plant Ranks [CRPR] of 1A, presumed extinct in California and not known to occur elsewhere; 1B, considered rare or endangered in California and elsewhere; 2A, presumed extinct in California, but more common elsewhere and 2B, considered rare or endangered in California but more common elsewhere).
- Sensitive natural communities, including wetlands under Federal or State jurisdiction, other aquatic resources, riparian habitats, and valley oak (*Quercus lobata*) woodland.
- Important wildlife movement corridors and breeding sites.
- Oak woodlands, as provided in Implementation Program 16.B.j.

Implementation Programs 16.B.j, 16.B.j.1, and 16.B.j.2 found in the Tuolumne County General Plan provide direction on the County's oak woodland analysis. These Implementation Programs are as follows:

Implementation Program 16.B.j:

Establish thresholds of significance under the California Environmental Quality Act (CEQA) for the conversion of oak woodlands in Tuolumne County. The following provides the County's recommended standard guidelines for determining whether a project may result in a significant impact to oak woodlands, for purposes of review under the California Environmental Quality Act and Public Resources Code Section 21083.4.

- An oak woodland is defined in the General Plan as a woodland stand with 10% or greater native oak canopy cover. Tree removal from parcels with less than 10% native oak canopy cover is not considered a significant conversion or loss of oak woodland.
- For parcels with 10% or greater native oak canopy cover (i.e., parcels with oak woodland, as defined in the General Plan), a significant impact to oak woodland includes tree removal that reduces the total oak canopy cover onsite to below 10% (i.e., conversion to non-oak woodland), or a loss of 10% or greater of oak canopy woodland stand on the parcel, if the conversion or loss is determined by a trained professional to be substantial in consideration of, but not limited to, the following:
  - Total acres and amount of woodland stand removed or disturbed, and amount retained onsite.
  - Pattern of development or habitat loss onsite (e.g., clustered vs. dispersed).
  - Existing habitat functions and quality (e.g., intact/high-quality, moderately degraded, or severely degraded). o Stand age- or size-class structure.
  - Rarity.
  - Landscape position in relation to larger wildlife corridors, stream systems, or other important natural features.
  - Loss of valley oak (Quercus lobata) woodland, which is a sensitive habitat.
  - Proximity to other oak woodland patches and connectivity to large blocks of intact habitat.
  - Contribution to a cumulative loss, degradation, or fragmentation of oak woodland across the County
- Removal of valley oaks (Quercus lobata), regardless of woodland stand size or canopy cover, shall require evaluation and determination as set forth above, including consideration of any unique habitat value provided by valley oaks

Implementation Program 16.B.j.1:

When considering discretionary development proposals, the County, through CEQA reviews, will require that project applicants map oak woodland resources on the project site and, where feasible, establish buffers around existing oak woodland stands to prevent adverse effects. For mapping purposes, project applicants may use the County's existing oak woodland map (developed for the Recirculated Draft EIR) as an initial base map for project-specific ground truthing/field verification. The County will require implementation of BMPs while working near retained oak woodlands to avoid inadvertent damage to oak trees. BMPs will include establishment of no-disturbance buffers around the outer canopy edge to prevent root and crown damage, soil compaction, and standard management practices to reduce introduction and spread of invasive species and other indirect effects.

For those impacts on oak woodland that cannot be avoided, the County will require the project applicant to minimize adverse effects. If substantial conversion of oak woodland will occur based on Implementation Program 16.B.j, the County will require one or more of the following mitigation measures be implemented to mitigate the impact from loss of oak woodland habitat pursuant to Public Resources Code Section 21083.4, (which specifies certain projects, including commercial agricultural production, are exempt from the requirements of Section 21083.4):

- Conserve oak woodlands through the purchase of conservation easements.
- Plant acorns and container stock from a local seed source to replace oak woodland removed. The following parameters will be applied:
- Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
- Maintain trees for seven years after the trees are planted.
- Planting may not account for more than 50 percent of the required mitigation and must occur on lands that are subject to conservation easements, zoned open space, or similarly restricted from development.
- Mitigation through planting may be used to restore former or degraded oak woodlands.
- Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodland conservation easements, the Tuolumne County Oak Woodland Conservation Fund, or other appropriate established oak woodland conservation fund.

Implementation Program 16.B.j.2:

The County will require project applicants to develop a mitigation and monitoring plan to compensate for the loss of oak woodland habitat. The mitigation and monitoring plan will describe in detail how loss of oak woodlands shall be avoided or offset, including details on restoration and creation of habitat, compensation for the temporal loss of habitat, success criteria ensuring habitat function goals and objectives are met, performance standards to ensure success, remedial actions if performance standards are not met, and requirements for reporting implementation actions and progress to the County. The plan will include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). If planting is used as part of compensatory mitigation, an oak planting plan will be developed by a qualified professional such as a professional biologist, arborist, or registered professional forester.

Analysis:

a) To ensure that nesting bird and special status bird species are not impacted by project implementation, Mitigation Measure BIO-1 has been incorporated to require pre-construction bird surveys if construction is to take place between the nesting bird season, February 1 to August 31 of any year. Mitigation Measure BIO-1 includes protocol to be implemented should an active bird nest be identified during the preconstruction survey.

The two special-status species with potential to occur on the project site, Stanislaus monkeyflower (*Erythranthe marmorata)* and Tuolumne fawn lily (*Erythronium tuolumnense*), would be limited to the streambanks immediately adjacent to Curtis Creek. This area of the site would not be impacted by the proposed project. Additionally, Mitigation Measures BIO-2, BIO-3 and BIO-4 would ensure less than significant impacts to Curtis Creek and surrounding habitat.

The five special-status species with potential to occur on the project site would be limited to Curtis Creek (i.e., San Joaquin roach), Curtis Creek and its streambanks (i.e., western pond turtle), or the riparian mixed hardwood habitat adjacent to Curtis Creek (i.e., ringtail, pallid bat, western mastiff bat). The riparian mixed hardwood habitat may also provide roosting habitat for common bat species. No project activities (i.e., vegetation removal, staging, ground disturbance) are proposed to occur within the riparian mixed hardwood habitat adjacent to Curtis Creek or within the creek itself. Additionally, Mitigation Measure BIO-2 requires the northern and western 50 feet of the project site to be rezoned to Open Space to ensure protection of Curtis Creek and surrounding riparian habitat. Thus, direct and indirect impacts on these species, if present, are not expected to occur.

No critical habitat was identified by the CNDDB, CNPS, or USFWS IPaC databases.

The implementation of Mitigation Measure BIO-1, BIO-2, BIO-3 and BIO-4 would result in a less than significant impact on special status species.

b,c) Curtis Creek is located in the northern portion of the project site. Materials from the log decks could, through unintentional activities related to the operation of the project, enter the riparian area. Therefore, in order to ensure that materials associated with the storage do not enter the riparian area and Curtis Creek, fencing shall be installed along the riparian boundary on the project site to prohibit drift of materials. Mitigation Measure BIO-3 requires Best Management Practices (BMPs) to be implemented when working within the northern portion of the site adjacent to Curtis Creek.

Incorporation of Mitigation Measures BIO-2, BIO-3 and BIO-4 would result in a less than significant impact on riparian and aquatic habitat.

d) No development or storage is proposed in the riparian area surrounding Curtis Creek. Curtis Creek remains undisturbed within the vicinity of the project site and connects to other wildlife habitat areas. This undisturbed riparian area provides for unimpeded movement of wildlife. Mitigation Measures BIO-2, BIO-3, and BIO-4 would protect Curtis Creek and surrounding riparian habitat with the protection of Open Space zoning, Best Management Practices, and a silt fence. Therefore, there would be a less than significant impact with incorporation of mitigation.

e) The project was evaluated under Implementation Program 16.B.i, 16.B.j and 16.B.j.1 of the 2018 General Plan regarding oak woodland impact analysis. The area with the densest oak tree cover is within the riparian area surrounding Curtis Creek. As required by Mitigation Measure BIO-2, this area would be protected by Open Space zoning. This would reduce impacts related to oak woodland to a less than significant level.

f) The project site is not located within an area that is subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Additionally, the project has been reviewed for compliance with the Tuolumne County Wildlife Handbook, Tuolumne County Wildlife Habitat Maps, and the 2018 Tuolumne County General Plan. The project has been found to be consistent with these documents and plans. Therefore, there would be no impact.

Mitigation Measures:

BIO-1: For construction activities expected to occur during the nesting season of raptors (February 1 to August 31) and migratory birds, a pre-construction survey by a qualified biologist shall be conducted to determine if active nests are present on or within 500 feet of the project site where feasible. Areas that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted by a qualified biologist no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds will nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming.

If active nests are found on or within 500 feet of the project site, the applicant shall notify CDFW and explain any additional measures that a qualified biologist plans to implement to prevent or minimize disturbance to the nest while it is still active. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the 500-foot buffer without impacting the breeding effort. Appropriate measures may include restricting construction activities within 500 feet of active raptor nests and having a qualified biologist with stop work authority monitor the nest for evidence that the behavior of the parents have changed during construction. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Appropriate measures would be implemented until the young have fledged or until a qualified biologist determines that the nest is no longer active. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort.

BIO-2: The northern and western 50 feet of the project site as shown in Figure 3 below shall be rezoned to Open Space. The rezone shall be approved by the Tuolumne County Board of Supervisors in conjunction with Zone Change RZ18-011.

BIO-3: The project applicant should implement construction best management practices (BMPs) when operating in the northern portion of the project site adjacent to the riparian mixed hardwood habitat and Curtis Creek. BMPs will include those required by the project Stormwater Pollution Prevention Plan and the

Tuolumne County Biological Resources Review Guide, and may include the following:

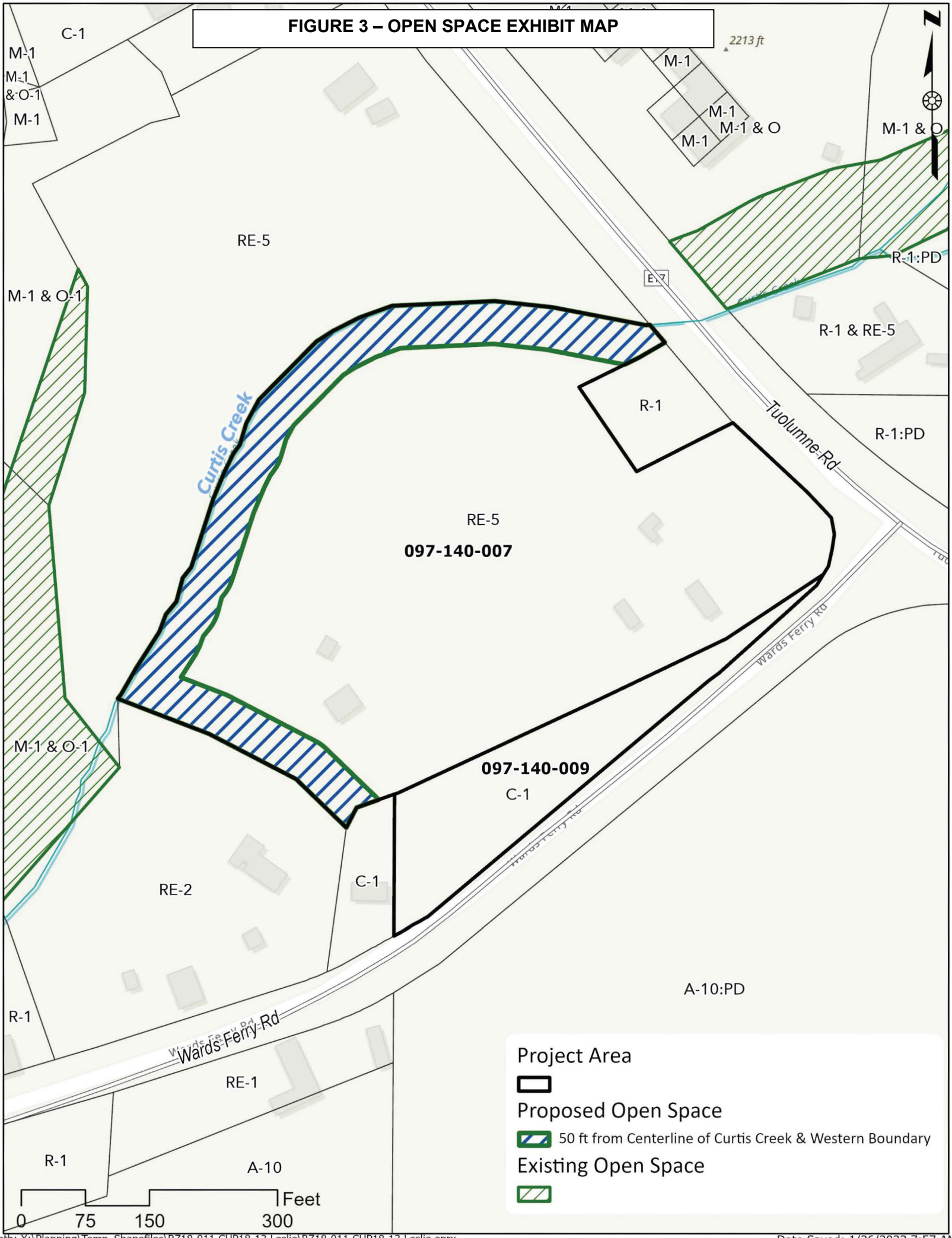
- Install fiber rolls, a sandbag barrier, or a straw bale barrier between the active construction site and the riparian mixed hardwood habitat/Curtis Creek to intercept runoff and remove sediment from runoff.
- Maintain all diesel- and gasoline-powered equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Prior to the start of project activities, inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed to prevent inadvertent discharge into Curtis Creek.
- Equipment storage, working areas, and spoils should be limited to project staging areas.
- Equipment should not be serviced within areas within 100 feet of riparian mixed hardwood habitat and Curtis Creek, or in any locations that would allow grease, oil, or fuel to pass into Curtis Creek.
- Disturbed soils and all other disturbed areas should be stabilized as soon as possible and before the rainy season begins (but no later than October 15th of the construction year) in accordance with the County and Caltrans landscape guidelines and specifications.
- Prior to working in or near any stream, equipment should be thoroughly cleaned to prevent introduction of invasive aquatic species.

BIO-4: Within 60 days of project approval, a silt fence consistent with the design criteria of the East Sonora Design Guidelines shall be constructed along the riparian area of Curtis Creek to prohibit woody material from entering the riparian area. The Fence shall be located outside of the Open Space zoning as required by Mitigation Measure BIO-2. The fence shall be present and maintained year-round and shall not be removed.

Mitigation Monitoring:

Mitigation Measures BIO-1 and BIO-3 are required prior to ground disturbance or construction activities on site and would be verified by the LUNR division prior to the issuance of a grading permit issued by the Department of Public Works or a Building Permit issued by the Building and Safety Division. BIO-2 shall be approved by the Tuolumne County Board of Supervisors in conjunction with Zone Change RZ18-011. Mitigation Measures BIO-4 is required within 60 days of project approval and will be verified by the Land Use and Natural Resources Division. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

FIGURE 3 – OPEN SPACE EXHIBIT MAP



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CULTURAL RESOURCES:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Environmental Setting:

The project site is located in East Sonora, near the community of Standard. The project site consists of modifications made in the Twentieth Century consisted of access roads and industrial and commercial development, The Central Sierra Miwok settled in much of Tuolumne County are known to have lived in the area including the project site.

A cultural resource study was prepared by Wondjina Research Institute and submitted to the County in August 2021. Between October 2020 and December 2020 Wondjina Research Institute staff conducted literature and documentary research of the project site. A pedestrian survey of the site was conducted on December 11, 2020.

Regulatory Setting:

State and Federal legislation requires the protection of historical and cultural resources. In 1971, the President's Executive Order No. 11593 required that all Federal agencies initiate procedures to preserve and maintain cultural resources by nomination and inclusion on the National Register of Historic Places.

In 1980, the Governor's Executive Order No. B-64-80 required that State agencies inventory all "significant historic and cultural sites, structures, and objects under their jurisdiction which are over 50 years of age and which may qualify for listing on the National Register of Historic Places."

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the Public Resources Code (PRC) regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts to "tribal cultural resources" separately from archaeological resources (PRC §21074; 21083.09). The Bill defines "tribal cultural resources" in a new section of the PRC §21074. AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC §21080.3.1, 21080.3.2, 21082.3). AB 52 consultation letters were sent to the Tuolumne Band of Me-Wuk and Chicken Ranch Rancheria Tribes on July 19, 2022. Neither tribe provided comments nor requested consultation.

Cultural resources include prehistoric resources, historic resources, and Native American resources. Pre-historic resources include resources that represent the remains of habitation prior to European settlement and historic resources include resources that represent the remains of habitation after European settlement. Native Americans arrived in Tuolumne County approximately 2,000 years ago. Their villages and areas of temporary settlement typically centralized around drainages, springs, and creeks. Historic resources in Tuolumne County mostly consist of uses and sites centered around gold mining, early timber industry, or historic farming and ranching.

Analysis:

a, b, c) A cultural resource study was prepared by Wondjina Research Institute and submitted to the County in August 2021. Between October 2020 and December 2020 Wondjina Research Institute staff conducted literature and documentary research of the project site. A pedestrian survey of the site was conducted on December 11, 2020.

During the December 2020 pedestrian survey conducted by Wondjina Research Institute, three pre-historic bedrock grinding features were identified in the northern portion of the project site. Each of the features were photographed and documented.

In January 2021, staff at Wondjina Research Institute, property owners, and members of the Me-Wuk Tribe met on site to discuss the features and best methods to preserve them. The study indicated that an agreement was reached between the Tuolumne Band of Me-Wuk Tribe and property owners to remove feature 3 and to cover features 1 and 2 in place. The study recommends no further disturbance of this area. With this agreement in place, there would be no impact to the identified resources.

This document is available for review by qualified professionals during regular business hours at the Community Development Department, 48 Yaney, Sonora, California.

AB 52 consultation letters were mailed to AB 52 consultation letters were sent to the Tuolumne Band of Me-Wuk and Chicken Ranch Rancheria Tribes on July 19, 2022. Neither tribe provided comments nor requested consultation.

To ensure that any resources discovered during construction are appropriately managed, incorporation of Mitigation Measures CUL-1 and CUL-2 will result in a less than significant impact to cultural resources.

CUL-1: In the unlikely event that buried cultural deposits (e.g., prehistoric stone tools, milling stones, historic glass bottles, foundations, cellars, privy pits) are encountered during project implementation, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist (36 Code of Federal Regulations [CFR] 61) shall be notified immediately and retained to assess the significance of the find. Construction activities could continue in other areas. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

CUL-2: In accordance with the California Health and Safety Code (CHSC), Section 7050.5, and the Public Resources Code (PRC) 5097.98, regarding the discovery of human remains, if any such finds are encountered during project construction, all work within the vicinity of the find shall cease immediately, a 100-foot-wide buffer surrounding the discovery shall be established, and the County shall be immediately notified. The County Coroner shall be contacted immediately to examine and evaluate the find. If the coroner determines that the remains are not recent and are of Native American descent, the County Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mitigation Monitoring: Mitigation Measure CUL-1 and CUL-2 are required during construction activities on site and will be verified by the LUNR Division of CDD. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

ENERGY:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Environmental Setting:

California relies on a regional power system composed of a diverse mix of natural gas, petroleum, renewable, hydroelectric, and nuclear generation resources. Natural gas provides one third of the electricity used in California, coming from both California-based power plants, as well as Pacific Northwest- and Southwest-based power plants outside the state. After natural gas generation, electricity in California is mostly generated by renewables (29 percent), large hydroelectric (15 percent), and nuclear (9 percent) (California Energy Commission [CEC] 2018a). The contribution of in- and out-of-state power plants depends on the precipitation that occurred in the previous year, the corresponding amount of hydroelectric power that is available, and other factors.

Electricity in Tuolumne County is provided by Pacific Gas and Electric (PG&E). There is no natural gas consumption in Tuolumne County. However, there is propane consumption for residential uses.

Homes built between 2000 and 2015 used 14 percent less energy per square foot than homes built in the 1980s, and 40 percent less energy per square foot than homes built before 1950. However, the increase size of newer homes has offset these efficiency improvements. Primary energy consumption in the residential sector total 21 quadrillion Btu in 2009 (the latest year the U.S. Energy Information Administration's [EIA's] *Residential Energy Consumption Survey* was completed), equal to 54 percent of consumption in the buildings sector and 22 percent of total primary energy consumption in the U.S. Energy consumption increased 24 percent from 1990 to 2009. However, because of projected improvements in building and appliance efficiency, the EIA 2017 Annual Energy Outlook forecast a 5-percent increase in energy consumption from 2016 to 2040 (EIA 2017).

On-road vehicles use about 90 percent of the petroleum consumed in California. Based on the most recently available information, in 2008, the California Department of Transportation (Caltrans) projected 41.5 million gallons of gasoline and diesel would be consumed in Tuolumne County in 2015, an increase of approximately 4.7 million gallons of fuel from the projected 2010 levels (Caltrans 2008).

Energy consumption on the project site would include energy consumed for the construction of the site and vehicle usage and movement of materials and equipment.

Regulatory Setting:

Federal and state agencies regulate energy consumption through various policies, standards, and programs. At the local level, individual cities and counties establish policies in their general plans and climate action plans related to the energy efficiency of new development and land use planning and to the use of renewable energy sources.

Federal:

Energy Policy and Conservation Act, and CAFE Standards

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Pursuant to this Act, the National Highway Traffic and Safety Administration, part of the U.S. Department of Transportation, is responsible for revising existing fuel economy standards and establishing new vehicle economy standards.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Compliance with CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. EPA calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. The CAFE values are a weighted harmonic average of the EPA city and highway fuel economy test results. Based on information generated under the CAFE program, the U.S. Department of Transportation is authorized to assess penalties for noncompliance. Under the Energy Independence and Security Act of 2007 (described below), the CAFE standards were revised for the first time in 30 years.

Energy Policy Act (1992 and 2005) and Energy Independence and Security Act of 2007

The Energy Policy Act of 1992 was passed to reduce the country's dependence on foreign petroleum and improve air quality. The act includes several parts intended to build an inventory of alternative fuel vehicles in large, centrally fueled fleets in metropolitan areas. The Energy Policy Act of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

The Energy Independence and Security Act of 2007 increased the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel annually by 2022, which represents a nearly five-fold increase over current levels and reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020—an increase in fuel economy standards of 40 percent. By addressing renewable fuels and CAFE standards, the Energy Independence and Security Act of 2007 will build on progress made by the Energy Policy Act of 2005 in setting out a comprehensive national energy strategy for the 21st century.

State:

State of California Energy Plan

CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The current plan is the 1997 California Energy Plan. The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies strategies such as aiding public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, and encouraging urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

Senate Bill 1078: California Renewables Portfolio Standard Program

Senate Bill (SB) 1078 (Chapter 516, Statutes of 2002) establishes a renewables portfolio standard (RPS) for electricity supply. The RPS originally required retail sellers of electricity, including investor-owned utilities and community choice aggregators to provide 20 percent of their supply from renewable sources by 2017, but SB 1078 moved that date forward to require compliance by 2010, although the state did not meet the target. In addition, electricity providers subject to the RPS must increase their renewable share by at least 1 percent each year. As of 2016, the state sourced 34.8 percent of its electricity from certified renewable sources (CPUC 2018). The outcome

of this legislation will affect regional transportation powered by electricity.

SB X1-2 of 2011 set a three-stage compliance period requiring all California utilities, including independently owned utilities, energy service providers, and community choice aggregators, to generate 20 percent of their electricity from renewables by December 31, 2013; 25 percent by December 31, 2016; and 33 percent by December 31, 2020. The state met the 2016 target and is on track to meet the 2020 target.

Senate Bill 350: Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources to be increased to 50 percent by December 31, 2030. This act also requires doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statutes of 2005) required CEC to prepare a state plan to increase the use of alternative fuels in California. CEC prepared the State Alternative Fuels Plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes the costs to California and maximizes the economic benefits of in-state production. It assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuel use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

Executive Order S-06-06

Executive Order (EO) S-06-06, signed on April 25, 2006, establishes targets for the use and production of biofuels and biopower, and directs state agencies to work together to advance biomass programs in California while providing environmental protection and mitigation. The EO establishes the following target to increase the production and use of bioenergy, including ethanol and biodiesel fuels made from renewable resources: produce a minimum of 20 percent of its biofuels within California by 2010, 40 percent by 2020, and 75 percent by 2050. The EO also calls for the state to meet a target for use of biomass electricity. The 2011 Bioenergy Action Plan identifies barriers and recommends actions to address them so that the state can meet its clean energy, waste reduction, and climate protection goals. The 2012 Bioenergy Action Plan updates the 2011 plan and provides a more detailed action plan to achieve the following goals:

- increase environmentally and economically sustainable energy production from organic waste;
- encourage development of diverse bioenergy technologies that increase local electricity generation, combined heat and power facilities, renewable natural gas, and renewable liquid fuels for transportation and fuel cell applications;
- create jobs and stimulate economic development, especially in rural regions of the state; and
- reduce fire danger, improve air and water quality, and reduce waste.

As of 2015, 3.2 percent of the total electricity system power in California was derived from biomass.

Senate Bill 375

SB 375, signed in September 2008, aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. SB 375 requires metropolitan planning organizations (MPOs) to adopt a Sustainable Communities Strategy or Alternative Planning Strategy, showing prescribed land use allocation in each MPO's Regional Transportation Plan. CARB, in consultation with the MPOs, is to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in their respective regions for 2020 and 2035. Implementation of SB 375 will have the co-benefit of reducing California's dependency of fossil fuels and making land use development and transportation systems more energy efficient.

The Tuolumne County Transportation Council (TCTC) serves as the federally designated rural transportation agency and the state-designated regional transportation planning agency for Tuolumne County. While the TCTC is required to prepare a Regional Transportation Plan, it is not required to prepare a Sustainable Communities Strategy, as it is not a federally designated MPO. However, the TCTC's *2016 Final Regional Transportation Plan* includes an optional Rural Sustainable Strategies chapter to help Tuolumne County comply with AB 32 and to reduce GHG emissions.

California Green Building Standards

California Code of Regulations, Title 24, Part 6, is California's Energy Efficiency Standards for Residential and Non-Residential Buildings. Title 24 Part 6 was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy-efficiency standards for residential and nonresidential buildings. In 2013, CEC updated Title 24 standards with more stringent requirements, effective July 1, 2014. All buildings for which an application for a building permit is submitted on or after July 1, 2014, must follow the 2013 standards. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The CEC *Impact Analysis for California's 2013 Building Energy Efficiency Standards* estimates that the 2013 standards are 23.3 percent more efficient than the previous 2008 standards for residential construction and 21.8 percent more efficient for nonresidential construction. In 2016, CEC updated Title 24 standards again, effective January 1, 2017. CEC estimates that the 2016 standards are 28 percent more efficient than 2013 standards for residential construction (CEC n.d.) and are approximately 5 percent more efficient for nonresidential construction (CEC 2015).

The 2019 Title 24 Part 6 Building Energy Efficiency Standards were adopted by the CEC on May 9, 2018 and took effect on January 1, 2020. The standards are designed to move the state closer to its zero net energy goals for new residential development. It does so by requiring all new residences to install enough renewable energy to offset all the site electricity needs of each residential unit (California Code of Regulations, Title 24, Part 6, Section 150.1(c)14). CEC estimates that the combination of mandatory on-site renewable energy and prescriptively required energy efficiency features will result in new residential construction that uses 53 percent less energy than the 2016 standards. Nonresidential buildings are anticipated to reduce energy consumption by 30 percent compared to the 2016 standards primarily through prescriptive requirements for high-efficacy lighting (CEC 2018b). The building efficiency standards are enforced through the local plan check and building permit process. Local government agencies may adopt and enforce additional energy standards for new buildings as reasonably necessary in response to local climatologic, geologic, or topographic conditions, provided that these standards are demonstrated to be cost effective and exceed the energy performance required by Title 24 Part 6.

Assembly Bill 32, Climate Change Scoping Plan and Update

In December 2008, CARB adopted its Climate Change Scoping Plan, which contains the main strategies California will implement to achieve reduction of approximately 118 million metric tons of carbon dioxide–equivalent ($MMTCO_2e$) emissions, or approximately 21.7 percent from the state's projected 2020 emission level of 545 $MMTCO_2e$ under a business-as-usual scenario (this is a reduction of 47 $MMTCO_2e$, or almost 10 percent, from 2008 emissions). In May 2014, CARB released and has since adopted the *First Update to the Climate Change Scoping Plan* to identify the next steps in reaching AB 32 goals and evaluate progress that has been made between 2000 and 2012 (CARB 2014:4–5). According to the update, California is on track to meet the near-term 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020 (CARB 2014:ES-2). The update also reports the trends in GHG emissions from various emissions sectors (e.g., transportation, building energy, agriculture).

After releasing multiple versions of proposed updates in 2017, CARB adopted the final version titled *California's 2017 Climate Change Scoping Plan* (2017 Scoping Plan), which lays out the framework for achieving the 2030 reductions as established in more recent legislation (discussed below). The 2017 Scoping Plan identifies the GHG reductions needed by each emissions sector to achieve a statewide emissions level that is 40 percent below 1990 levels before 2030.

Executive Order B-30-15

On April 20, 2015, Governor Edmund G. Brown Jr. signed EO B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's EO aligns California's GHG reduction targets with those of leading international governments such as the 28-nation European Union which adopted the same target in October 2014. California is on track to meet or exceed the target of reducing GHG emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32, discussed above). California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent below 1990 levels by 2050. This is in line with the scientifically established levels needed in the U.S. to limit global warming to below 2 degrees Celsius, the warming threshold at which major climate disruptions are projected, such as super droughts and rising sea levels.

Senate Bill 32 and Assembly Bill 197 of 2016

In August 2016, Governor Brown signed SB 32 and AB 197, which serve to extend California's GHG reduction programs beyond 2020. SB 32 amended the Health and Safety Code to include Section 38566, which contains language to authorize CARB to achieve a statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. SB 32 codified the targets established by EO B-30-15 for 2030, which set the next interim step in the state's continuing efforts to pursue the long-term target expressed in EOs S-3-05 and B-30-15 of 80 percent below 1990 emissions levels by 2050. Achievement of these goals will have the co-benefit of reducing California's dependency of fossil fuels and making land use development and transportation systems more energy efficient.

Advanced Clean Cars Program

In January 2012, CARB approved the Advanced Clean Cars program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

Local:

2018 Tuolumne County General Plan:

The 2018 Tuolumne County General Plan provides a framework for addressing issues related to energy efficiency. The Community Development and Design, Housing, Transportation, Economic Development, Water, Air Quality, and Climate Change Elements contain goals and policies that would reduce energy consumption. Specific Goals, Policies, and implementation Programs related to energy that are applicable to the project are as follows:

Implementation Program 18.A.a: Include specific GHG emissions reduction measures in the CAP. Examples include, but are not limited to, the following:

- Require compliance with CALGreen Tier 1 Green Building standards and Tier 1 Building Energy Efficiency Standards for eligible alterations or additions to existing buildings;
- Require compliance with CALGreen Tier 1 Green Building standards and Tier 1 standards for all new construction, and phase in Zero Net Energy (ZNE) standards for new construction;
- Require new or replacement residential water heating systems to be electrically powered and/or alternatively fueled systems;
- Promote recycling to reduce waste and energy consumption;

- Refine protection guidelines for existing riparian lands to establish a no-net-loss goal;

Policy 18.A.5: Promote energy efficiency and alternative energy while reducing energy demand.

2022 Climate Action Plan:
The Board of Supervisors approved the Climate Action Plan (CAP) on November 8, 2022. The CAP identifies existing and projected GHG emissions, sets GHG reduction targets, establishes policies and actions to meet reduction targets, integrates climate adaptation and resilience strategies, engages the community, and provides an implementation program.

Analysis:

a,b) The project entails outdoor storage of commercial equipment, vehicles, and materials. Energy consumption on the project site would include energy consumed for the construction of the site and vehicle usage and movement of materials and equipment once operational. Diesel and gasoline would be utilized to power equipment and vehicles on site. No structures or buildings are proposed. Electricity usage would be limited to the existing single-family dwelling, well, and septic on site. There would be no wasteful, inefficient, or unnecessary energy consumption. The project would be in accordance with all applicable State and County plans, including the Tuolumne County General Plan and Climate Action Plan. Therefore, there would be no impact.

Mitigation Measure: None required.

Mitigation Monitoring: Not applicable.

GEOLOGY AND SOILS:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks of alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

Environmental Setting:

The purpose of this section is to disclose and analyze the potential impacts associated with the geology of the project site and regional vicinity, and to analyze issues such as the potential exposure of people and property to geologic hazards, landform alteration, and erosion.

Tuolumne County is located primarily within the Sierra Nevada geomorphic province, with an extremely small portion (less than 10 percent) of the western boundary within the Great Valley province. The Sierra is a tilted fault block nearly 400 miles long. Its east face is a high rugged multiple scarp, contrasting with the gentle western slope that disappears under the sediments of the Great Valley to the west. Deep river canyons are cut into the western slope. Their upper courses, especially in massive granites of the higher Sierra, have been modified by glacial activity, forming such scenic features as Yosemite Valley. The high crest in the Sierra culminates in Mt. Whitney with an elevation of 14,495 feet above sea level near the eastern scarp. The metamorphic bedrock contains gold-bearing veins in the northwest trending Mother Lode. The northern Sierra boundary is marked where bedrock disappears under the Cenozoic volcanic cover of the Cascade Range.

Tuolumne County is located in central California, which is a region known to have limited fault zones and seismic activity. There are four “capable” faults, which are faults with tectonic displacement within the last 35,000 years which could produce a quake, located within Tuolumne County: Negro Jack Point, Bowie Flat,

Rawhide Flat West, and Rawhide Flat East. These faults are located primarily in the western and southwestern portion of the County. Historically, earthquake activity in Tuolumne County has been substantially below the California State average.

In addition to the Tuolumne County General Plan and Ordinance Code, the project was evaluated using the Tuolumne County Multi-Jurisdiction Hazard Mitigation Plan, the USDA/CDF Cooperative Soil-Vegetation Survey of Tuolumne County, and the California Geological Survey's geotechnical maps.

The project site was mapped using the USDA Natural Resource Conservation Service (NRCS) soil survey maps. The project site contains the Sierra-Verjeles-Aquic Haploxeralfs complex soils, found on 0-8% slopes and the Cumulic Humixerepts-Riverwash complex soils, found on 0 to 8% slopes. Approximately 90% of the site contains the Sierra-Verjeles-Aquic Haploxeralfs with the remainder of the site surrounding Curtis Creek containing the Cumulic Humixerepts-Riverwash soils, which are also located within 0-8% slopes.

Ground shaking

Earthquake activity within Tuolumne County is significantly below the California state average (Tuolumne County 2018). Over the past century, a total of five historical earthquakes within recorded magnitudes of 3.5 or greater have occurred. Further, there is an approximate 28 percent chance of a major earthquake within 50 kilometers of Tuolumne County within the next 50 years. The probability of a moderate earthquake occurring in the next 30 years is low. Only one major "active fault" is located in Tuolumne County, the New Melones fault, located approximately 5 miles west of the project site (DOC 2018). The fault transects the County, running roughly north to south along the western boundary, and is part of the Foothill fault system which runs along the west base of the Sierra Nevada mountain range. The estimated maximum capability for this fault is Magnitude 6.5 (Tuolumne County 2018).

The Alquist-Priolo Earthquake Fault Zoning Act was signed into California law on December 22, 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Act only applies to structures for human occupancy (houses, apartments, condominiums, etc.)

The California Building Code (CBC) identifies seismic factors that must be considered in structural design. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, while Chapter 18A regulates construction on unstable soils, such as expansive soils and areas subject to liquefaction. Appendix J of the CBC regulates grading activities, including drainage and erosion control. The CBC also contains a provision that provides for a preliminary soil report or geotechnical report to be prepared to identify "…the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects" (CBC Chapter 18 Section 1803.1.1.1). Additionally, the state earthquake protection law (California Health and Safety Code Section 19100 et seq.) requires that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes.

Landslides, Subsidence and Liquefaction

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged groundshaking. Areas most prone to liquefaction are those that are water saturated (e.g., where the water table is less than 30 feet below the surface) and consist of relatively uniform sands that are low to medium density. In addition to necessary soil conditions, the ground acceleration and duration of the earthquake must be of sufficient energy to induce liquefaction. Due to the nature of the soils, groundwater conditions, and low seismicity in the County, the risk and danger of liquefaction and subsidence occurring within the County is considered to be minimal (Tuolumne County 2018).

Naturally occurring landslides do not typically occur in the County. Slopes disturbed by grading or development have failed, especially during periods of heavy rainfall, and have resulted in the destruction of County infrastructure. Within the County, there is a considerable amount of area where the topography can be considered steep to very steep. In the vast majority of this area, the underlying rock formation is very stable, and the soil found on these slopes is shallow and held in place by deep rooted vegetation. These slopes do not typically fail unless disturbed by grading or development (Tuolumne County 2018). Landslides are a primary geologic hazard and are influenced by four factors:

- Strength of rock and resistance to failure, which is a function of rock type (or geologic formation)
- Geologic structure or orientation of a surface along which slippage could occur
- Water (adds weight to a potentially unstable mass or influence strength of a potential failure surface)
- Topography (amount of slope in combination with gravitation forces

Expansive Soils

Clays are present in some soils both as a weathering product and as native sediments. Clays have the potential for expansion and contraction when they go through wet/dry cycles. Expansive soils (also known as shrink-swell soils) are soils that contain expansive clays that can absorb significant amounts of water into their crystalline structure. The presence of clay makes the soil prone to large changes in volume in response to changes in water content. The quantity and type of expansive clay minerals affects the potential for the soil to expand or contract. Wetting can occur naturally in a number of ways, (e.g., absorption from the air, rainfall, groundwater fluctuations, lawn watering and broken water or sewer lines). When an expansive soil becomes wet, water is absorbed, and it increases in volume, and as the soil dries it contracts and decreases in volume. This (often repeated) change in volume can produce enough force and stress on buildings and other structures to damage foundations and walls.

In hillside areas, as expansive soils expand and contract, gradual downslope creep may occur, eventually causing landslides (see below for more information on landslides and other forms of mass wasting). Clay soils also retain water and may act as lubricated slippage planes between other soil/rock strata, also producing landslides, often during earthquakes or by unusually moist conditions. The shrink-swell characteristics of soils can vary widely within short distances, depending on the relative amount and type of clay. Soils with clay content have been mapped throughout the County and may be susceptible to expansion (USDA 1964).

Paleontological Resources

Based on geologic mapping, the majority of the County is not considered sensitive for paleontological resources. Paleozoic marine rocks occur in the western portion of the County and may contain fossils of marine invertebrates. Records of paleontological finds maintained by the University of California Museum of Paleontology state that there are 72 localities at which fossil remains have been found in Tuolumne County. These occur primarily in the Mehrten geologic formations (Tuolumne County 2018).

Erosion:

Erosion is the process by which soil and rock at the earth's surface is gradually broken down and transported to a different location. Erosive processes include rainfall, surface runoff, glacial activity, wind abrasion, chemical dissolution, and gravity in the form of mass wasting (described below). Under normal conditions, these erosive processes, together with physical characteristics of the material being eroded, control the rate at which erosion occurs. Development activities can accelerate that rate, causing excessive erosion and a wide variety of detrimental effects on the environment including sedimentation of waterways (see Section 3.10, "Hydrology and Water Quality"), slope instability, ground instability, loss of agricultural productivity through the removal of topsoil, or even desertification.

The potential for erosion increases as a function of slope steepness. Areas within the County where slopes exceed 30 percent are generally considered to have a high potential for erosion. The majority of development in Tuolumne County is not located on such terrain, and there are no steep slopes on the site. Erosion problems in developed regions of the County are generally limited to areas where grading has resulted in steep slopes where deposits of fill have not stabilized, or where slope stabilization practices have not been employed following grading activities. Rain and runoff have also produced incidents of excessive erosion on burn scars that have not yet sufficiently revegetated. However, by comparison with other areas of the state, such as the coastal mountains, erosion has proven to be a modest hazard in Tuolumne County.

Minor grading associated with drainage, building, and storage would occur. Construction activities would not disturb more than one acre; however, discharge from the project site could potentially enter directly to Curtis Creek, so a stormwater pollution prevention plan (SWPPP) would be required by the Central Valley Regional Water Quality Control Board (RWQCB) and would be prepared before construction and implemented throughout project construction to comply with National Pollutant Discharge Elimination System (NPDES) requirements. The project would also comply with the California Building Code (CBC) and Title 12 of the Tuolumne County Ordinance Code to reduce any potential slope, soil, or erosion impacts.

Analysis:

a i) The project site is not located within a delineated fault zone or located within a known liquefaction zone or seismic landslide zone as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The project site has been located on the Tuolumne County Geotechnical Interpretive System (GIS) Map for the USGS Standard Minute Quadrangle. This map indicates that there are no faults located on the project site or within the vicinity of the project site. The nearest fault as identified on the Tuolumne County Geotechnical Interpretive Map is approximately 3.5± miles west of the project site. However, this fault is not identified as a capable fault within the GIS map. Therefore, there will be no impact.

a ii-iii) The Environmental Impact Report for the 2018 Tuolumne County General Plan update indicates that there is a low potential for significant seismic activity within the County. There is a low potential for strong seismic ground shaking or seismic related ground failure, including liquefaction. Tuolumne County's Geotechnical Maps show the approximate boundaries of various hazard and resource zones, such as fault rupture zones, erosive soil areas, steep slopes, and limestone deposits. There are no steep slopes on the project site, no limestone deposits, and no fault zones are located within the immediate vicinity of the project site. The nearest fault location as indicated in the GIS maps is located approximately 3.5± miles west of the project site. This fault is no identified as a capable fault. There would be a less than significant impact.

a iv) The Technical Background Report for the 2018 General Plan indicate that the landslide susceptibility of the County is low. As the project site is flat, and not surrounded by steep slopes, there is no threat from landslides. There are no steep slopes greater than 30% within or surrounding the project site. The soils found within the project site are found within 0-8% slopes. There would be no impact.

b,c) The project site is flat. The likelihood of landslides, lateral spreading, subsidence, liquefaction, or collapse of these soils is fairly low. The soils contained within the Sierra-Verjeles-Aquic Haploxeralfs complex soils and the Cumulic Humixerepts-Riverwash complex soils are well drained and most of the soils within these soils complexes do not have a hydric rating, as indicated by the USDA NRCS soil survey maps.

Although the erosive and soil failure hazards are fairly low, grading for the development of the project have the potential to result in erosion or loss of the topsoil. Any future grading on the project site is subject to Chapter 12.20 of the TCOC and the project proponent would be required to secure a Grading Permit from the Engineering Division of the Department of Public Works. Grading Permit review from the

Engineering Division will ensure consistency with Chapter 12.20 of the TCOC and ensure that the appropriate measures are taken to stabilize slope, control erosion, and protect exposed soils. Prior to the issuance of a Grading Permit by the Engineering Division of the Department of Public Works, the project proponent is required to submit an erosion control plan to be reviewed and approved which must be implemented during project construction activities. The project will also be conditioned to require that all soils that are disturbed by clearing or grading shall be reseeded or hydro mulched or otherwise stabilized as soon as possible. Emergency erosion control measures shall be utilized as requested by County officials. These standard conditions were included for Grading Permit G2021-00028.

The project proponent is required to submit a Notice of Intent (NOI) to the State Water Resources Control Board Water Permitting Unit to obtain coverage under the General Construction Activity Stormwater Permit for the disturbance of one acre or more. A Stormwater Pollution Prevention Plan (SWPP) is required to be developed and submitted with the NOI. The SWPP must be prepared by a qualified professional and includes Best Management Practices (BMPs) to minimize stormwater runoff, erosion, and sediment movement during construction activities.

Based on the above and the requirement of a preparation of a SWPPP with BMPs, the submittal of a NOI and the enforcement of the County's Grading Ordinance through the requirement and review of a grading permit, including implementation of an erosion control plan and stabilization of soils that are disturbed by grading, there will be a less than significant impact.

d) The project site does not contain expansive soils, as defined in Table 18-1-B of the Uniform Building Code. Therefore, there is no impact.

e) The site contains a private, on-site sewage disposal system associated with the existing residence on site. As indicated in the "Utilities and Service Systems" section below, the site is not required to connect to public sewer based on the Tuolumne County General Plan and Chapter 13.08 of the TCOC. Because the project entails the rezoning of the site consistent with the existing General Plan land use designation and outdoor storage of commercial vehicles, equipment, and materials, the existing sewage disposal system would not be impacted by the project. No new connections or sources of wastewater would be created or required to be created. Therefore, there would be no impact.

f) As previously described, paleontological resources within the county are not common. However, if present, these resources occur primarily in the Mehrten geologic formations. The Mehrten formation is a geologic formation dating back to the Neogene period, which is part of the Miocene and later Pliocene geologic epochs (Cenozoic Era). The generalized rock type identified within the project area is metasedimentary rock (Pz) (DOC 2018). This rock type is not associated within the Cenozoic Era, where resources from the Mehrten formation would be present. Construction activities associated with the project would involve site grading and excavation. Because the project site is not located within a geologic area where paleontological resources would likely be present, construction activities resulting from the project would not directly or indirectly result in destruction of a paleontological resource. Impacts would be less than significant.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

GREENHOUSE GAS EMISSIONS:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant with Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Environmental Setting:

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. GHGs are responsible for "trapping" solar radiation in the earth's atmosphere, a phenomenon known as the greenhouse effect. Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Human-caused emissions of these GHGs in excess of natural ambient concentrations are believed responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. It is "extremely likely" that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in GHG concentrations and other anthropogenic factors together (Intergovernmental Panel on Climate Change 2014).

The different types of GHGs have varying global warming potentials (GWPs) (Table 3). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere. Because GHGs absorb different amounts of heat, a common reference gas, usually carbon dioxide, is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as "CO_2 equivalent," and is the amount of a GHG emitted multiplied by its GWP. Carbon dioxide has a GWP of one. By contrast, methane (CH_4) has a GWP of 21, meaning its global warming effect is 21 times greater than carbon dioxide on a molecule per molecule basis.

Table 3
Global Warming Potentials (GWPs)

Gas	Global Warming Potential
Carbon Dioxide	1
Methane	21
Nitrous Oxide	310
HFC-23	11,700
HFC-134a	1,300
HFC-152a	140
PFC: Tetrafluoromethane (CF4)	6,500
PFC: Hexafluoroethane (C2F6)	9,200
Sulfur Hexafluoride (SF6)	23,900

Source: http://epa.gov/climatechange/emissions/downloads09/Introduction.pdf

As noted above, the earth needs a certain amount of greenhouse gases in order to maintain a livable temperature. However, it is believed by many that global climate change may occur as a result of excess amounts of GHG, which, in turn, may result in significant adverse effects to the environment that will be experienced worldwide. The effects may include the melting of polar ice caps and rising sea levels, increased

flooding in wet areas, droughts in arid areas, harsher storms, problems with agriculture, and the extinction of some animal species. Regardless of whether the rise in GHG is caused by natural cyclic events or not, it is widely believed production of additional GHG should be reduced in order to maintain a "healthy" level of GHG in the atmosphere.

Regulatory Setting:

State Legislation

GHG emission targets established by the state legislature include reducing statewide GHG emissions to 1990 levels by 2020 (Assembly Bill [AB] 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (Senate Bill [SB] 32 of 2016). Executive Order S-3-05 calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. Executive Order B-55-18 calls for California to achieve carbon neutrality by 2045 and achieve and maintain net negative GHG emissions thereafter. These targets are in line with the scientifically established levels needed in the United States to limit the rise in global temperature to no more than 2 degrees Celsius, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (United Nations 2015:3).

California's 2017 Climate Change Scoping Plan (2017 Scoping Plan), prepared by CARB, outlines the main strategies California will implement to achieve the legislated GHG emission target for 2030 and "substantially advance toward our 2050 climate goals" (CARB 2017:1, 3, 5, 20, 25–26). It identifies the reductions needed by each GHG emission sector (e.g., transportation, industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste).

Tuolumne County Regional Blueprint Greenhouse Gas Study

In 2012, the Tuolumne County Transportation Council (TCTC) conducted a regional blueprint planning effort, which presented the results of a countywide (including incorporated and unincorporated areas) GHG emissions inventory, which evaluated existing (2010) GHG emissions, and projected (2020, 2030, and 2040) emissions for three growth scenarios. It also identified policies and measures Tuolumne County and land use project applicants can implement to reduce GHG emissions consistent with AB 32 and prepare for the potential impacts of climate change. In 2010, Tuolumne County emitted approximately 782,846 metric tons of CO2 equivalent GHG emissions (MTCO2e) as a result of activities and operations that took place within the transportation, residential (energy consumption), nonresidential (energy consumption), off-road vehicles and equipment, agriculture and forestry, wastewater, and solid waste sectors. This equates to 9.8 MTCO2e per resident and employee in Tuolumne County's service population (service population is defined as the total County resident population + people employed in the County). Because the project completed a project-specific GHG study, it does not need to rely on the evaluation and mitigations in the Blueprint GHG Study.

2022 Climate Action Plan

The Board of Supervisors approved the Climate Action Plan (CAP) on November 8, 2022. The CAP identifies existing and projected GHG emissions, sets GHG reduction targets, establishes policies and actions to meet reduction targets, integrates climate adaptation and resilience strategies, engages the community, and provides an implementation program.

Significance Criteria

Tuolumne County and the Tuolumne County Air Pollution Control District (TCAPCD) do not have an adopted GHG threshold for the purposes of determining significance under CEQA. California Air Resources Board's California's 2017 Climate Change Scoping Plan (Scoping Plan) states that, for project-level GHG thresholds,

> Absent conformity with an adequate geographically specific GHG reduction plan as described in the preceding section above, CARB recommends that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development. (CARB 2017:101)

Therefore, the project would be considered significant if it results in a net increase in GHG emissions compared to existing conditions. This threshold is specific to the proposed project and may not necessarily apply to other projects in the county. Calculations of the project's GHG emissions can be found in Appendix C.

Analysis:

a,b) Construction

Construction associated with the proposed project would include grading for the storage pads and on-site roads and driveways. Construction activities would include grading and excavation only as no buildings are proposed. Typical construction equipment would include dozers, excavators, loaders/backhoes, and haul trucks. There are no buildings or paved surfaces proposed, so construction on the site would be minimal. Grading under Grading Permit G2021-00028 has been completed and the applicant is not proposing additional grading.

Operation

Operation of the proposed project would be minimal as the project entails the outdoor storage of commercial equipment, vehicles, and materials. Occasional movement of the equipment, vehicles, and materials would occur.

As indicated in Table 2 in the Air Quality Section above, project construction and operation would be below thresholds established by TCAPCD. The project has been found to be consistent with the Tuolumne County General Plan, Tuolumne County Regional Blueprint Greenhouse Gas Study, and newly adopted Climate Action Plan. Therefore, the projects construction and operational impacts would be less than significant.

Mitigation Measures: None Required.

Mitigation Monitoring: Not Applicable.

HAZARDS AND HAZARDOUS MATERIALS:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Environmental Setting:

Hazardous substances and wastes that are likely to be generated from the project would include hydraulic fluids and solvents used in construction and gasoline, diesel, and fluids associated with the equipment and vehicles stored on site. All hazardous substances and wastes are highly regulated by federal, state, and local regulations regarding the use, storage, transportation, handling, processing, and disposal. All hazardous substances and waste are required to be stored, transported, handled, processed, and disposed of in accordance with these regulations.

To address compliance of these regulations in the home, Tuolumne County adopted the Household Hazardous Waste Element of the Tuolumne County Integrated Waste Management Plan. This plan aims to reduce the amount of household hazardous waste generated within Tuolumne County through reuse and recycling, to divert household hazardous waste from landfills, to promote alternatives to toxic household products, and to educate the public regarding household hazardous waste management. Household hazardous waste is collected at the Cal Sierra Transfer Station in East Sonora and the Groveland Transfer Station in Groveland. Tuolumne County also holds collection events for household hazardous waste which is organized by the Solid Waste Division of the Department of Public Works.

The project site is located within the Curtis Creek Elementary School district and Sonora High School District. The nearest school to the site is the Safari Learning Academy Preschool, which is located approximately 0.25± aerial miles northeast of the project site. Sonora High School owns the property located across Wards Ferry from the site. However, this site does not contain buildings is used for agricultural purposes and the athletic department. The nearest public school to the project site is Curtis Creek Elementary School, located approximately 0.75± aerial miles northeast of the site.

The California Department of Toxic Substance Control (DTSC) maintains a list of cleanup sites and hazardous

waste permitted facilities on its EnviroStor database. The State Water Resources Control Board regulates spills, leaks, investigation, and cleanup sites and maintains an online GeoTracker database. The GeoTracker database tracks regulatory data about leaking underground storage tank (LUST) sites, fuel pipelines, and public drinking water supplies. These databases were consulted for the project site.

There are two airports located within Tuolumne County. One is located within the community of Columbia and the other airport is located in the community of Groveland. Parcels that are subject to the Tuolumne County Airport Compatibility Plan are designated with the Airport Overlay (-AIR) General Plan land use designation the :AIR (Airport Combining) zoning district. The project site is not located within two miles of an airport.

Information on emergency response plan and evacuation plan is contained in the Natural Hazards Element of the 2018 Tuolumne County General Plan and the Tuolumne County Multi-Jurisdiction Hazard Mitigation Plan. Tuolumne County does not have a static emergency plan or evacuation plan due to the dynamic nature of emergencies. In the event of an emergency, the Tuolumne County Sheriff Office is the responsible entity for declaring and directing evacuations in the case of emergencies. The Sherriff's Department will inform members of the public via the Everbridge Emergency Notification System, local media, and door-to-door when feasible.

The project site is located within a State Responsibility Area (SRA) and is rated as moderate fire hazard severity zone. This rating is based on factors of slope, vegetation, and annual summer weather patterns. These zones, referred to as Fire Hazard Severity Zones (FHSZ), provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildland fires. The zones also relate to the requirements for building codes designed to reduce the ignition potential to buildings in the wildland-urban interface zone.

Regulatory Setting:

Federal:

Toxic Substances Control Act

The 1976 Toxic Substances Control Act regulates the manufacturing, inventory, and disposition of industrial chemicals, including hazardous materials. The Model Accreditation Plan, adopted under Title II of the Act, requires that all persons who inspect for asbestos-containing material (ACM) or design or conduct response actions with respect to friable asbestos obtain accreditation by completing a prescribed training course and passing an exam. Section 403 of the Toxic Substances Control Act establishes standards for LBP hazards in paint, dust, and soil.

Resource Conservation and Recovery Act

RCRA (42 U.S. Code [USC] 6901 et seq.) is the law under which EPA regulates hazardous waste from the time the waste is generated until its final disposal ("cradle to grave"). EPA has authorized DTSC to enforce hazardous waste laws and regulations in California. Under RCRA, DTSC has the authority to implement permitting, inspection, compliance, and corrective action programs to ensure that people who manage hazardous waste follow state and federal requirements. Generators must ensure that their wastes are disposed of properly, and legal requirements dictate the disposal requirements for many waste streams (e.g., banning many types of hazardous wastes from landfills).

Superfund Amendments and Reauthorization Act

The Superfund Amendments and Reauthorization Act (SARA) of 1986 (Public Law 99-499; USC Title 42, Chapter 116), also known as SARA Title III or the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, imposes hazardous materials planning requirements to help protect local communities in the event of accidental release.

EPCRA requires states and local emergency planning groups to develop community emergency response plans for protection from a list of extremely hazardous substances (40 CFR 355 Appendix A). In California, EPCRA is implemented through the Cal ARP program.

Hazardous Materials Transportation

DOT regulates transport of hazardous materials between states and is responsible for protecting the public from dangers associated with such transport. The federal hazardous materials transportation law, 49 USC 5101 et seq. (formerly the Hazardous Materials Transportation Act 49 USC 1801 et seq.) is the basic statute regulating transport of hazardous materials in the United States. Hazardous materials regulations are enforced by the Federal Highway Administration, the Federal Railroad Administration, and the Federal Aviation Administration.

Comprehensive Environmental Response, Compensation, and Liability Act

Brownfield sites are areas with actual or perceived contamination and that may have potential for redevelopment or reuse. Brownfields are often former industrial facilities that were once the source of jobs and economic benefits to the community but lie abandoned due to fears about contamination and potential liability. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over 5 years, $1.6 billion was collected and the tax went into a fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA was amended in January of 2002 with passage of the Small Business Liability Relief and Brownfields Revitalization Act. This Act provides some relief for small businesses from liability under CERCLA. It authorizes $200 million per fiscal year through 2006 to provide financial assistance for brownfield revitalization. CERCLA also facilitated a revision of the National Contingency Plan, which provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The plan also established the generation of EPA's National Priorities List, a list of all the sites with known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. According to the National Priorities List database, there are no Superfund sites within Tuolumne County (EPA 2018).

National Emissions Standards for Hazardous Air Pollutants

The asbestos regulations under NESHAP control work practices during the demolition and renovation of institutional, commercial, or industrial structures. Following identification of friable asbestos, OSHA requires that asbestos trained and certified abatement personnel perform asbestos abatement and all ACM removed from on-site structures shall be hauled to a licensed receiving facility and disposed of under proper manifest by a transportation company certified to handle asbestos.

Clean Water Act

The U.S. Environmental Protection Agency (EPA) is the federal agency primarily responsible for water quality management. The CWA establishes the basic structure for regulating discharges of pollutants into "waters of the United States." The Act specifies a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. Some of these tools include:

Section 311 details the Spill Prevention and Countermeasure Control (SPCC) rule, which requires facilities to prepare and maintain a SPCC plan. A facility falls under federal jurisdiction and the SPCC rule if it has an aggregate aboveground oil storage capacity greater than 1,320 U.S. gallons or a completely buried storage capacity greater than 42,000 U.S. gallons and there is a reasonable expectation of an oil discharge into or upon navigable waters of the U.S. or adjoining shorelines. A SPCC plan describes oil handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment, and resources at a facility that are used to prevent oil spills from reaching navigable waters or adjoining shorelines.

State:

California Accidental Release Prevention Program

Cal ARP (CCR Title 19, Division 2, Chapter 4.5) covers certain businesses that store or handle more than a

specified volume of regulated substances at their facilities. The Cal ARP program regulations became effective on January 1, 1997, and include the provisions of the federal Accidental Release Prevention program (Title 40, CFR Part 68), with certain additions specific to the state pursuant to Health and Safety Code Section 25531 et seq. The list of regulated substances is found in 19 CCR Section 2770.5 of the Cal ARP program regulations. Businesses that use a regulated substance above the noted threshold quantity must implement an accidental release prevention program, and some may be required to complete RMPs. An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. The purpose of an RMP is to decrease the risk of an off-site release of a regulated substance that might harm the surrounding environment and community. An RMP includes the following components: safety information, hazard review, operating procedures, training, maintenance, compliance audits, and incident investigation. The RMP must consider the proximity to sensitive populations located in schools, residential areas, general acute care hospitals, long-term health care facilities, and child day-care facilities, as well as external events such as seismic activity.

California Government Code Section 65962.5

California Government Code Section 65962.5 requires DTSC to compile and maintain lists of potentially contaminated sites located throughout the State of California. This "Cortese List" includes hazardous waste and substance sites from DTSC's database, LUST sites from the SWRCB's database, solid waste disposal sites with waste constituents above hazardous waste levels outside of the waste management unit, Cease and Desist Orders and Cleanup and Abatement Orders concerning hazardous wastes, and hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

There are no sites in unincorporated Tuolumne County on DTSC's database of hazardous waste and substance sites, and there are no solid waste disposal sites in the County with waste constituents above hazardous waste levels outside of the waste management unit. There are six Cease and Desist Orders and Cleanup and Abatement Orders in the unincorporated County area, but none are apparently concerning hazardous waste. As described above, there are several records of LUST sites in the County (DTSC 2018).

Hazardous Waste Control Act

These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act, Health and Safety Code Section 25100 et seq. and Title 26 of the CCR, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with DTSC.

Hazardous Materials Release Response Plans and Inventory Law

The Hazardous Materials Release Response Plans and Inventory Law, Health and Safety Code Section 25500 et seq., aims to minimize the potential for accidents involving hazardous materials and to facilitate an appropriate response to possible hazardous materials emergencies. The law requires businesses that use hazardous materials to provide inventories of those materials to designated emergency response agencies, to illustrate on a diagram where the materials are stored on site, to prepare an emergency response plan, and to train employees to use the materials safely.

Transport of Hazardous Materials and Hazardous Materials Emergency Response Plan

The State of California has adopted DOT regulations for the movement of hazardous materials originating within the state and passing through the state. State regulations are contained in Title 26 of the CCR. State agencies with primary responsibility for enforcing state regulations and responding to hazardous materials transportation emergencies are the CHP and Caltrans. Together, these agencies determine container types used and license hazardous waste haulers to transport hazardous waste on public roads.

The State of California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local governments and private agencies. Response to hazardous materials incidents is one part of the plan. The plan is managed by the California Office of Emergency Services, which coordinates the responses of other agencies in the area.

Worker and Workplace Hazardous Materials Safety

Cal/OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA obligates many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers are informed of the hazards associated with the materials they handle. For example, manufacturers are to appropriately label containers, material safety data sheets are to be available in the workplace, and employers are to properly train workers.

California State Aeronautics Act

At the state level, Caltrans's Division of Aeronautics administers Federal Aviation Administration regulations. The division issues permits for hospital heliports and public-use airports, reviews potential and future school sites proposed within 2 miles of an airport and authorizes helicopter landing sites at or near schools. In addition, it administers noise regulation and land use planning laws, which regulate the operational activities and provides for the integration of aviation planning on a regional basis.

CAL FIRE Regulations

Title 14 of the CCR establishes regulations for CAL FIRE in areas where CAL FIRE is responsible for wildfire protection. These regulations constitute the basic wildland fire protection standards of the California Board of Forestry and Fire Protection. They have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction, and development in state recreation areas. Additionally, Title 14 sets forth the minimum standards for emergency access, fuel modification, setback, signage, and water supply.

Emergency Services Act

Under the Emergency Services Act, Government Code Section 8550 et seq., the state developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an important part of the plan, which is administered by the California Office of Emergency Services. The office coordinates the responses of other agencies, including EPA, the CHP, regional water quality control boards, air quality management districts, and county disaster response offices.

International Building Code

In January of 2008, California officially switched from the Uniform Building Code to the International Building Code. The International Building Code specifies construction standards to be used in urban interface and wildland areas where there is an elevated threat of fire.

2010 Strategic Fire Plan for California

The 2010 Strategic California Fire Plan is the state's road map for reducing the risk of wildfire. By emphasizing fire prevention, the Fire Plan seeks to reduce firefighting costs and property losses, increase firefighter safety, and to contribute to ecosystem health.

Local:

Certified Unified Program Agency

Pursuant to Senate Bill 1082 (1993), the State of California adopted regulations to consolidate six hazardous materials management programs under a single, local agency, known as the Certified Unified Program Agency. In addition to conducting annual facility inspections, the Hazardous Materials Program is involved with hazardous materials emergency response, investigation of the illegal disposal of hazardous waste, public complaints, and storm water illicit discharge inspections. In January 1997, the Tuolumne County Environmental Health Division was designated as the Certified Unified Program Agency by the Secretary of the California Environmental Protection Agency for Tuolumne County. Accordingly, it is the Environmental Health Division's responsibility to prevent public health hazards in the community and to ensure the safety of water and food. The

Environmental Health Division coordinates activities with federal, state, and regional agencies when planning programs that deal with the control of toxic materials, housing conditions, nuisance complaints, protection of food and water supply, public bathing areas, and sewage and solid waste.

Tuolumne County Multi-Jurisdictional Hazard Mitigation Plan

Implementation of the *Tuolumne County Multi-Jurisdictional Hazard Mitigation Plan* (HMP) (2018) is a coordinated effort between Tuolumne County, the City of Sonora, the Tuolumne Utilities District, the Sonora Union High School District, the Groveland Community Services District, Twain Harte Community Services District, Mi-Wuk Sugar Pine Fire Protection District, Belleview Elementary School District, Big Oak Flat-Groveland Unified School District, Jamestown Sanitary District, Columbia Fire Protection District, Columbia Union School District, Curtis Creek School District, Jamestown Elementary School District, Sonora Elementary School District, Summerville Elementary School District, Summerville Union High School District, Twain Harte Long Barn School District, and the Tuolumne Band of Me-Wuk Indians to effectively deal with natural catastrophes that affect the County. The HMP addresses risks associated with numerous hazards, including wildfire, earthquake, flooding, sinkholes, and extreme weather.

Tuolumne County Emergency Operations Plan

The Tuolumne County Emergency Operations Plan delineates the County's procedures and policies in response to a significant disaster, including extreme weather, flood or dam failure, earthquakes, hazardous materials, terrorism or civil disturbance, transportation accidents, and wildland fires.

County 4290 In Lieu Regulations

California Public Resources Code Section 4290 requires local jurisdictions in California to adopt General Plan Safety elements that meet Section 4290 standards or, in lieu of this regiment, local jurisdictions must adopt local fire safe ordinances addressing issues including emergency access, signing and building numbering, private water supply reserves for emergency fire use, and vegetation modification. The County currently has local fire safe ordinances in place in Titles 11, 15, and 16 of the Tuolumne County Ordinance Code. The California Board of Forestry and Fire Protection certified the County's fire safe ordinances in 2016.

2018 Tuolumne County General Plan

The 2018 General Plan contains goals, policies, and implementation programs related to wildland fires, emergency services, and hazardous materials within the Safety Element and the Public Safety Element. These are contained within Chapters 9 and 17 of the 2018 General Plan.

Waste associated with construction (treated wood waste, organic vegetation waste, rock), and waste associated with project operation (ash, municipal solid waste), would be disposed of at the approved recycling Waste Management Facility located at 14909 Camage Avenue, less than 0.5 mile from the project site. The project would not produce excessive hazardous waste, solid waste for landfills, and may be served by existing facilities. Therefore, impacts would be minimal, and no mitigation is required.

Analysis:

a) Construction activities would involve the use of hazardous materials such as fuels, lubricants, and solvents typically associated with construction equipment and vehicles. These materials are commonly used during construction and are not acutely hazardous. The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work practices, including standards relating to the handling of hazardous materials and those required for construction activities such as excavation and trenching. Any materials used during construction activities would be handled in accordance with applicable laws, regulations, and protocols related to protect worker, user, and public safety. Operation of the project would not involve the use, emission, or release of hazardous wastes or materials (beyond

small amounts of common household products such as fuels, solvents, and cleaners). Implementation Program 9.I.d of the 2018 Tuolumne County General Plan states for the Tuolumne County Environmental Health Division and Tuolumne County Fire Department to review applications for discretionary projects for compliance with the latest adopted regulations for safety and environmental protection. Both divisions reviewed the project application and provided comments. Compliance with applicable laws, regulations, and protocols and the 2018 General Plan would result in impacts being less than significant.

b) Reasonably foreseeable upset and accident conditions could include small spills or leaks associated with the use of construction equipment and vehicles, as described in item (a). Any materials utilized during construction activities would be handled in accordance with applicable laws, regulations, and protocols, and operation of the project would not result in the creation of any hazards to the public. As discussed under item (a), operation of the project would not involve the use of or result in the release of hazardous materials. Impacts would be less than significant.

c) The project site is located within 0.25 mile of a property owned by Sonora Union High School used for agricultural purposes and by their athletic department. However, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. Therefore, there would be a less that significant impact.

d) A review of the Department of Toxic Substances Control (DTSC) database, *EnviroStor*, which includes lists of hazardous materials sites compiled pursuant to California Government Code Section 65962.5, did not identify any sites on or adjacent to the project site that have used, stored, disposed of, or released hazardous materials. Therefore, there will be no impact.

e) The project site is not located within an area that is subject to the Tuolumne County Airport Land Use Compatibility Plan nor does it contain the Airport Combining District (:AIR) zoning. The nearest airport, Columbia Airport, is located approximately 7 miles northwest of the project site. A helipad supporting the Sonora Regional Medical Center Emergency Room is located approximately 3.3. miles northwest of the project site. The project would be located at a distance far enough from the airstrip that it would not create a unique safety hazard for people working within the project site. Therefore, there would be no impact.

f) Tuolumne County does not have a static emergency plan or evacuation plan due to the dynamic nature of emergencies. Tuolumne County does not have any designated evacuation routes because fires can happen anywhere and may block specific roads and certain areas may not be safe for travel. The Tuolumne County Sheriff Office is the responsible entity for declaring and directing evacuations in the case of emergencies. The Sherriff's Department will inform members of the public via the Emergency Notification System, local media, and door-to-door when feasible of where the wildfire is located, which routes are safe to use, and which locations are safe to seek refuge from the fire. Generalized emergency information is also contained within the adopted Multi-Jurisdictional Hazard Mitigation Plan. Tuolumne County maintains the Hazard Mitigation Plan and Emergency Operations Plan. Through the development approvals and coordination processes, the County would limit the potential for hazards, particularly associated with wildfire and emergency access, with the General Plan Update policies and implementation programs. The project has been found to be consistent with Chapter 9 Public Safety and Chapter 17 Natural Hazards of the 2018 General Plan, as shown in Section g below. The project consists of a Zone Change consistent with the existing General Plan land use designation and Conditional Use Permit to allow for outdoor storage of commercial equipment, vehicles, and materials on site. The project would not introduce a significant number of vehicles to the roadways as the only commercial aspect would be storage of equipment, vehicles, and materials. The impact is less than significant.

g) The project site is located within an SRA and is rated as high fire hazard severity zone. The project has

been reviewed by the Tuolumne County Fire Prevention Division. The Fire Prevention Division provided conditions for the project to ensure consistency with the Titles 11, 12, 15 and 16 of the Ordinance Code, the California Building Code, and the California Fire Code. Conditions will be added to the project including requirements for fuel reduction and thinning, building setbacks, road construction standards, driveway construction standards, and fire and life safety requirements. A condition will be added to require all weather surfacing to the log storage areas of the site. The project has been found to be consistent with Chapter 9 Public Safety and Chapter 17 Natural Hazards of the 2018 General Plan. Consistency with specific Goals, Policies, and Implementation Programs will be demonstrated below.

The following Policies of the 2018 Tuolumne County General Plan apply to the proposed project:

Policy 9.A.1: *Actively involve fire protection agencies within Tuolumne County in land use planning decisions.*

The Tuolumne County Fire Prevention Division has been consulted with during the processing of the application. The Tuolumne County Fire Prevention Division provided conditions which have been incorporated into the projects' conditions of approval, as discussed above and below.

Policy 9.E.3: *Require new development to be consistent with State and County regulations and policies regarding fire protection.*

The development and operation of the site will be consistent with all applicable State and County regulations and policies regarding fire protection. Road and driveway improvement plans will be reviewed by the Tuolumne County Fire Prevention Division and Engineering Division of the Department of Public Works to ensure compliance with the California Fire Code and Titles 11 and 15 of the TCOC.

Policy 17.E.2: *Require the maintenance of defensible space setbacks in areas proposed for development if wildland fire hazards exist on adjacent properties.*

The project site is required to comply with all applicable defensible space regulations. The Fire Prevention Division indicated that there is adequate clearance surrounding the log decks on site.

Policy 17.E.3: *Require new development to have adequate fire protection and to include, where necessary, design and maintenance features that contribute to the protection of the County from the losses associated with wildland fire.*

Conditions provided by the Tuolumne County Fire Prevention Division have been incorporated into the projects' conditions of approval to minimize fire hazards and to contribute to the protection of the County from the losses associated with wildland fire.

The Tuolumne County Fire Prevention has indicated that the following conditions would apply to the proposed project and storage of logs on site:

> The outside storage yard shall comply with all requirements of the 2016 California Fire Code Section 2808 for Log Storage, processing of wood chips, hogged material, fines, compost, and raw product associated with yard waste and recycling facilities (CFC 2808).
>
> Log storage areas shall comply with the following:
>
> - Not to exceed 500' in length, 300' in width and 20' in height.
> - All log decks shall be separated from adjacent log decks by not less than 100'.

Additionally, the proposed C-1 zoning does not allow for industrial or commercial processing of the logs on site. These conditions will be incorporated into the conditions of approval for Conditional Use Permit CUP18-013.

The incorporation of these conditions and the project's consistency with Titles 11, 12, 15 and 16 of the Ordinance Code, the Tuolumne County General Plan, the California Building Code, and the California Fire Code would result in a less than significant impact. See the Wildfire Section below for additional information and analysis.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

HYDROLOGY AND WATER QUALITY:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:	☐	☒	☐	☐
i) result in substantial erosion or siltation on or off-site;	☐	☒	☐	☐
ii) substantially increase the rate or amount or surface runoff in a manner which would create flooding on- or off-site;	☐	☒	☐	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or?	☐	☒	☐	☐
iv) impede or redirect flood flows?	☐	☒	☐	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

Environmental Setting:

The project site is bordered by Curtis Creek to the north, which is located within the Stanislaus River watershed. This drainage eventually flows into the Tuolumne River and Lake Don Pedro Reservoir. The project site is served via a private well and private on-site sewage disposal system.

A Water Quality Plan was prepared for Tuolumne County in 2007 and contains a comprehensive program that addressed a wide range of water quality concerns within the county and emphasizes mechanisms for maintaining and improving surface water quality (Tuolumne County 2007). The project site is located within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB).

Regulatory Setting:

The Federal Water Pollution Control Act was adopted to protect the quality of surface waters of the Country and is implemented through the National Pollutant Discharge Elimination System (NPDES). In California, the NPDES is implemented through the Storm Water Permitting Unit of the State Water Resources Control Board. Pursuant to State regulations, land development projects which disturb one acre or more must submit a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit. A Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted with the NOI. The SWPP is required to be prepared by a qualified professional and includes Best Management Practices (BMPs) to be implemented during project construction to minimize stormwater runoff, erosion, and sediment movement.

The Federal Emergency Management Agency (FEMA) provides information on flood hazards for communities based on its Flood Insurance Rate Maps (FIRM). The project site is located with Flood Zone X, which are areas of minimal flood hazards. A small portion of the site is located within Flood Zone A, which are areas with a 1%

annual chance of flooding where no depths or base flood elevations are shown. Chapter 15.24 of the TCOC provides regulations related to flood hazards. The purpose of Chapter 15.24 is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions ins specific areas by legally enforceable regulations applied uniformly throughout the County to all publicly and privately owned land within flood prone or flood relation erosion areas.

Chapter 13.20 of the TCOC provides guidance on management of groundwater within Tuolumne County. The purpose of Chapter 13.20 is to establish an effective county policy that will assure that the overall economy and environment of Tuolumne County are protected from the impacts of the exportation of groundwater out of the county. All wells within Tuolumne County must be constructed and maintained in accordance with Chapter 13.16 and 13.20 of the TCOC.

Analysis:

a) Runoff from the project site has the potential to transport silt and other sediments to off-site surface waters if soil surfaces exposed during construction on the project site are not stabilized. However, the requirement of preparation of a SWPPP with BMPs and the submittal of a NOI with the State Water Resources Control Board would ensure compliance with water quality standards and waste discharge requirements and would protect the discharge of pollutants into surface or ground water. Additionally, as discussed in the "Biological Resources" section above in this report, Mitigation Measure BIO-2 would require protection of Curtis Creek with Open Space zoning, Mitigation Measure BIO-3 requires BMPs to be implemented when operating withing the vicinity of the creek, and Mitigation Measure BIO-4 requires construction and maintenance of a silt fence to prohibit woody material from entering the riparian area.

   Compliance with applicable permits and construction measures and incorporation of mitigation measures would ensure that the project would not violate any water quality standards or waste discharge requirements set forth by the Central Valley RWQCB or result in the degradation of surface and groundwater quality. Impacts would be less than significant with mitigation.

b) The project site is served via a private well. The purpose of the C-1 zoning in Chapter 17.34 of the Tuolumne County Ordinance Code indicates that development within the C-1 district requires public water. As the project entails the rezoning consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials, the project site is not required to connect to public water. Any future commercial development or buildings on the site would require connection to public water. The Fire Prevention Division was consulted, and they indicated that because the logs are stored outside, no fire flow or connection to public water is required. Because the project entails rezoning consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials, increase in water usage would be minimal. There would not be a constant requirement for additional water usage. Water usage would be associated with occasional dust suppressant once operational. Additionally, the project is not proposing buildings or paved areas so there would be permeable areas left on the site to allow for ground water recharge. Therefore, there would be a less than significant impact.

ci-civ) While Curtis Creek is adjacent to the project site, disturbance is not proposed within this area. Pursuant to Mitigation Measure BIO-2 discussed above in this report, Curtis Creek and surrounding riparian area would be protect within Open Space zoning to ensure that no development, disturbance, or storage of logs would occur in this area. Mitigation Measure BIO-4 discussed in the "Biological Resources Section above requires a silt fence to be constructed and Mitigation Measure BIO-3 requires BMPs to be implemented when operating or constructing near the creek. These measures would reduce sediment runoff or erosion into the creek.

Chapter 12.20 of the TCOC contains the County's regulations regarding grading activities. The Engineering Division of the Department of Public Works has reviewed the project and responded with conditions in accordance with Chapter 12.20, which will become Conditions of Approval for the project. The project proponent is required to submit an erosion control plan to be reviewed and approved which must be implemented during project construction activities. The project will also require that all soils that are disturbed by clearing or grading shall be reseeded or hydro mulched or otherwise stabilized as soon as possible. Emergency erosion control measures shall be utilized as requested by County officials. These conditions applied to Grading Permit G2021-0028 and would apply to any future grading on site.

Additionally, the project is required to submit an NOI to the State Water Resources Control Board Water Permitting Unit to obtain coverage under the General Construction Activity Stormwater Permit for the disturbance of more than one acre. A SWPPP is required to be developed and submitted with the NOI. The SWPPP must be prepared by a qualified professional and includes BMPs to be implemented to minimize stormwater runoff, erosion, and sediment movement during construction activities.

Implementation Program ES-E.d of the East Sonora Community Plan states the following:

> Require as a condition of approval of discretionary entitlements for new development that surface runoff from that development be filtered through sedimentation basins, sand/oil separators or similar devices prior to discharge into Sullivan, Sonora and Curtis Creeks to minimize degradation of their waters.

Compliance with the above conditions and incorporation of Mitigation Measures BIO-2, BIO-3, and BIO-4 would result in a less than significant impact.

d) The Federal Emergency Management Agency (FEMA) publishes Flood Insurance Rate Maps (FIRM) delineating flood hazard zones for communities. Most of the project site is located in an area identified on the FEMA FIRM Panel Number 06109C0854C (dated April 16, 2009) in "Zone X," an area of very low flood hazard. A small portion of the site is identified to be within the "Zone A" flood risk area (one percent annual chance of flooding) of Curtis Creek. No development would occur within the area designated Flood Zone A and this area is required by Mitigation Measure BIO-2 to be rezoned to Open Space to further restrict potential building. The project would not affect habitable structures, nor locate any people or habitable structures within any areas prone to flood. The project would not result in increased flood risk to people or property for the above reasons and would not alter pervious coverage in a manner that would lead to increased flood flows or alter the existing floodplain**.** The Technical Background Report for the 2018 General Plan indicates that there is no risk of tsunamis in Tuolumne County due to its distance from the ocean. There is also no risk of earthquake-induced seiches within Tuolumne County. No impact would occur.

e) The goal of the Tuolumne County Water Quality Plan is to minimize the risk of pollution into water sources. This can be achieved by the implementation of BMPs during project development.

The Water Quality Plan categorizes BMPs into the following categories: prevention, source control, and treatment control. The project is required to submit an NOI with the State Water Resources Control Board. This submittal requires the preparation of a SWPPP, prepared by qualified professional, which must incorporate BMPs to be implemented during project construction. The SWPPP is required prior to the issuance of a Grading Permit by the Engineering Division of the Department of Public Works. Erosion control measures are required to be implemented during site disturbing activities, as required by Title 12 of the Tuolumne County Ordinance Code. The Engineering Division verifies these requirements prior to the issuance of a grading permit. Additionally, the incorporation of Mitigation Measures BIO-2, BIO-3, and BIO-4 would protect water quality within Curtis Creek. These requirements will help reduces impacts to water quality and would support the goals of the Tuolumne County Water Quality Plan.

The project is consistent with the following General Plan goals, policies, and implementation programs:

Implementation Program 14.C.a: Maintain local source water protection and wellhead protection programs in the Tuolumne County General Plan, such as setbacks, to protect the sources of drinking water supplies.

There is an existing well on site to serve the residence. The well is located within the southwestern portion of the site and meets all applicable setbacks as indicated it Title 13 of the TCOC.

Implementation Program 14.C.b: Implement grading and surface runoff standards, such as retention and detention, permeable surfaces and recharge, necessary to protect water resources in compliance with State and Federal water quality regulations and with the County's water quality plan referenced in Implementation Program 14.C.e.

The project would meet all applicable provisions of Title 12 related to erosion control, dust suppressant, and other BMPs during grading activities on site. These provisions are verified by the Engineering Department of Public Works.

As demonstrated above, the project is consistent with the goals, policies, and implementation programs of the General Plan and the Tuolumne County Water Quality Plan. Therefore, there would be a less than significant impact with mitigation.

Mitigation Measures: See “Biological Resources” section of this report.

Mitigation Monitoring: See “Biological Resources” section of this report.

LAND USE AND PLANNING:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project (adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐

Environmental Setting:

The project site consists of two parcels totaling 6.3± acres with the GC General Plan land use designation. APN 097-140-007 is 5.4± acres in size and is zoned RE-5 and APN 097-140-009 is 0.9± acres in size and is zoned C-1. Zone Change RZ18-011 proposes to rezone APN 097-140-007 to C-1. Parcels to the north, east, and west of the site contain the Light Industrial General Plan land use designation and are developed with industrial and commercial uses. Parcels to the west are developed with the Green Works green waste facility. The parcels immediately north of the project site contain the GC General Plan land use designation and are developed with a mix of residential and commercial uses. Parcels located southwest of the project site contain the LDR General Plan land use designation and consist of residential uses.

Analysis:

a) The project includes the rezoning of a 5.4± acre parcel to C-1, consistent with its existing General Plan land use designation. The site is currently developed with a residence, barn, storage building, level pads for storage, and driveways. Conditional Use Permit CUP18-013 would allow for outdoor storage of commercial equipment, vehicles, and materials associated with the Leslie's commercial business. A community will not be divided, therefore there would be no impact.

b) The GC General Plan land use designation provides for a variety of sales and service establishments which serve both the residents of Tuolumne County and its visitors. This designation is found within urban areas and along highway corridors to provide large scale retail and office operations in buildings not exceeding 50 feet in height. Accessory outdoor storage and display areas are permitted under this designation. The proposed outdoor storage would be compatible with the GC General Plan land use designation upon approval of Conditional Use Permit CUP18-013.

Table 1.3 of the Community Development and Design Element in the 2018 General Plan indicates that the GC land use designation is compatible with the C-1 zoning district. The existing RE-5 zoning on APN 097-140-007 is currently not compatible with the GC General Plan land use designation, pursuant to Table 1.3.

The following Goals, Policies and Implementation Programs of the 2018 Tuolumne County General pertain to this project.

Policy 1.A.3
Address the impacts associated with new development on cultural resources and protect such resources.

A cultural resource study was prepared by Wondjina Research Institute which analyzed potential impacts on cultural resources associated with the proposed project.

Goal 1.A

Protect and enhance the quality of life for all residents of Tuolumne County while facilitating growth and development to meet the present and future needs of the County's residents, visitors, and businesses.

Policy1.A.5

Promote infill and clustered patterns of development that facilitate the efficient and timely provision of urban infrastructure and services.

Goal 1.G
Promote the development of industrial uses to meet the present and future needs of Tuolumne County's residents and to provide jobs and promote economic vitality.

Policy 1.G.3
Encourage industrial businesses which utilize the output of lumber and natural resource processors and other industries that can provide a broad economic base for Tuolumne County.

Policy 6.D.6
Identify areas within the County which will be appealing to, and capable of accommodating, the amount of industrial and other employment-generating development required to meet the County's needs over the planning horizon of this General Plan.

The proposed project is located within an area surrounded by commercial and industrial uses. The proposed project would include outdoor vehicle storage, construction equipment, and materials associated with the Leslie's commercial business, which is logging and hauling of materials and equipment. The proposed project would support Goals 1.A and 1.G and Policies 1.A.5, 1.G.3, and 6.D.6 of the Tuolumne County General Plan.

The project site is located within the area that is subject to the East Sonora Community Plan, found in Volume III of the 2018 Tuolumne County General Plan. The following Goals, Policies, and Implementation Programs of the East Sonora Community Plan apply to the project:

Policy ES-B.3: *Encourage new commercial development to be located along Mono Way and Tuolumne Road by utilizing existing structures and constructing on vacant parcels to infill between existing development.*

The project site is located along Tuolumne Road. The site is surrounded by commercial, industrial, and residentially developed parcels.

Policy ES-B.4: *Discourage the spread of commercial development along Mono Way, east of Cavalieri Road and Tuolumne Road, east of Wards Ferry Road.*

The project site is located along Tuolumne Road, west of the intersection of Tuolumne Road and Wards Ferry Road.

Policy ES-B.7: *Encourage landscaping and public art highlighting the aesthetics of East Sonora.*

Landscaping is required for commercial and industrial projects, in accordance with Chapter 15.28 of the TCOC. Mitigation Measure AES-1 requires a landscaping plan to be submitted that conforms to Chapter 15.28 of the TCOC and the East Sonora Design Guidelines

Policy ES-E.2: *Encourage and support voluntary efforts to protect and enhance Sullivan Creek, Elsey's Pool, Curtis Creek, Sonora Creek, and associated riparian vegetation for scenic and recreational values.*

Implementation Program ES-E.d: *Require as a condition of approval of discretionary entitlements for new development that surface runoff from that development be filtered through sedimentation basins, sand/oil separators or similar devices prior to discharge into Sullivan, Sonora and Curtis Creeks to minimize degradation of their waters.*

Mitigation Measures BIO-2, BIO-3, and BIO-4 discussed in the "Biological Resources" section above in this report would protect Curtis Creek which is adjacent to the project site.

Figure 4 below shows the surrounding General Plan land use designations and zoning district. The proposed use of the project site would be compatible with the parcels to the north, east, and west which contain the Light Industrial (LI) General Plan land use designation and parcels to the . These parcels are developed with a mix of industrial and commercial uses and facilities. The parcel immediately to the west of the project site contains the Low Density Residential (LDR) General Plan land use designation and contains the RE-2 (Residential Estate, Two Acre Minimum) zoning. Mitigation Measure BIO-2 discussed in the "Biological Resources" section above in this report requires 50 feet of Open Space zoning along the western and northern property boundaries. This would provide a buffer between residential and commercially designation parcels as Open Space would provide an area in which no commercial uses or development can occur.

Tuolumne County Ordinance Code

The project site is zoned C-1 and RE-5 under Title 17 of the TCOC. Zone Change RZ18-011 proposes to rezone APN 097-140-007 from RE-5 to C-1 to be compatible with the existing General Plan land use designation of GC (General Commercial). The purpose of the general commercial district is to provide for a variety of sales establishments which serve both the resident and traveling public. Conditional uses within the C-1 zoning district include "outdoor storage" and "open storage of equipment and materials. Therefore, the applicant has applied for Conditional Use Permit CUP18-013.

To ensure that the use of the site would be consistent with the allowable uses and purpose of the C-1 zoning, the following Mitigation Measures have been incorporated. These would be enforced as on-going conditions of the site.

LU-1: No commercial log milling or processing shall occur on site and no wood product shall be commercially sold. Any processing of the logs shall be for personal use only.

LU-2: Use of equipment to mill or grind the logs or wood product shall be limited to three days per month and shall occur within the hours of 7:00 am to 5:00 pm.

Prior to development of the project site, the following entitlements may be required:

Table 4: Future Entitlements

Permit	Agency
Grading Permit	Engineering Division of the Department of Public Works
Road Encroachment Permit	Engineering Division of the Department of Public Works
General Construction Activity Storm Water Permit	Regional Water Quality Control Board

The project will be conditioned to require securement of the above permits (Table 4) if needed. This will ensure compliance with all applicable policies and regulations of each of the permitting agencies.

As indicated above, the project is consistent with all applicable land use plan, policy, and regulations of

agencies with jurisdiction over the project. Therefore, there is a less than significant impact with incorporation of mitigation.

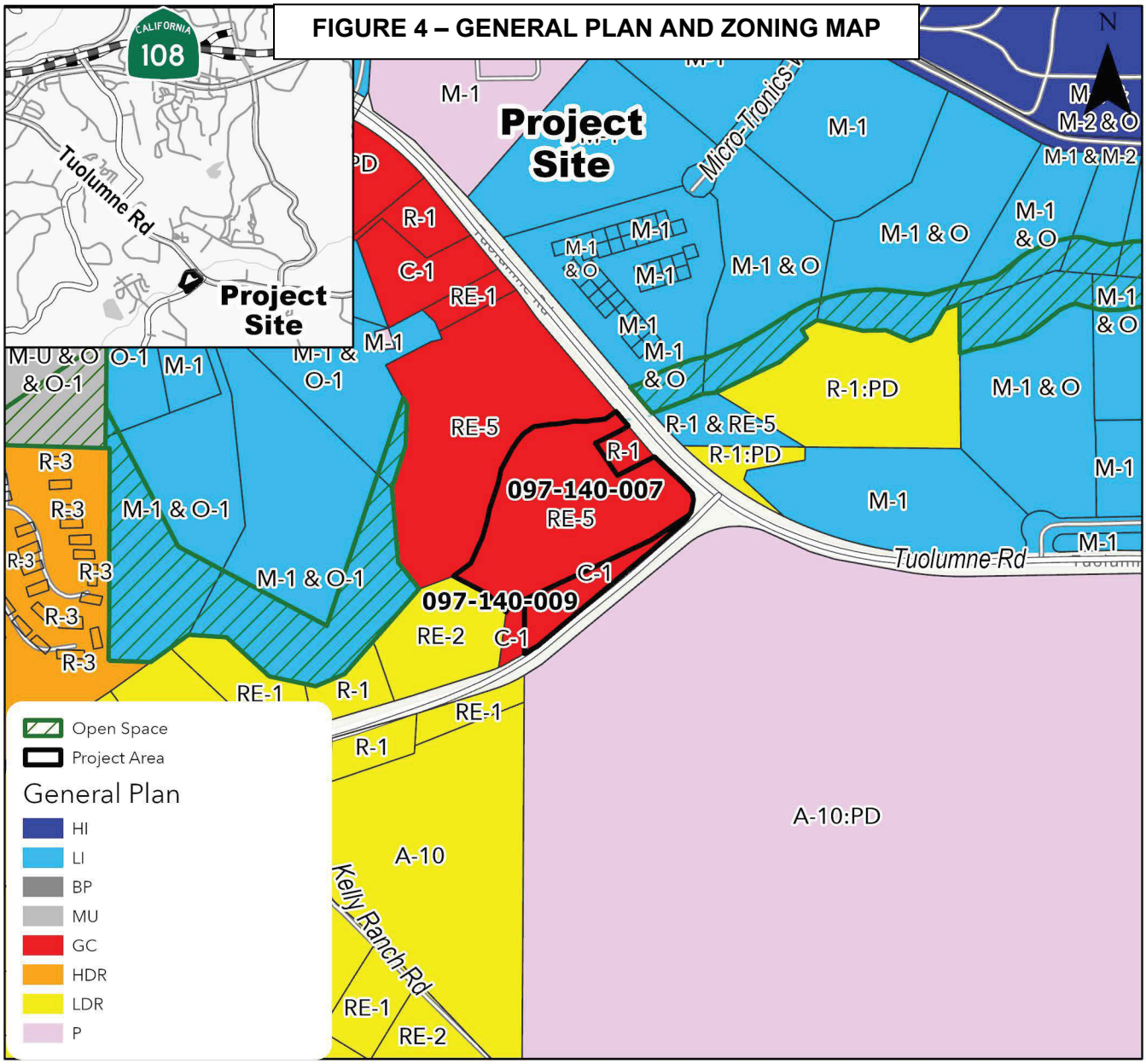
Mitigation Measures:

LU-1: No commercial log milling or processing shall occur on site and no wood product shall be commercially sold. Any processing of the logs shall be for personal use only.

LU-2: Use of equipment to mill or grind the logs or wood product shall be limited to three days per month and shall occur within the hours of 7:00 am to 5:00 pm.

Mitigation Monitoring: Mitigation Measures LU-1 and LU-2 will be on-going**.** These conditions will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

FIGURE 4 – GENERAL PLAN AND ZONING MAP



Project: RZ18-011 & CUP18-013
Owner: Preston and Colleen Leslie
Applicant: Preston and Coleen Leslie
APN: 097-140-007 & 097-140-009
Acres: 6.3± acres
Current Zoning: RE-5 & C-1
Current General Plan Designation: GC
Project Description: Ordinance for Zone Change RZ18-011 to change the zoning of a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial), under Title 17 of the Tuolumne County Ordinance Code. 2. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles and materials on the site.

MINERAL RESOURCES:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☒	☐

Environmental Setting:

Tuolumne County has an extensive history as a mining community. Tuolumne County was historically mined for gold during the early 1850s. Current mining operations within Tuolumne County mine for limestone and dolomite, and various crushed rock, gravel, and sand products.

Regulatory Setting:

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires classification of land in the state according to the known or inferred mineral resource potential of that land, which is provided direction under the State Geologist. The California Department of Conservation Division of Mines and Geology has developed Mineral Resource Zones (MRZ) to classify the areas where significant mineral resources occur or are likely to occur. Areas classified as MRZ-2a or MRZ-2b have been identified as having demonstrated or inferred significant mineral resources.

The Mineral Preserve Overlay (MPZ) General Plan land use designation is used to identify land that has been classified as either Mineral Resource Zone MRZ-2a or MRZ-2b by the State Mining and Geology Board under the State Classification System and meets criteria for relationship to surrounding land uses, access, and other issues. The MPZ overlay designation is found along the Mother Lode gold ore zone, the carbonate belt from Columbia to Algerine, and the table mountain basalt as an aggregate source. The MPZ Overlay is used to direct the development potential towards the types of development that are compatible with possible mineral resource extraction.

Analysis:

a,b) The *Mineral Land Classification of a Portion of Tuolumne County, California for Precious Metals, Carbonate Rock and Concrete-Grade Aggregate (1997),* DMG Open File Report 97-09, was reviewed for the project. For precious metals and aggregate minerals, the project site is located within Pocket Belt-East Belt, which is classified as MRZ-3b and is defined as areas of inferred mineral occurrence with undetermined mineral resources significance.

For carbonate minerals, the project site is located within the Southwestern County Area which is classified as MRZ-3b. For aggregate minerals, the project site is located within the Pocket Belt-East Belt which is classified as MRZ-4. Mineral Resource Zone MRZ-3b are areas of underdetermined resource significance with inferred mineral occurrence. Mineral Resource Zone MRZ-4 are areas of no known mineral occurrence.

The -MPZ overlay designation provides for the extraction and processing of mineral resources. This overlay is used to identify land that has been classified as either Mineral Resource Zone MRZ-2a or MRZ-2b by the State Mining and Geology Board under the State Classification System and meets criteria for relationship to surrounding land uses, access, and other issues. Uses within the -MPZ

overlay designation are those that are compatible with mineral resource extraction and processing. The project site does meet the criteria for the MPZ overlay as the site does not contain mineral deposits classified as MRZ-2a or MRZ-2b. Therefore, there are no known mineral resources of value on site.

Policy 7.C.1 of the Tuolumne County General Plan directs the County to protect lands classified as significant Mineral Resource Zone-2 (MRZ-2) by the State Department of Conservation Division of Mines and Geology, and meeting the criteria established in the General Plan for MPZ overlay, from conflicts, such as incompatible development on surrounding land, which might prevent future mining activities. The project site does not contain the MPZ overlay General Plan land use designation and does not meet the criteria for the MPZ overlay. There are no parcels within the vicinity of the project site that contain the -MPZ overlay designation. Therefore, the project would have a less than significant impact on known mineral resources.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

NOISE:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project Result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located with the vicinity of a private airstrip or an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Setting:

Noise (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz) (Tuolumne County 2018). In addition to the actual instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress.

One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (L_{eq}). The L_{eq} is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (Tuolumne County 2018). Typically, L_{eq} is summed over a one-hour period. The maximum instantaneous noise level (L_{max}) can be used to describe short noise events (e.g., construction activities, car pass-by). In addition, the community noise equivalent level (CNEL), is typically used for describing ambient noise levels and sources that generate noise over extended periods of time (e.g., roadway noise). The CNEL is a weighted noise level over a 24-hour period that applies a penalty of 5 dB during the evening hours (7:00 p.m. to 10:00 p.m.) and a 10-dB penalty during the nighttime hours (10:00 p.m. to 7:00 a.m.).

The sound pressure level is measured on a logarithmic scale with the 0-dB level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound pressure level). Decibels cannot be added arithmetically, but rather are added on a logarithmic basis. Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dB. Because of the nature of the human ear, a sound must be about 10 dB greater than the reference sound to be judged as twice as loud. In general, a 3-dB change in community noise levels is noticeable, while 1–2 dB changes generally are not perceived. Quiet suburban areas typically have exterior noise levels in the range of 40–50 dBA, while those along arterial streets are in the 50–60+ dBA range. Normal conversational levels are in the 60–65 dBA range and ambient noise levels greater than that can interrupt conversations (Tuolumne County 2018).

Discretionary projects are evaluated utilizing Chapter 5 of the Tuolumne County General Plan relating to Noise. The following definitions are from the Glossary of the Tuolumne County General Plan and are used in the Noise Element of the General Plan:

- CNEL: Community Noise Equivalent Level means a 24-hour energy equivalent level derived from a variety of single-noise events, with weighing factors of approximately 4.8 and 10 decibels applied to the evening (7:00 PM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM) periods, respectively, to allow or the greater sensitivity to noise during these hours.

- Ldn: the day/night average sound level. The Ldn is the average equivalent sound level during a 24-hour day, obtained after addition of ten (10) decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

- dBA: is the "A-weighted" scale for measuring sound in decibels. It weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.

- A-Weighted Sound Level: All sound levels referred to in this document are in A-weighted decibels. A weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A weighting, as it provides a high degree of correlation with human annoyance and health effects.

Decibel: means a unit used to express the relative intensity of a sound as it is heard by the human ear. The decibel scale expresses sound level relative to a reference sound pressure of 20 micronewtons per square meter, which is the threshold of human hearing. Sound levels in decibels (dB) are calculated on a logarithmic basis. An increase of 10 decibels represents a 10-fold increase in acoustic energy, and an increase of 20 decibels corresponds to a 100-fold increase in acoustic energy. An increase of 10 dB is usually perceived as a doubling of noise.

Equivalent Sound Level (Leq)**:** The equivalent sound level is the sound level containing the same total energy as a time varying signal over a given sample period. Leq is typically computed over 1, 8 and 24-hour sample periods.

Leq is the energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a "dosage" type measure and is the basis for the descriptors used in current standards, such as the 24-hour CNEL used by the State of California. The hourly Leg is measure over a 1-hour sample period.

Lmax: is the highest sound level measured over a given period of time.

The ambient noise environment in Tuolumne County is largely affected by traffic on highways and County roadways, commercial and industrial uses, agricultural uses, railroad operations, and aircraft. The most prominent sources of noise in the project vicinity are motor vehicles (e.g., automobiles, buses, trucks, and motorcycles) and industrial operations from adjacent land uses.

Motor vehicle noise is of concern because it is characterized by a high number of individual events, which often create a sustained noise level, and because of its proximity to noise sensitive uses. In general, corridors throughout Tuolumne County consist of one or two lanes in each direction with varying speed limits ranging from 35 miles per hour (mph) to 55 mph.

Vibration is an oscillatory motion through a solid medium in which the motion’s amplitude can be described in terms of displacement, velocity, or acceleration. Vibration can be a serious concern, causing buildings to shake and rumbling sounds to be heard. In contrast to noise, vibration is not a common environmental problem. It is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads.

Receptors sensitive to noise such as schools, day care facilities, hospitals, or senior nursing facilities, are not located within 0.25 mile of the project.

Table 5 MAXIMUM ALLOWABLE NOISE EXPOSURE-STATIONARY NOISE SOURCES[1]		
	Daytime (7 a.m. to 10 p.m.)	**Nighttime (10 p.m. to 7 a.m.)**
Hourly L_{eq}, dB[2]	50	45
Maximum level, dB[3]	70	65

[1] This table applies to noise exposure as a result of stationary noise sources. For a development project or land use change involving a noise-sensitive land use, the noise from nearby noise sources will be considered during design and approval of the project, or in determining whether the land use change is appropriate. For development projects which may produce noise, land use changes and project review will consider the effects of the noise on possible noise-sensitive land uses. When considering modification or expansion at a site that already produces noise levels which exceed these standards at noise-sensitive land uses, the modification or expansion shall be reviewed to consider if the proposed action will further raise the existing noise levels received at the noise-sensitive land use(s).
Noise-sensitive land uses include urban residential land uses, libraries, churches, and hospitals, in addition to nursing homes or schools which have over 6 beds or students, respectively. Transient lodging establishments which are considered noise sensitive land uses include hotels, motels, or homeless shelters, but not bed and breakfast establishments located in rural areas, campgrounds, or guest ranches.
[2] The sound equivalent level as measured or modeled for a one-hour sample period. The daytime or nighttime value should not be exceeded as determined at the property line of the noise-sensitive land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.
[3] Similar to the hourly L_{eq}, except this level should not be exceeded for any length of time.

Table 6 SIGNIFICANCE OF CHANGES IN CUMULATIVE NOISE EXPOSURE[1]	
Ambient Noise Level Without Project[2] (Ldn or CNEL)	**Significant Impact if Cumulative Level Increases By:**
<60 dB	+ 5.0 dB or more
60-65 dB	+ 3.0 dB or more
>65 dB	+ 1.5 dB or more

[1]These standards shall be applied when considering the noise impacts from projects that could cause a significant increase in the cumulative noise exposure of existing noise-sensitive land uses. If it is likely that existing noise-sensitive land uses could experience these increases in cumulative noise exposure, as measured in CNEL or Ldn, then an acoustical analysis that meets the requirements of Table 6 shall be accomplished and the results considered in project design.
[2]Ambient Noise is defined as the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
Source: Federal Interagency Committee on Noise (FICON), Federal Agency Review of Selected Airport Noise Analysis Issues, August 1992.

Analysis:

a) Construction

Construction activities would result in short-term noise. Construction activities would consist of grading and site preparation, which require the use of heavy-duty equipment that generate varying noise levels. Construction activities would be limited to the less noise-sensitive hours (e.g., daytime) of 7:00 a.m. to 7:00 p.m., Monday through Saturday, consistent with Tuolumne County General Plan Maximum Allowable Noise Exposure-Stationary Noise Source standards in Table 5.C of Chapter 5: Noise Element of the General Plan (Tuolumne County 2019).

Construction-generated noise levels would fluctuate depending on the type, number, and duration of equipment used. The effects of construction noise largely depend on the type of construction activities occurring on any given day, noise levels generated by those activities, distances to noise-sensitive receptors, and the existing ambient noise environment at nearby receptors. Construction equipment would vary by phase, but the entire construction process would include operation of dozers, excavators, loaders/backhoes, and haul trucks. Noise generated from these pieces of equipment would be intermittent and short as typical use is characterized by periods of full-power operation followed by extended periods of operation at lower power, idling, or powered-off conditions.

The grading and site preparation phase typically generate the most substantial noise levels because of the onsite equipment associated with grading, compacting, and excavation are the noisiest. Site preparation equipment and activities include graders, dozers, and excavators. The construction phase would be temporary in nature. Construction would be minimal as no buildings or structures are proposed. Grading under Grading Permit G2021-00028 has been completed and no additional grading is proposed at this time.

Tuolumne County does not have adopted daytime construction noise standards. However, when evaluating potential noise impacts, temporary short-term noise occurring during the less sensitive times of the day, when people are active, out of their homes, or otherwise not sleeping, are generally considered less of a nuisance and less likely to disrupt sleep, or otherwise result in significant noise exposure. Thus, considering that construction activities would occur during the daytime hours, in accordance with typical County-required conditions of approval limiting construction activities to Monday through Saturdays from 7:00 a.m. and 7:00 p.m., overall construction activities would be temporary, construction noise would fluctuate, and the loudest levels would occur for a shorter duration than the overall construction duration, existing nearby sensitive receptors would not be substantially affected. To ensure impacts are less than significant, NOI-1 shall be implemented.

Operation

Noise generated by the project operation would be similar to other stationary noise sources in the area which are industrial and commercial in nature. Noise associated with the project would be intermittent in nature as the site would be utilized for outdoor storage of commercial equipment, vehicles, and materials. Operational noise would be associated with intermittent movement of heavy equipment and vehicles and movement and placement of the logs by heavy equipment and vehicles. The noise levels associated with the operation would be consistent with adjacent industrial and commercial land uses surrounding the site. However, to ensure that any noise generated by the project is reduced to a less than significant level and remain within the allowable thresholds of the General Plan, NOI-2 will be implemented and will be enforced through the Code Compliance process based on citizen complaints. Additionally, Mitigation Measures LU-1 and LU-2 discussed in the “Land Use and Planning” section above in this report would limit the milling and grinding operation on site, which would reduce impacts related to noise.

Incorporation of Mitigation Measures NOI-1, NOI-2, LU-1, and LU-2 would reduce potential impacts to a less than significant level.

b) Sources of vibration would include construction equipment operating during construction of the facility. Operational activities would consist of intermittent movement of heavy equipment and logs to the site. Construction would occur between 7 a.m. and 7 p.m. to reduce potential disturbance impacts. No construction activities would occur on Sundays or County holidays. Project operations of moving equipment and logs would not be constant and would be limited. Vibration originating at this site would be generally consistent with existing vibration levels from industrial uses in the project vicinity.

Construction would include grading and site preparation. No pile driving or blasting would occur. Typical

equipment that would be used includes dozers, loaders, excavators, and trucks. Construction activities would only take place during the daytime hours, when people are less susceptible to noise.

Considering reference vibration levels for large dozers, FTA's vibration standard of 80 vibration-decibels (VdB) would not be exceeded beyond 40 feet and Caltrans's recommended vibration level for fragile buildings of 0.1 in/sec peak particle velocity (PPV) would not be exceeded beyond 25 feet from construction activity. Existing receptors and structures are located beyond these distances. Considering that construction activities would not include major sources of vibration, would occur during the daytime hours, and existing structures are located at adequate distances from proposed construction activity, no existing structures or sensitive land uses would be exposed to excessive vibration levels. This impact would be less than significant.

c) The project site is not located near an airport. The nearest airport, Columbia Airport, is located approximately 7 miles northwest of the project site. A helipad supporting the Sonora Regional Medical Center Emergency Room is located approximately 3.3. miles northwest of the project site. Therefore, there is no impact.

Mitigation Measures:

NOI-1: Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction shall be prohibited on Sunday and County holidays.

NOI-2: The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

Zoning Classification of Receiving Property	**Noise Level (dB) of Sound Source**	
	Daytime (7 a.m. to 10 p.m.)	**Nighttime (10 p.m. to 7 a.m.)**
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 L_{eq}. (1 hour)[1]	45 L_{eq}. (1 hour)[1]

[1] L_{eq}. 1 hour refers to the average noise level measured over a one-hour period.

Mitigation Monitoring: Mitigation Measure NOI-1 will be required during construction activities on site. Mitigation Measure NOI-2 will be on-going**.** These conditions will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

POPULATION AND HOUSING:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Setting:

The population in Tuolumne County in 2018 was at 55,365 for the entire County including the City of Sonora. Between 2010 and 2018 Tuolumne County's growth rate was less than 1% and was negative for some years, as indicated in Figure 5 in the Housing Element found in the Technical Background Report of the 2018 General Plan. The projected population for Tuolumne County in 2024, including the City of Sonora, is estimated at 54,390, which is a decrease from its current population. The proposed project includes the rezoning of a parcel consistent with is General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials.

The site is currently developed with a residence, barn, storage building, level pads for storage, and driveways, and there are existing roads which serve the project site. Utilities are in the area, including electricity and telecommunications infrastructure. The project site is served by a private well and private sewage disposal method. The project would not require the demolition of the existing single-family dwelling or conversions of the dwelling units to a non-residential use as the applicant plans on maintaining the residential use on site.

Analysis:

a) Infrastructure including roads, electricity, and telecommunication facilities exist adjacent to the site to serve the development. The project will not induce substantial unplanned population growth in the area either indirectly or directly as the project consists of a Zone Change consistent with the existing General Plan land use designation and a Conditional Use Permit for outdoor storage. Therefore, there would be a less than significant impact.

b) The project site contains an existing single-family dwelling, which would not be impacted by the proposed project. Therefore, the proposed project would not displace people or housing and the construction of replacement housing elsewhere would not be required as a result of the project. There would be no impact.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

PUBLIC SERVICES:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of these public services:				
Fire Protection?	☐	☐	☒	☐
Police Protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other Public Facilities?	☐	☐	☒	☐

Environmental Setting:

Fire Protection

Fire protection services are provided to unincorporated Tuolumne County by Tuolumne County Fire Department (TCFD), California Department of Forestry and Fire Protection (CAL FIRE), seven fire protection districts, and the United States Department of Agriculture in the Stanislaus National Forest (Tuolumne Fire Safe 2008). The majority of unincorporated Tuolumne County falls outside a fire district boundary and is protected by TCFD (administered by CAL FIRE under a contractual agreement with the County since 1975). TCFD has 13 fire stations, eight of which are in the unincorporated area of Tuolumne County. (Source: GPU EIR)

In 2006, Tuolumne County Fire Department and other local and State fire protection agencies entered in the Automatic Aid/Mutual Aid Agreement. This is a mutual cooperation agreement to increase fire and other emergency protection by allowing for the closest fire department to be dispatched for emergency calls, even if the emergency is outside of their jurisdictional boundary.

Police Protection

Law enforcement services in the in the unincorporated portion of Tuolumne County is provided by the Tuolumne County Sherriff's office. The nearest station to the project site is located at 28 Lower Sunset Drive in Sonora. Response times for the entire county averages between 5 minutes to 35 minutes depending on day of the week, time, and the location of the incident. An average of six deputies patrols the county at any given time.

The California Highway Patrol (CHP) provides additional enforcement along State Highways and County roadways. The CHP offers other services as needed to support the safety for residents of the County. The nearest CHP office to the project site is located at 18437 Fifth Avenue in Jamestown.

Schools

The project site is within the Curtis Creek Elementary School District and the Sonora Union High School District.

Parks

Tuolumne County has a variety of recreational opportunities for the public, including Yosemite National Park, Stanislaus National Forest, State parks, and other Federal, State and Local government agencies such as the U.S. Bureau of Reclamation and the Bureau of Land Management. Community based recreation and park districts include the Tuolumne County Recreation Department and the City of Sonora Recreation Department. Tuolumne County operates and maintains approximately 341± acres of parks.

Recreational facilities in the area include Columbia State Park, the Heaven for Children playground and skatepark in Sonora, Tuttletown Recreation Area, and Standard Park. Columbia State Park offers hiking trails, picnic tables, museums and exhibits, and guided tours. The Heaven for Children playground offers a children's playground, skateboard park, and picnic and barbeque facilities. Tuttletown Recreation Area offers access to New Melones Reservoir, and includes camping facilities, a boat launch, day use area, and hiking trails. Standard Park offers baseball and soccer fields.

Analysis:

Fire Protection

Fire protection services would be provided via Tuolumne County Fire. The project has been reviewed by the Tuolumne County Fire Prevention Division (FPD) for consistency with the National Fire Code, California Fire Code, California Building Code, the Tuolumne County General Plan and Ordinance Code. Any future development on the project site will be subject to the rules and regulations contained in these documents.

The Tuolumne County Fire Prevention Division reviewed the project and indicated that the log decks are within the allowable size limits and provided conditions relative to the maximum size the log decks could be. The Fire Prevention Division also indicated that there is adequate defensible space surrounding the log decks to minimize any potential hazards and provided a minimum separation between log dogs, which will be incorporated into the project's conditions of approval. Additionally, all onsite roads would need to meet road construction standards and turn around areas to support fire apparatus and driveway construction requirements. All weather surfacing will be required on site for the area surrounding the log decks. Additionally, neither the Tuolumne County Fire Prevention Division nor CalFire indicated the need for the development of a new facility based on development of the proposed project.

Application and enforcement of the above-mentioned code requirements would reduce impacts related to fire hazard and fire protection, which would not require the provision of new or physically altered fire protection facilities. Therefore, there would be a less than significant impact.

See the Wildfire Section below for additional analysis.

Police Protection

The Tuolumne County Sheriff's Division was notified of the proposed project. The Sheriff's Division did not provide a response on the project. The project would not create an increase in the demand for police services as the project consists of Zone Change RZ18-011 to rezone a 5.4-acre parcel from RE-5 to C-1, consistent with the existing General Plan land use designation and Conditional Use Permit CUP18-013 to allow the outdoor storage of equipment, vehicles, and materials associated with an existing commercial business. The project would therefore not impact existing police facilities or require additional facilities to be developed. There would be a less than significant impact.

Schools

The project would not impact education facilities or require new facilities to be developed as the project consists of Zone Change RZ18-011 to rezone a 5.4-acre parcel from RE-5 to C-1, consistent with the existing General Plan land use designation and Conditional Use Permit CUP18-013 to allow the outdoor storage of equipment, vehicles, and materials associated with an existing commercial business. There would be no associated increase in demand for schools. There would be no impact.

Parks

The project would not create an increase in the demand of use of recreational facilities as the project consists of Zone Change RZ18-011 to rezone a 5.4-acre parcel from RE-5 to C-1, consistent with the existing General Plan land use designation and Conditional Use Permit CUP18-013 to allow the outdoor storage of equipment, vehicles, and materials associated with an existing commercial business. The project is not expected to overburden existing recreational facilities and will not require the construction of new recreational facilities or the expansion of existing facilities. Therefore, there would no impact.

Other Public Facilities

Other public facilities would include churches or other places of worship, hospitals, and government buildings. Because the project is a commercial development, the project will not significantly increase the demand to require development of new public facilities. Therefore, there is a less than significant impact.

Mitigation Measures: None Required

Mitigation Monitoring: Not Applicable

RECREATION:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Environmental Setting:

Tuolumne County has a variety of recreational opportunities for the public, including Yosemite National Park, Stanislaus National Forest, State parks, and other Federal and State government agencies such as the U.S. Bureau of Reclamation and the Bureau of Land Management. Community based recreation and park districts include the Tuolumne County Recreation Department and the City of Sonora Recreation Department. Tuolumne County operates and maintains approximately 341± acres of parks.

The nearest recreational facilities to the project site include Standard Park, the Heaven for Children playground and skatepark in Sonora, Columbia State Park, Tuttletown Recreation Area, and Standard Park. Columbia State Park offers hiking trails, picnic tables, museums and exhibits, and guided tours. The Heaven for Children playground offers a children's playground, skateboard park, and picnic and barbeque facilities. Tuttletown Recreation Area offers access to New Melones Reservoir, and includes camping facilities, a boat launch, day use area, and hiking trails. Standard Park offers baseball and soccer fields.

Analysis:

a,b) Implementation Program 8.D.b. of the Tuolumne County General Plan requires certain new residential development of five units or more to participate in the provision of recreational facilities for their residents. The project does not include construction of residential units, therefore participation in Implementation Program 8.D.b. is not required. The project would not create an increase in the demand of use of recreational facilities as the project consists of Zone Change RZ18-011 to rezone a 5.4-acre parcel from RE-5 to C-1, consistent with the existing General Plan land use designation and Conditional Use Permit CUP18-013 to allow the outdoor storage of equipment, vehicles, and materials associated with an existing commercial business. The project is not expected to overburden existing recreational facilities and will not require the construction of new recreational facilities or the expansion of existing facilities. Therefore, there would no impact.

Mitigation Measures: None Required.

Mitigation Monitoring: Not Applicable.

TRANSPORTATION:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Environmental Setting:

The proposed project will be accessed via Wards Ferry Road, thought the project site has frontage along Tuolumne Road. Wards Ferry Road is a County-maintained, publicly dedicated road. Tuolumne Road is utilized to support other industrial uses, so the project would not detrimentally impact the use of the roadway system. The plans will be reviewed by the Engineering Division of the Department of Public Works. An Encroachment Permit would be required prior to work within the County road right-of-way. Currently, two driveway encroachments exist onto Wards Ferry Road. One encroachment is currently under review by the Tuolumne County Public Works department as its location is too close to the intersection of Tuolumne Road and Wards Ferry Road and does not conform to current standards.

Public transit is provided by Tuolumne County Transit. Services are available in the mornings, afternoons, and evenings and are available five days a week. Tuolumne County also has a “dial-a-ride” program available on demand for the route serving the area. There are no sidewalks or bike lanes in the project vicinity.

Goals, policies, and implementation programs regarding Tuolumne County’s circulation system, including transit, roadway, bicycle, and pedestrian facilities, are contained within the Transportation Element in Chapter 4 of the 2018 General Plan. The Regional Transportation Plan (RTP), adopted by the Tuolumne County Transportation Council (TCTC), acts as the planning document to guide transit investments within Tuolumne County for the next 5 years. In addition, the project has been reviewed for consistency with applicable road standards found in Titles 11 and 15 of the Tuolumne County Ordinance Code and the California Fire Code.

Vehicle Miles Traveled

On August 4, 2020, the Board of Supervisors adopted CEQA thresholds regarding vehicle miles traveled (VMT) as required by Senate Bill (SB) 743. As stated in the legislation, upon adoption of the new guidelines, “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.”

The Board of Supervisors adopted screening criteria for projects- if a project meets any of the screening criteria, the project’s impacts on VMT would be less than significant. Included in this screening criteria is residential projects located within a low VMT area defined by Tuolumne County Transportation Council VMT maps.

In addition to analyzing a project’s VMT generation, the County also analyzes projects based on vehicle trips per day or Level of Service, as required in the Tuolumne County General Plan. A site-specific traffic study is

required when traffic generation for a project exceeds 500 vehicle trips per day or 50 trips during peak hours as indicated in the *Tuolumne County General Plan and Regional Transportation Plan Evaluation and Analysis*. A Traffic Study was not required for the proposed project as it did not exceed these thresholds.

Analysis:

a) Goals, policies, and implementation programs regarding Tuolumne County's circulation system, including transit, roadway, bicycle, and pedestrian facilities, are contained within the Transportation Element in Chapter 4 of the 2018 General Plan. Specific road design standards are found it Titles 11 and 15 of the Tuolumne County Ordinance Code. As the project is an infill project, it is not expected to conflict with any transportation related goals, policies, and implementation programs of the General Plan. Pursuant to Chapter 3.54 of the TCOC, the project will be required to pay applicable Traffic Impact Mitigation Fees (TIMF) associated with the outside storage use.

   The County's threshold for requiring a Traffic Study is 500 vehicle trips per day or 50 trips at peak hours. The Engineering Division of the CRA did not require a traffic study for the project because the anticipated level of traffic resulting from the project was not large enough to warrant a traffic study. The estimated traffic generation of the project is below the threshold and is therefore considered a less than significant impact.

b) The VMT threshold in this area is 34.7 VMT per employee for the East Sonora subarea. The site is located in an area where VMT per Capita is below the County Average, or 2-14% below County average. Because the project is in an area that is below the County average, it is classified as a "Low VMT" area on the TCTC VMT maps, and the project's impacts on VMT are less than significant.

c) Project plans that have been submitted to staff do not indicate that any hazardous or incompatible designs are proposed. The driveway plans and internal circulation roadways will be reviewed by the Engineering Division of the Department of Public Works and the Tuolumne County Fire Prevention Division to ensure compliance with Title 11 and Title 15 to ensure that the onsite circulation will not introduce hazardous or incompatible design.

   A new encroachment application was submitted to construct driveway access approximately 480± feet southwest of the intersection of Wards Ferry Road and Tuolumne Road to allow for additional site distance when exiting the site. The new encroachment would be the main access point to the site. The existing encroachment would not be utilized as secondary access to the site but would not be utilized by heavy trucks or equipment. The new encroachment would meet all applicable provisions of Title 11 and would be verified by the Engineering Division of the Department of Public Works during the encroachment permit review. Therefore, there will be a less than significant impact.

d) The proposed driveways and internal roadways will be designed and constructed in accordance with all applicable regulations contained in Titles 11 and 15 of the Tuolumne County Ordinance Code and the California Fire Code to allow for sufficient emergency vehicle access, including width and clearance of the roadways, the surfacing of the roadways, and turnaround bulbs and hammerheads for emergency vehicles to be able to turn around. The Tuolumne County Fire Prevention Division reviewed the proposed project and provided conditions to ensure compliance with these requirements. A condition will be incorporated to require all weather surfacing within the area surrounding the log storage to allow for emergency vehicle access. Therefore, there will be a less than significant impact.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

TRIBAL CULTURAL RESOURCES:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant with Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or pursuant to Section 15064.5?	☐	☒	☐	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Environmental Setting:

The project site is located in East Sonora, near the community of Standard. The project site consists of modifications made in the Twentieth Century consisted of access roads and industrial and commercial development. The Central Sierra Miwok settled in much of Tuolumne County are known to have lived in the area including the project site.

Regulatory Setting:

CEQA requires lead agencies to consider whether projects will affect tribal cultural resources. PRC 21074 states the following:

a) "Tribal cultural resources" are either of the following:
   1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
      A) Included or determined to be eligible for inclusion in the CRHR.
      B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
   2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

AB 52, signed by the California Governor in September of 2014, establishes a new class of resources under CEQA: “tribal cultural resources.” It requires that lead agencies undertaking CEQA review must, upon written request of a California Native American tribe, begin consultation once the lead agency determines that the application for the project is complete, prior to the issuance of a notice of preparation of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration.

To date, two tribal entities have contacted the Tuolumne County Community Development Department to request formal consultation under the AB 52 process. The Chicken Ranch Rancheria of Me-Wuk Indians and Tuolumne Band of Me-Wuk Indians have requested formal consultation under the AB 52 process for projects subject to CEQA.

Formal consultation letters were sent to the contacts for the Chicken Ranch Rancheria of Me-Wuk Indians and Tuolumne Band of Me-Wuk Indians Tribes. AB 52 consultation letters we sent via certified mail on July 19, 2022. Neither Tribe has requested consultation or provided comments on the proposed project. Project notification letters were sent to both Tribes during the initial project notification period.

Analysis:

a,b) In accordance with Assembly Bill 52, formal consultation letters were sent to the contacts for the Chicken Ranch Rancheria of Me-Wuk Indians and Tuolumne Band of Me-Wuk Indians Tribes. AB 52 consultation letters we sent via certified mail on July 19, 2022. To date, neither Tribe has responded to the proposed project or requested consultation.

As indicated in the “Cultural Resources” Section above, the project site contains cultural resources consisting of Native American resources. Per an agreement with the Tuolumne Me-Wuk Tribe, two of the resources were covered in place and the third resource was removed per the direction of the Tribe. There would be no impact to these resources.

Mitigation Measures CUL-1 and CUL-2 would ensure protection of resources that are potentially unearthed or discovered during constructions activities.

Incorporation of Mitigation Measures CUL-1 and CUL-2 will result in a less than significant impact on Tribal Cultural Resources.

Mitigation Measures: See the “Cultural Resources” section of this report.

Mitigation Monitoring: See the “Cultural Resources” section of this report.

UTILITIES AND SERVICE SYSTEMS:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Would the Proposed Project/Action:				
a) Require or result in the relocation or construction of new or expanded water wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statues and regulations related to solid waste?	☐	☐	☒	☐

Environmental Setting:

Water is currently provided via an on-site private well and sewer services are provided via a private on-site sewage disposal system. Connection to public water and public sewer would not be required for the current project.

Pacific Gas and Electric (PG&E) provides electric service to the project site. There is no natural gas consumption in Tuolumne County. There are existing telecommunications facilities that serve the area. Potential wireless internet providers include Xfinity, AT&T, Conifer Communications, Hughes Net and Cal.net. Cellular providers include Verizon and AT&T.

Cal Sierra Disposal Inc, which is owned by Waste Management, is responsible for garbage and recycling collection in the Sonora area and would provide weekly trash service to the site. Chapter 8.05 of the Tuolumne County Ordinance Code contains the County's regulations for refuse, rubbish, and recycling handling and storage. All of the solid waste generated within the County is processed at one of the transfer stations where solid waste is sorted to remove recyclables and hazardous materials from the waste stream. Residual waste is transported to the Highway 59 Landfill located in Merced. The maximum capacity of the Highway 59 Landfill is 30,012,352 cubic yards.

Cal Sierra Disposal operates a buy-back center at 14959 Camage Avenue, in East Sonora. Untreated wood and yard waste are presently accepted by Cal Sierra Disposal at its Earth Resources Facility located at 14909 Camage Avenue. Such material is accepted for a fee and is ground up or chipped and sold as compost or any other uses deemed appropriate for such material.

Analysis:

a) The project site is adjacent to utilities that can serve the project. There are existing roads, electrical facilities, and telecommunication facilities readily available to serve the site. Storm water drainage is provided via natural drainages and channels. The project will not require the construction of new or expanded water wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, there will be a less than significant impact.

b) The project site is served via a private well. The purpose of the C-1 zoning in Chapter 17.34 of the Tuolumne County Ordinance Code indicates that development within the C-1 district requires public water. As the project entails the rezoning consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials, the project proponent is not required to connect to public water for the proposed project. Any future commercial development or buildings on the site would require connection to public water. The Fire Prevention Division was consulted, and they indicated that because the logs are stored outside, no fire flow or connection to public water is required. Because the project entails rezoning consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials increase in water usage would be minimal. There would not be a constant requirement for additional water usage. Water usage would be associated with occasional dust suppressant once operational. Additionally, the project is not proposing buildings or paved areas so there would be permeable areas left on the site to allow for sufficient ground water recharge. Therefore, there would be a less than significant impact.

c) The project site is served via a private, on-site sewage disposal system. The proposed project consists of a Zone Change consistent with the General Plan land use designation and outdoor storage of commercial equipment, vehicles, and materials. These activities would not impact the wastewater system on site. Additionally, Chapter 3 “Utilities” of the Tuolumne County General Plan and Chapter 13.08 of the TCOC indicate that public sewer is considered available if it is located 300 feet or less from the proposed building as measured over an existing public right of way of public utility easement. The project is not proposing any buildings. The Tuolumne Utilities District (TUD) indicated in their response that the nearest sewer main is located more than 300 feet to the project site. Therefore, pursuant to the Tuolumne County General Plan and Chapter 13.08 of the TCOC, the project is not required to connect to public sewer. Therefore, there would be no impact.

d,e) Cal Sierra Disposal Inc provides weekly trash service to the area and would dispose of waste at the Highway 59 Landfill. The Highway 59 Landfill is below its maximum capacity; therefore, there is capacity to serve the project. Any future construction on the project site or land use would be required to comply with all applicable Federal, State, and Local statutes and regulations related to solid waste. Conditions have been added to the project to ensure compliance with the provisions of Chapter 8.05 of the TCOC, which contains the County’s regulations for the storage and handling of solid waste. Therefore, there would be a less than significant impact.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

WILDFIRE:

Issues and Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Proposed Project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Environmental Setting:

In 2018, a Multi-Jurisdictional Hazard Mitigation Plan (Plan) for Tuolumne County was prepared to provide mitigation solutions to minimize each jurisdiction's vulnerability to the identified hazards and ultimately reduce both human and financial losses subsequent to a disaster. The Plan includes existing information on typical hazards, such as earthquakes, flooding, and fire, and provides risk assessments of each hazard and the potential for occurrence within the County. Specific wildland fire objectives provided in the Plan include vegetation management, code enforcement, GIS mapping, and compliance with the planning process.

Mitigation actions provided in the Plan range from improving water supply systems and conveyance systems for potential fire needs, initiating fuel thinning and chipping projects in high-priority areas, to updating existing and preparing new fire protection and evacuation plans. The Plan states that Tuolumne County Fire Protection District/CAL FIRE along with seven fire districts and one city fire department provide life and property emergency response. In addition to services traditionally provided by most fire protection agencies nationwide, these agencies work cooperatively with the U.S. Forest Service and the National Park Service in providing wildfire response in Tuolumne County. Although there are existing plans, programs, ordinances, and regulations in place within the County, wildland fire risks and the potential for future fire hazards occurring within the County is considered high (Tuolumne County 2018).

Tuolumne County does not have a static emergency plan or evacuation plan due to the dynamic nature of emergencies. In the event of an emergency, the Tuolumne County Sheriff Office is the responsible entity for declaring and directing evacuations in the case of emergencies. The Sherriff's Department will inform members of the public via the Emergency Notification System, local media, and door-to-door when feasible.

The project site is located within a State Responsibility Area (SRA) and is rated as high fire hazard severity zone. This rating is based on factors of slope, vegetation, and annual summer weather patterns. These zones, referred to as Fire Hazard Severity Zones (FHSZ), provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildland fires. The zones also relate to the requirements for building codes designed to reduce the ignition potential to buildings in the wildland-urban interface zone.

Analysis:

a) Tuolumne County does not have a static emergency plan or evacuation plan due to the dynamic nature of emergencies. Tuolumne County does not have any designated evacuation routes because fires can

happen anywhere and may block specific roads and certain areas may not be safe for travel. The Tuolumne County Sheriff Office is the responsible entity for declaring and directing evacuations in the case of emergencies. The Sherriff's Department will inform members of the public via the Emergency Notification System, local media, and door-to-door when feasible of where the wildfire is located, which routes are safe to use, and which locations are safe to seek refuge from the fire. Generalized emergency information is also contained within the adopted Multi-Jurisdictional Hazard Mitigation Plan.

In an emergency, Wards Ferry Road or Tuolumne Road would be utilized. From there, residents could travel towards various directions, depending on which route was the safest for travel. The addition of project would not significantly impact the ability for roads in the vicinity of the project site to be used as evacuation routes in the event of an emergency. Approval of this project would result in a less than significant impact on Tuolumne County's emergency or evacuation plans.

b,c) The slopes on the site are relatively flat. Due to the location of the project site to existing roadways and other developed areas, it is unlikely that the project would exacerbate wildfire risks.

The project has been reviewed by the Tuolumne County Fire Prevention Division (FPD) for consistency with the National Fire Code, California Fire Code, California Building Code, the Tuolumne County General Plan and Ordinance Code. Any future development on the project site will be subject to the rules and regulations contained in these documents.

The Tuolumne County Fire Prevention Division reviewed the project and indicated that the log decks are within the allowable size limits and provided maximum size allowances. They also indicated that there is adequate defensible space surrounding the log decks to minimize any potential hazards and provided minimum separation requirements between log decks. Additionally, all onsite roads would need to meet road construction standards and turn around areas to support fire apparatus and driveway construction requirements. All weather surfacing would be required within the area of the site surrounding the log decks to provide access. Additionally, neither the Tuolumne County Fire Prevention Division nor CalFire indicated the need for the development of a new facility based on development of the proposed project.

The Tuolumne County Fire Prevention Division also provided conditions to ensure that the internal roadways and driveways would meet applicable fire code regarding width, clearance, surfacing, and to prohibit obstructions of roadways.

The Tuolumne County Fire Prevention has indicated that the following specific conditions would apply to the proposed project and storage of logs on site:

> The outside storage yard shall comply with all requirements of the 2016 California Fire Code Section 2808 for Log Storage, processing of wood chips, hogged material, fines, compost, and raw product associated with yard waste and recycling facilities (CFC 2808).
>
> Log storage areas shall comply with the following:
> - Not to exceed 500' in length, 300' in width and 20' in height.
> - All log decks shall be separated from adjacent log decks by not less than 100'.

Application and enforcement of the above-mentioned code requirements would reduce impacts related to fire hazards. Therefore, there would be a less than significant impact.

The following Policies of the 2018 Tuolumne County General Plan apply to the proposed project:

Policy 9.A.1: *Actively involve fire protection agencies within Tuolumne County in land use planning decisions.*

The Tuolumne County Fire Prevention Division has been consulted with during the processing of the application. The Tuolumne County Fire Prevention Division provided conditions which have been incorporated into the projects' conditions of approval, as discussed above.

Policy 9.E.3: *Require new development to be consistent with State and County regulations and policies regarding fire protection.*

The development and operation of the site will be consistent with all applicable State and County regulations and policies regarding fire protection. Road and driveway improvement plans will be reviewed by the Tuolumne County Fire Prevention Division and Engineering Division of the Department of Public Works to ensure compliance with the California Fire Code and Titles 11 and 15 of the TCOC.

Policy 17.E.2: *Require the maintenance of defensible space setbacks in areas proposed for development if wildland fire hazards exist on adjacent properties.*

The project site is required to comply with all applicable defensible space regulations. The Fire Prevention Division indicated that there is adequate clearance surrounding the log decks on site.

Policy 17.E.3: *Require new development to have adequate fire protection and to include, where necessary, design and maintenance features that contribute to the protection of the County from the losses associated with wildland fire.*

Conditions provided by the Tuolumne County Fire Prevention Division have been incorporated into the projects' conditions of approval to minimize fire hazards and to contribute to the protection of the County from the losses associated with wildland fire.

The incorporation of these conditions and compliance with the National Fire Code, California Fire Code, California Building Code, the Tuolumne County General Plan, and Tuolumne County Ordinance Code would reduce the risk of wildfire and would not exacerbate wildfire risks or the risk of uncontrolled spread of wildfire. Project development would not require the installation or maintenance of associated infrastructure. Therefore, there would be a less than significant impact.

d) As discussed under "Geology and Soils," and "Hydrology and Water Quality," runoff occurs naturally at the project site and flooding and landslide events are not common within the project area. Once operational, onsite drainage would not affect offsite drainage conditions, including runoff that naturally occurs to Curtis Creek. The project site and surrounding areas have not been subject to burns such that downslope areas would be affected by project development. Impacts would be less than significant.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

MANDATORY FINDINGS OF SIGNIFICANCE:

Supporting Information Sources	*Potentially Significant Impact*	*Less-than-Significant With Mitigation Incorporation*	*Less-than-Significant Impact*	*No Impact*
Proposed Project/Action:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulative considerable? ("Cumulative considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Analysis:

a) As discussed under "Biological Resources," the project site provides suitable habitat for nesting birds. Mitigation has been included that requires preconstruction surveys to identify the presence of these species, avoid or remove them from the construction area (if they are present), and establish disturbance buffers to ensure they are not disturbed during construction.

As discussed in the "Cultural Resources" section, there is the potential for unmarked, previously unknown Native American or other graves to be present and be uncovered during construction activities. Mitigation has been included that would ensure that proper procedures would be followed in the event of the discovery of previously unknown human remains.

For the reasons above, all impacts would be a less-than-significant impact with mitigation incorporated.

b) As discussed throughout the "Environmental Checklist," all potentially significant impacts would be reduced to a less-than-significant level with mitigation. In addition, aesthetic, biological resources, cultural and tribal cultural resources, and noise impacts discussed above would result from temporary construction activities and would be limited to the immediate project site, and, therefore, would not combine with impacts from other past, present, and probable future development. Noise-related impacts are also localized and limited to the immediate project vicinity. Operation of the project would be limited to noise similar in nature to the commercial and industrial land uses in the area. The project's potential contribution to significant cumulative impacts would not be considerable and this impact would be less than significant.

c) As discussed above in the "Hazards and Hazardous Materials," construction activities would require the use of hazardous materials such as fuels, lubricants, and solvents. However, all construction activities would be required to comply with existing regulations that would limit exposure of nearby sensitive receptors and construction workers to hazardous materials. Operation of the project would not include the use or storage of any hazardous material and would not result in adverse effects on people. This impact would be less than significant.

Mitigation Measures: See the Mitigation Monitoring and Reporting Program Table Below.

Mitigation Monitoring: See the Mitigation Monitoring and Reporting Program Table Below.

Table 7: Mitigation Monitoring and Reporting Program

Mitigation Measure	When Implemented	Monitored by	Verified by
AES-1: A Landscaping Plan, developed by a qualified professional, shall be submitted and approved by the Land Use and Natural Resources Division. The landscaping plan shall be consistent with the East Sonora Community Plan in Volume III of the 2018 Tuolumne County General Plan and the East Sonora Design Guidelines. The landscaping shall be located adjacent to Wards Ferry Road and shall be planted with an equal combination of drought-tolerant shrubs and trees at a five gallon minimum and shall not block sight lines of motorists using/entering/existing onto Wards Ferry Road or Tuolumne Road. The landscaping layout shall not hamper County of Tuolumne Public Works road maintenance operations, such as roadside ditch maintenance, or potentially encumber the road right-of-way with overhanging foliage in the traveled lanes of the existing roadways. Appropriate erosion control countermeasures shall be reflected in the design and construction of the landscaping. Vegetation along Tuolumne Road and Curtis Creek on the project site shall remain in its current form and be maintained for visual screening-if any vegetation is removed, it shall be replaced in kind. This vegetation in this area shall also be identified on the Landscaping Plan with a note that it is to remain and be maintained. Any planting within the Open Space zoning shall be reviewed by the Land Use and Natural Resources Division prior to installation. The Landscaping Plan shall be submitted to the Land Use and Natural Resources Division for review within 60 days of project approval. Within 60 days of approval of the Landscaping Plan, the vegetation shall be installed on the project site according to the approved plan. The applicant shall also be responsible for continued maintenance of the landscaping, including irrigation if necessary, and any	The Landscaping Plan shall be submitted to the Land Use and Natural Resources Division for review within 60 days of project approval. Within 60 days of approval of the Landscaping Plan, the vegetation shall be installed on the project site according to the approved plan.	Tuolumne County Community Development Department (CDD)	Land Use and Natural Resources (LUNR) Division

dead or dying vegetation planted as a result of the plan shall be replaced in-kind.			
AES-2: A lighting plan shall be submitted and approved by the Land Use and Natural Resources Division prior to the placement of permanent exterior lighting on the site associated with the storage of commercial equipment, vehicles, and materials. Any exterior lighting shall incorporate the following features: direct the light downward to the area to be illuminated, install shields to direct light and reduce glare, utilize low rise light standards or fixtures attached to the buildings, and utilize low or high pressure sodium lamps instead of halogen type lights.	The submittal and approval of a lighting plan will be required prior to the placement of permanent exterior lighting on the site associated with the storage of commercial equipment, vehicles, and materials and will be verified by the Land Use and Natural Resources (LUNR) Division. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.	CDD	LUNR Division
BIO-1: For construction activities expected to occur during the nesting season of raptors (February 1 to August 31) and migratory birds, a pre-construction survey by a qualified biologist shall be conducted to determine if active nests are present on or within 500 feet of the project site where feasible. Areas that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted by a qualified biologist no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds will nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming. If active nests are found on or within 500 feet of the project site, the applicant shall notify CDFW and explain any additional measures that a qualified biologist plans to implement to prevent or minimize disturbance to the nest while it is still active. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for	The nesting bird surveys are required prior to ground disturbance or construction activities on site and would be verified by the LUNR Division prior to the issuance of a grading permit issued by the Department of Public Works or building permit issued by the Building and Safety Division. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.	CDD/ Tuolumne County Department of Public Works (DPW)	LUNR Division

construction to occur as planned within the 500-foot buffer without impacting the breeding effort. Appropriate measures may include restricting construction activities within 500 feet of active raptor nests and having a qualified biologist with stop work authority monitor the nest for evidence that the behavior of the parents have changed during construction. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Appropriate measures would be implemented until the young have fledged or until a qualified biologist determines that the nest is no longer active. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort.			
BIO-2: The northern and western 50 feet of the project site as shown in Figure 3 of the Initial Study shall be rezoned to Open Space. The rezone shall be approved by the Tuolumne County Board of Supervisors.	BIO-2 shall be approved by the Tuolumne County Board of Supervisors in conjunction with Zone Change RZ18-011.	CDD	LUNR Division
BIO-3: The project applicant should implement construction best management practices (BMPs) when operating in the northern portion of the project site adjacent to the riparian mixed hardwood habitat and Curtis Creek. BMPs will include those required by the project Stormwater Pollution Prevention Plan and the Tuolumne County Biological Resources Review Guide, and may include the following: • Install fiber rolls, a sandbag barrier, or a straw bale barrier between the active construction site and the riparian mixed hardwood habitat/Curtis Creek to intercept runoff and remove sediment from runoff. • Maintain all diesel- and gasoline-powered equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Prior to the start of project activities, inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed to prevent	The BMPs are required prior to ground disturbance or construction activities on site and would be verified prior to the issuance of a grading permit issued by the Department of Public Works or building permit issued by the Building and Safety Division. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.	CDD/DPW	Engineering Division and Building and Safety Division

inadvertent discharge into Curtis Creek. • Equipment storage, working areas, and spoils should be limited to project staging areas. • Equipment should not be serviced within areas within 100 feet of riparian mixed hardwood habitat and Curtis Creek, or in any locations that would allow grease, oil, or fuel to pass into Curtis Creek. • Disturbed soils and all other disturbed areas should be stabilized as soon as possible and before the rainy season begins (but no later than October 15th of the construction year) in accordance with the County and Caltrans landscape guidelines and specifications. • Prior to working in or near any stream, equipment should be thoroughly cleaned to prevent introduction of invasive aquatic species.			
BIO-4: Within 60 days of project approval, a silt fence consistent with design criteria of the East Sonora Design Guidelines shall be constructed along the riparian area of Curtis Creek to prohibit woody material from entering the riparian area. The fence shall be located along the portion of areas of the site utilized for log storage within 100 feet of Open Space zoning. The Fence shall be located outside of the Open Space zoning as required by Mitigation Measure BIO-2. The fence shall be present and maintained year-round and shall not be removed.	The fence will be required to be installed within 60 days A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.	CDD	LUNR Division
CUL-1: In the unlikely event that buried cultural deposits (e.g., prehistoric stone tools, milling stones, historic glass bottles, foundations, cellars, privy pits) are encountered during project implementation, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist (36 Code of Federal Regulations [CFR] 61) shall be notified immediately and retained to assess the significance of the find. Construction activities could continue in other areas. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource or a unique	Required during construction activities on site. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.	CDD	LUNR Division

archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.			
CUL-2: In accordance with the California Health and Safety Code (CHSC), Section 7050.5, and the Public Resources Code (PRC) 5097.98, regarding the discovery of human remains, if any such finds are encountered during project construction, all work within the vicinity of the find shall cease immediately, a 100-foot-wide buffer surrounding the discovery shall be established, and the County shall be immediately notified. The County Coroner shall be contacted immediately to examine and evaluate the find. If the coroner determines that the remains are not recent and are of Native American descent, the County Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Required during construction activities on site. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.	CDD	LUNR Division
LU-1: No commercial log milling or processing shall occur on site and no wood product shall be commercially sold. Any processing of the logs shall be for personal use only.	This condition will be on-going and will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.	CDD	LUNR Division
LU-2: Use of equipment to mill or grind the logs or wood product shall be limited to three days per month and shall occur within the hours of 7:00 am to 5:00 pm.	This condition will be on-going and will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing	CDD	LUNR Division

<table>
<tr><td></td><td>consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures</td><td></td><td></td></tr>
<tr><td>NOI-1: Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction shall be prohibited on Sunday and County holidays.</td><td>Required during construction activities on site. Will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.</td><td>CDD</td><td>Building and Safety Division</td></tr>
<tr><td>NOI-2: The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

<table>
<tr><th rowspan="2">Zoning Classification of Receiving Property</th><th colspan="2">Noise Level (dB) of Sound Source</th></tr>
<tr><th>Daytime (7 a.m. to 10 p.m.)</th><th>Nighttime (10 p.m. to 7 a.m.)</th></tr>
<tr><td>MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP</td><td>50 L_{eq}. (1 hour)[1]</td><td>45 L_{eq}. (1 hour)[1]</td></tr>
</table>
</td><td>Required as an on-going condition. Will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.</td><td>CDD</td><td>LUNR Division</td></tr>
</table>

AGENCIES CONTACTED:

Tuolumne County:
Community Development Department, Building and Safety Division
Community Development Department, Environmental Health Division
Curtis Creek Elementary School District
Department of Public Works, County Surveyor
Department of Public Works, Engineering Division
Department of Public Works, Solid Waste Division
Department of Public Works, Roads
Fire Department, Fire Prevention Division
Sheriff's Department
Sonora Union High School District
Soulsbyville Elementary
Superintendent of Schools
Tuolumne County Transportation Council

State of California:
Department of Fish and Wildlife
Department of Forestry and Fire Protection
Department of Highway Patrol
Department of Transportation, Caltrans District 10
Regional Water Quality Control Board

Other:
AT&T
Audubon Society
Central Sierra Environmental Resource Center
Chicken Ranch Rancheria of Me-Wuk Tribal Council
Citizens for Responsible Growth
Comcast Cable Communications
Pacific Gas & Electric Company
Sierra Club, Tuolumne Group
Jamestown School District
Sonora Union High School District
Tuolumne County Association of Realtors
Tuolumne County Farm Bureau
Tuolumne Heritage Committee
Tuolumne Me-Wuk Tribal Council
Tuolumne Utilities District
United States Fish and Wildlife Service
U.S. Army Corp of Engineers

SOURCES REVIEWED:

Tuolumne County:
2018 General Plan
EIR for the 2018 General Plan Update
Zoning Ordinance (Title 17)
Land Divisions Ordinance (Title 16)
Road Standards (Title 11)
Connecting Roadways (Chapter 12.04)
Grading Ordinance (Chapter 12.20)
Water and Sewers (Title 13)

Construction Codes (Chapter 15.04)
Fire Code (Chapter 15.08)
Fire Safety Standards (Chapter 15.20)
Traffic Impact Mitigation Fees (Chapter 3.54)
County Service Impact Mitigation Fees (Chapter 3.50)
Rubbish, Refuse and Recyclables (8.05)
Geotechnical Interpretive Maps
General Plan Maps
Wildlife Habitat Maps
Tuolumne County Wildlife Handbook
Wildlife Aerial Photography
Fire Hazard Maps
Deer Herd Maps
Regional Transportation Plan
Historic/Archeological Index to Studies

Other:

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California Environmental Quality Act

California Public Utilities Commission. 2018. California Renewables Portfolio Standard (RPS). Available: https://www.cpuc.ca.gov/rps/. Accessed September 9, 2020.

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Blossom Scott-Heim, P.E.,, Department of Public Works
Brian Bell, Chief Building Official

Appendix A:
CalEEMod Summary Report

Leslie

Tuolumne County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Industrial	1.00	User Defined Unit	7.50	0.00	3

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	66
Climate Zone	1			**Operational Year**	2023
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	641.35	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - Storage of commerrcial/industrial equipment, vehicles, and materials. Project site 7.5 acres in size. Graded areas and storage areas equal 5.03 acres.

Construction Phase - Would not consist of buildings, paving, or architectural coatings so only put 1 day for each of those to lower emission amounts associated with those construction phases

Demolition -

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	20.00	1.00
tblConstructionPhase	NumDays	230.00	1.00
tblConstructionPhase	NumDays	20.00	1.00
tblConstructionPhase	PhaseEndDate	2/28/2024	2/1/2024
tblConstructionPhase	PhaseEndDate	1/3/2024	2/16/2023
tblConstructionPhase	PhaseEndDate	1/31/2024	1/4/2024
tblLandUse	LotAcreage	0.00	7.50
tblLandUse	Population	0.00	3.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0236	0.2195	0.1828	3.4000e-004	1.0100e-003	0.0106	0.0116	2.7000e-004	9.8300e-003	0.0101	0.0000	29.7919	29.7919	8.1800e-003	0.0000	29.9965
2023	0.0368	0.3580	0.2902	5.8000e-004	0.1579	0.0160	0.1739	0.0839	0.0147	0.0986	0.0000	50.8330	50.8330	0.0157	0.0000	51.2246
2024	6.4000e-004	5.4100e-003	8.5700e-003	1.0000e-005	6.0000e-005	2.7000e-004	3.2000e-004	2.0000e-005	2.5000e-004	2.6000e-004	0.0000	1.1783	1.1783	3.3000e-004	0.0000	1.1866
Maximum	**0.0368**	**0.3580**	**0.2902**	**5.8000e-004**	**0.1579**	**0.0160**	**0.1739**	**0.0839**	**0.0147**	**0.0986**	**0.0000**	**50.8330**	**50.8330**	**0.0157**	**0.0000**	**51.2246**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0236	0.2195	0.1828	3.4000e-004	1.0100e-003	0.0106	0.0116	2.7000e-004	9.8300e-003	0.0101	0.0000	29.7919	29.7919	8.1800e-003	0.0000	29.9965
2023	0.0368	0.3580	0.2902	5.8000e-004	0.1579	0.0160	0.1739	0.0839	0.0147	0.0986	0.0000	50.8329	50.8329	0.0157	0.0000	51.2246
2024	6.4000e-004	5.4100e-003	8.5700e-003	1.0000e-005	6.0000e-005	2.7000e-004	3.2000e-004	2.0000e-005	2.5000e-004	2.6000e-004	0.0000	1.1783	1.1783	3.3000e-004	0.0000	1.1866
Maximum	**0.0368**	**0.3580**	**0.2902**	**5.8000e-004**	**0.1579**	**0.0160**	**0.1739**	**0.0839**	**0.0147**	**0.0986**	**0.0000**	**50.8329**	**50.8329**	**0.0157**	**0.0000**	**51.2246**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**12-8-2022**	**3-7-2023**	0.6364	0.6364
5	**12-8-2023**	**3-7-2024**	0.0043	0.0043
		Highest	0.6364	0.6364

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**1.0000e-005**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0000**	**2.0000e-005**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**1.0000e-005**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0000**	**2.0000e-005**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	12/8/2022	1/4/2023	5	20	
2	Site Preparation	Site Preparation	1/5/2023	1/18/2023	5	10	
3	Grading	Grading	1/19/2023	2/15/2023	5	20	
4	Building Construction	Building Construction	2/16/2023	2/16/2023	5	1	
5	Paving	Paving	1/4/2024	1/4/2024	5	1	
6	Architectural Coating	Architectural Coating	2/1/2024	2/1/2024	5	1	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 10

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Excavators	3	8.00	158	0.38
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Excavators	1	8.00	158	0.38
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Paving	Pavers	2	8.00	130	0.42
Paving	Rollers	2	8.00	80	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Paving	Paving Equipment	2	8.00	132	0.36
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Building Construction	Welders	1	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0224	0.2186	0.1751	3.3000e-004		0.0106	0.0106		9.8200e-003	9.8200e-003	0.0000	28.8917	28.8917	8.1200e-003	0.0000	29.0946
Total	**0.0224**	**0.2186**	**0.1751**	**3.3000e-004**		**0.0106**	**0.0106**		**9.8200e-003**	**9.8200e-003**	**0.0000**	**28.8917**	**28.8917**	**8.1200e-003**	**0.0000**	**29.0946**

3.2 Demolition - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.1400e-003	8.4000e-004	7.7300e-003	1.0000e-005	1.0100e-003	1.0000e-005	1.0200e-003	2.7000e-004	1.0000e-005	2.8000e-004	0.0000	0.9002	0.9002	7.0000e-005	0.0000	0.9019
Total	**1.1400e-003**	**8.4000e-004**	**7.7300e-003**	**1.0000e-005**	**1.0100e-003**	**1.0000e-005**	**1.0200e-003**	**2.7000e-004**	**1.0000e-005**	**2.8000e-004**	**0.0000**	**0.9002**	**0.9002**	**7.0000e-005**	**0.0000**	**0.9019**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0224	0.2186	0.1751	3.3000e-004		0.0106	0.0106		9.8200e-003	9.8200e-003	0.0000	28.8917	28.8917	8.1200e-003	0.0000	29.0945
Total	**0.0224**	**0.2186**	**0.1751**	**3.3000e-004**		**0.0106**	**0.0106**		**9.8200e-003**	**9.8200e-003**	**0.0000**	**28.8917**	**28.8917**	**8.1200e-003**	**0.0000**	**29.0945**

3.2 Demolition - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.1400e-003	8.4000e-004	7.7300e-003	1.0000e-005	1.0100e-003	1.0000e-005	1.0200e-003	2.7000e-004	1.0000e-005	2.8000e-004	0.0000	0.9002	0.9002	7.0000e-005	0.0000	0.9019
Total	**1.1400e-003**	**8.4000e-004**	**7.7300e-003**	**1.0000e-005**	**1.0100e-003**	**1.0000e-005**	**1.0200e-003**	**2.7000e-004**	**1.0000e-005**	**2.8000e-004**	**0.0000**	**0.9002**	**0.9002**	**7.0000e-005**	**0.0000**	**0.9019**

3.2 Demolition - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-003	0.0322	0.0295	6.0000e-005		1.5000e-003	1.5000e-003		1.3900e-003	1.3900e-003	0.0000	5.0988	5.0988	1.4300e-003	0.0000	5.1345
Total	**3.4000e-003**	**0.0322**	**0.0295**	**6.0000e-005**		**1.5000e-003**	**1.5000e-003**		**1.3900e-003**	**1.3900e-003**	**0.0000**	**5.0988**	**5.0988**	**1.4300e-003**	**0.0000**	**5.1345**

3.2 Demolition - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.9000e-004	1.3000e-004	1.1900e-003	0.0000	1.8000e-004	0.0000	1.8000e-004	5.0000e-005	0.0000	5.0000e-005	0.0000	0.1534	0.1534	1.0000e-005	0.0000	0.1536
Total	**1.9000e-004**	**1.3000e-004**	**1.1900e-003**	**0.0000**	**1.8000e-004**	**0.0000**	**1.8000e-004**	**5.0000e-005**	**0.0000**	**5.0000e-005**	**0.0000**	**0.1534**	**0.1534**	**1.0000e-005**	**0.0000**	**0.1536**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-003	0.0322	0.0295	6.0000e-005		1.5000e-003	1.5000e-003		1.3900e-003	1.3900e-003	0.0000	5.0988	5.0988	1.4300e-003	0.0000	5.1345
Total	**3.4000e-003**	**0.0322**	**0.0295**	**6.0000e-005**		**1.5000e-003**	**1.5000e-003**		**1.3900e-003**	**1.3900e-003**	**0.0000**	**5.0988**	**5.0988**	**1.4300e-003**	**0.0000**	**5.1345**

3.2 Demolition - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.9000e-004	1.3000e-004	1.1900e-003	0.0000	1.8000e-004	0.0000	1.8000e-004	5.0000e-005	0.0000	5.0000e-005	0.0000	0.1534	0.1534	1.0000e-005	0.0000	0.1536
Total	**1.9000e-004**	**1.3000e-004**	**1.1900e-003**	**0.0000**	**1.8000e-004**	**0.0000**	**1.8000e-004**	**5.0000e-005**	**0.0000**	**5.0000e-005**	**0.0000**	**0.1534**	**0.1534**	**1.0000e-005**	**0.0000**	**0.1536**

3.3 Site Preparation - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0903	0.0000	0.0903	0.0497	0.0000	0.0497	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0133	0.1376	0.0912	1.9000e-004		6.3300e-003	6.3300e-003		5.8200e-003	5.8200e-003	0.0000	16.7254	16.7254	5.4100e-003	0.0000	16.8606
Total	**0.0133**	**0.1376**	**0.0912**	**1.9000e-004**	**0.0903**	**6.3300e-003**	**0.0967**	**0.0497**	**5.8200e-003**	**0.0555**	**0.0000**	**16.7254**	**16.7254**	**5.4100e-003**	**0.0000**	**16.8606**

3.3 Site Preparation - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	7.5000e-004	5.3000e-004	4.7600e-003	1.0000e-005	7.1000e-004	1.0000e-005	7.2000e-004	1.9000e-004	1.0000e-005	2.0000e-004	0.0000	0.6134	0.6134	4.0000e-005	0.0000	0.6145
Total	**7.5000e-004**	**5.3000e-004**	**4.7600e-003**	**1.0000e-005**	**7.1000e-004**	**1.0000e-005**	**7.2000e-004**	**1.9000e-004**	**1.0000e-005**	**2.0000e-004**	**0.0000**	**0.6134**	**0.6134**	**4.0000e-005**	**0.0000**	**0.6145**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0903	0.0000	0.0903	0.0497	0.0000	0.0497	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0133	0.1376	0.0912	1.9000e-004		6.3300e-003	6.3300e-003		5.8200e-003	5.8200e-003	0.0000	16.7253	16.7253	5.4100e-003	0.0000	16.8606
Total	**0.0133**	**0.1376**	**0.0912**	**1.9000e-004**	**0.0903**	**6.3300e-003**	**0.0967**	**0.0497**	**5.8200e-003**	**0.0555**	**0.0000**	**16.7253**	**16.7253**	**5.4100e-003**	**0.0000**	**16.8606**

3.3 Site Preparation - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	7.5000e-004	5.3000e-004	4.7600e-003	1.0000e-005	7.1000e-004	1.0000e-005	7.2000e-004	1.9000e-004	1.0000e-005	2.0000e-004	0.0000	0.6134	0.6134	4.0000e-005	0.0000	0.6145
Total	**7.5000e-004**	**5.3000e-004**	**4.7600e-003**	**1.0000e-005**	**7.1000e-004**	**1.0000e-005**	**7.2000e-004**	**1.9000e-004**	**1.0000e-005**	**2.0000e-004**	**0.0000**	**0.6134**	**0.6134**	**4.0000e-005**	**0.0000**	**0.6145**

3.4 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0655	0.0000	0.0655	0.0337	0.0000	0.0337	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0171	0.1794	0.1475	3.0000e-004		7.7500e-003	7.7500e-003		7.1300e-003	7.1300e-003	0.0000	26.0606	26.0606	8.4300e-003	0.0000	26.2713
Total	**0.0171**	**0.1794**	**0.1475**	**3.0000e-004**	**0.0655**	**7.7500e-003**	**0.0733**	**0.0337**	**7.1300e-003**	**0.0408**	**0.0000**	**26.0606**	**26.0606**	**8.4300e-003**	**0.0000**	**26.2713**

3.4 Grading - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2500e-003	8.9000e-004	7.9300e-003	1.0000e-005	1.1800e-003	1.0000e-005	1.2000e-003	3.1000e-004	1.0000e-005	3.3000e-004	0.0000	1.0224	1.0224	7.0000e-005	0.0000	1.0242
Total	**1.2500e-003**	**8.9000e-004**	**7.9300e-003**	**1.0000e-005**	**1.1800e-003**	**1.0000e-005**	**1.2000e-003**	**3.1000e-004**	**1.0000e-005**	**3.3000e-004**	**0.0000**	**1.0224**	**1.0224**	**7.0000e-005**	**0.0000**	**1.0242**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0655	0.0000	0.0655	0.0337	0.0000	0.0337	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0171	0.1794	0.1475	3.0000e-004		7.7500e-003	7.7500e-003		7.1300e-003	7.1300e-003	0.0000	26.0606	26.0606	8.4300e-003	0.0000	26.2713
Total	**0.0171**	**0.1794**	**0.1475**	**3.0000e-004**	**0.0655**	**7.7500e-003**	**0.0733**	**0.0337**	**7.1300e-003**	**0.0408**	**0.0000**	**26.0606**	**26.0606**	**8.4300e-003**	**0.0000**	**26.2713**

3.4 Grading - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2500e-003	8.9000e-004	7.9300e-003	1.0000e-005	1.1800e-003	1.0000e-005	1.2000e-003	3.1000e-004	1.0000e-005	3.3000e-004	0.0000	1.0224	1.0224	7.0000e-005	0.0000	1.0242
Total	**1.2500e-003**	**8.9000e-004**	**7.9300e-003**	**1.0000e-005**	**1.1800e-003**	**1.0000e-005**	**1.2000e-003**	**3.1000e-004**	**1.0000e-005**	**3.3000e-004**	**0.0000**	**1.0224**	**1.0224**	**7.0000e-005**	**0.0000**	**1.0242**

3.5 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.9000e-004	7.1900e-003	8.1200e-003	1.0000e-005		3.5000e-004	3.5000e-004		3.3000e-004	3.3000e-004	0.0000	1.1590	1.1590	2.8000e-004	0.0000	1.1659
Total	**7.9000e-004**	**7.1900e-003**	**8.1200e-003**	**1.0000e-005**		**3.5000e-004**	**3.5000e-004**		**3.3000e-004**	**3.3000e-004**	**0.0000**	**1.1590**	**1.1590**	**2.8000e-004**	**0.0000**	**1.1659**

3.5 Building Construction - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.9000e-004	7.1900e-003	8.1200e-003	1.0000e-005		3.5000e-004	3.5000e-004		3.3000e-004	3.3000e-004	0.0000	1.1590	1.1590	2.8000e-004	0.0000	1.1659
Total	**7.9000e-004**	**7.1900e-003**	**8.1200e-003**	**1.0000e-005**		**3.5000e-004**	**3.5000e-004**		**3.3000e-004**	**3.3000e-004**	**0.0000**	**1.1590**	**1.1590**	**2.8000e-004**	**0.0000**	**1.1659**

3.5 Building Construction - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.6 Paving - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	4.9000e-004	4.7600e-003	7.3100e-003	1.0000e-005		2.3000e-004	2.3000e-004		2.2000e-004	2.2000e-004	0.0000	1.0013	1.0013	3.2000e-004	0.0000	1.0094
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**4.9000e-004**	**4.7600e-003**	**7.3100e-003**	**1.0000e-005**		**2.3000e-004**	**2.3000e-004**		**2.2000e-004**	**2.2000e-004**	**0.0000**	**1.0013**	**1.0013**	**3.2000e-004**	**0.0000**	**1.0094**

3.6 Paving - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.0000e-005	4.0000e-005	3.6000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0493	0.0493	0.0000	0.0000	0.0494
Total	**6.0000e-005**	**4.0000e-005**	**3.6000e-004**	**0.0000**	**6.0000e-005**	**0.0000**	**6.0000e-005**	**2.0000e-005**	**0.0000**	**2.0000e-005**	**0.0000**	**0.0493**	**0.0493**	**0.0000**	**0.0000**	**0.0494**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	4.9000e-004	4.7600e-003	7.3100e-003	1.0000e-005		2.3000e-004	2.3000e-004		2.2000e-004	2.2000e-004	0.0000	1.0013	1.0013	3.2000e-004	0.0000	1.0094
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**4.9000e-004**	**4.7600e-003**	**7.3100e-003**	**1.0000e-005**		**2.3000e-004**	**2.3000e-004**		**2.2000e-004**	**2.2000e-004**	**0.0000**	**1.0013**	**1.0013**	**3.2000e-004**	**0.0000**	**1.0094**

3.6 Paving - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.0000e-005	4.0000e-005	3.6000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0493	0.0493	0.0000	0.0000	0.0494
Total	**6.0000e-005**	**4.0000e-005**	**3.6000e-004**	**0.0000**	**6.0000e-005**	**0.0000**	**6.0000e-005**	**2.0000e-005**	**0.0000**	**2.0000e-005**	**0.0000**	**0.0493**	**0.0493**	**0.0000**	**0.0000**	**0.0494**

3.7 Architectural Coating - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.0000e-005	6.1000e-004	9.1000e-004	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.1277	0.1277	1.0000e-005	0.0000	0.1278
Total	**9.0000e-005**	**6.1000e-004**	**9.1000e-004**	**0.0000**		**3.0000e-005**	**3.0000e-005**		**3.0000e-005**	**3.0000e-005**	**0.0000**	**0.1277**	**0.1277**	**1.0000e-005**	**0.0000**	**0.1278**

3.7 Architectural Coating - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.0000e-005	6.1000e-004	9.1000e-004	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.1277	0.1277	1.0000e-005	0.0000	0.1278
Total	**9.0000e-005**	**6.1000e-004**	**9.1000e-004**	**0.0000**		**3.0000e-005**	**3.0000e-005**		**3.0000e-005**	**3.0000e-005**	**0.0000**	**0.1277**	**0.1277**	**1.0000e-005**	**0.0000**	**0.1278**

3.7 Architectural Coating - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Industrial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Industrial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Industrial	0.494917	0.045179	0.208299	0.152927	0.045754	0.006973	0.019174	0.011899	0.003300	0.001230	0.006642	0.001778	0.001928

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Unmitigated	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Total	**0.0000**	**0.0000**	**1.0000e-005**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0000**	**2.0000e-005**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Total	**0.0000**	**0.0000**	**1.0000e-005**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0000**	**2.0000e-005**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

From: Stephen Gregory
To: Natalie Rizzi
Subject: RE: CUP18-013
Date: Tuesday, January 24, 2023 12:36:03 PM

As long as the project remains a noncommercial use and log storage only there are no fire flow requirements at this time.

From: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Sent: Monday, January 23, 2023 3:20 PM
To: Stephen Gregory <SGregory@co.tuolumne.ca.us>
Subject: RE: CUP18-013

Thank you Steve!

And I just wanted to confirm that there would be no fire flow requirements (and therefore no connection to public water) for the outdoor storage use?

Natalie Rizzi
Senior Planner
Community Development Department
Tuolumne County
Office: (209) 533-5936
Fax: (209) 533-5616
Email: nrizzi@co.tuolumne.ca.us
Planning Website: https://www.tuolumnecounty.ca.gov/179/Planning

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From: Stephen Gregory <SGregory@co.tuolumne.ca.us>
Sent: Monday, January 23, 2023 11:49 AM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: CUP18-013

Hey,

Here are the conditions we discussed.

The outside storage yard shall comply with all requirements of the 2016 California Fire Code Section 2808 for Log Storage, processing of wood chips, hogged material, fines, compost and raw product associated with yard waste and recycling facilities. (CFC 2808)

Log storage areas shall comply with the following:

- Not to exceed 500’ in length, 300’ in width and 20’ in height.
- All log decks shall be separated from adjacent log decks by not less than 100’.

Steve Gregory

Fire Prevention

County of Tuolumne

(209)533-5549

TUOLUMNE UTILITIES DISTRICT
18885 NUGGET BLVD ● SONORA, CA 95370
(209) 532-5536 ● Fax (209) 536-6485
www.tudwater.com

DIRECTORS
Barbara Balen
James Grinnell
Ronald D. Kopf
Ron W. Ringen
Bob Rucker

October 26, 2018

Tuolumne County Community Resources Agency
Attn: Renee Hendry
2 S. Green St.
Sonora, CA 95370

RE: LESLIE ZONE CHANGE RZ18-011, CONDITIONAL USE PERMIT CUP18-013.
APN: 097-140-007 & 009.

To Whom It May Concern:

The following is in response to your letter to advisory agencies dated October 9, 2018. Water and/or sewer capacity is not reserved for the project until all capacity fees have been paid. The District is not obligated to serve the development until certain conditions are fulfilled, some of which are listed below. The project proponent is advised to contact the District as soon as possible to discuss the conditions of service and the associated fees.

WATER SYSTEM INFORMATION and CAPACITY

The provision of water service to the project requires sufficient water supply, treatment, storage, and distribution facilities. The District will collect capacity fees based on the project's estimated water demands. Those fees are intended to reimburse the District for the value of the water supply, treatment, and storage capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing water system, are the responsibility of the project proponent.

Water Supply Capacity: South Fork Stanislaus River via Phoenix Lake - Adequate capacity exists.

Water Treatment Capacity: Sonora and Greenley Water Treatment Plants - Adequate capacity exists.

Water Storage Capacity: Cuesta Center Reservoir and S.P.I. Water Tank - The project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if adequate storage capacity exists.

Water Pumping Capacity: The East Sonora Pump Station supplies water to the Cuesta Center Reservoir – The project proponent must furnish information regarding the anticipated water demands of the project before the District can determine if adequate pumping capacity exists.

Water Distribution Capacity: A 10-inch District water main is located in the Tuolumne Road right-of-way, 665' northwest of the project site. An 8-inch District water main is located on APN: 061-160-001, 180' north of the project site. A 12-inch District water main is located on APN: 061-150-003, 600' east of the project site.

The Project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if the existing distribution system has adequate capacity to meet the project needs.

SEWER SYSTEM INFORMATION and CAPACITY

The provision of sewer service to the project requires sufficient sewer collection, treatment, and disposal facilities. The District will collect capacity fees based on the estimated volume of sewer that will be produced by the project. Those fees are intended to reimburse the District for the value of the collection, treatment, and disposal capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development.

The cost to construct any pipelines necessary to connect the project to the District's existing sewer collection system are the responsibility of the project proponent.

Sewer Collection Capacity: A 6-inch District sewer main is located on APN: 061-150-003, 600' east of the project site. A 6-inch District sewer main is located on APN: 061-160-001, 310' north of the project site. A 6-inch District sewer main is located on APNs: 097-330-008 and 009, 235' west of the project site.

Sewer Pumping Capacity: The District's Eagle Ridge Lift Station is located on APN: 097-330-015, 387' northwest of the project site - Adequate Capacity Exists.

Sewer Treatment Capacity: Sonora Regional Wastewater Treatment Facility - Adequate capacity exists.

Sewer Disposal Capacity: Regional Reclamation System - Adequate capacity exists.

CONDITIONS OF SERVICE:

Water

1. Water Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing water facilities/services required to serve to development including abandonment of water facilities/services not utilized by the project.
2. Water Main Extension: Water service to the proposed project may require extension of a public water main. An agreement with the District would stipulate the terms and conditions by which the project proponent would construct and the District would accept ownership of and the responsibility to operate and maintain the improvements.
3. Pressure Regulating Devices: Not applicable.
4. Backflow Devices: If determined by the District, the project proponent may be required to construct a back-flow device at each water service. It is the property owner's responsibility to maintain and conduct annual testing of these devices.

Sewer

5. Sewer Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing sewer facilities/services required to serve the development including abandonment of sewer facilities/services not utilized by the project.
6. Sewer Main Extension: Sewer service to the proposed project would require extension of a public sewer main. An agreement with the District would stipulate the terms and conditions by which the project proponent would construct and the District would accept ownership of and the responsibility to operate and maintain the improvements.
7. Private or Public Lift Station: Due to the topography of the proposed project site, if sewer service were to be provided it would require construction of a new private or public sewer lift station to convey sewage to the District's existing collection system.

General

8. Water and Sewer Capacity Charges: Prior to service by the District, the project proponent may be required to pay all applicable fees and charges. In cases where it is determined that existing District facilities do not contain sufficient capacity to serve the project, the project proponent would be required to construct or improve District facilities before service can be provided. The project proponent is advised to contact the District at the early stages of project development for an estimate of these fees and/or charges. Fees and/or charges are subject to increases on July 1st annually.
9. Service by private water well and septic system: The District does not object to the use of a private water well or septic system to serve the existing residence and logging and hauling operation as described in the advisory agency letter; however, the District requests to be notified of any new uses/projects proposed at the property in the future.

Regards,

Antonio J. Ramirez
Engineering Services Technician
(209) 532-5536 Ext. 511

COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CBO
Director

Administration - Building – County Surveyor - Engineering – Environmental Health – Fleet Services - GIS – Housing - Planning – Roads – Solid Waste

October 9, 2018

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

To: Adjoining Property Owners

From: Renee Hendry, Project Planner

RE: Leslie
Zone Change RZ18-011
Conditional Use Permit CUP18-013
Assessor's Parcel Numbers 97-140-07 and 97-140-09

The Tuolumne County Community Resources Agency requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process.

We are in receipt of an application from Preston and Colleen Leslie for the project referenced above. The project description is as follows: I think we are through with this

1. Zone Change RZ18-011 to change the zoning on a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1(General Commercial).

2. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment and materials on both parcels.

The project site is 6.3± acres is size and currently zoned RE-5 and C-1, under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 18456 Wards Ferry Road on the northwest corner of Wards Ferry Road and Tuolumne Road. Portions of Sections 9 and 10, Township 1 North, Range 15 East. Supervisorial District 4.

Additional Information: The equipment and materials are in association with the Leslie's logging and hauling company. No logs will be stored on the site.

Because you own property located within 500 feet of the project site, we would like your comments of this proposed project. Please provide any comments below:

With the City Raising The Speed Limit on Tuolumne Rd. The turn on to Wards Ferry can be tricky. Will The Corner be Kinda cleaned up and have good asphalt put down? If the 'entrance' is The middle or close to The middle of The Corner. I'm not against The business, Just want to make sure The Roads don't fall apart.

Dave Pierce — 18400 Wards Ferry Rd.

Your Name(s) — Mailing Address

See other side where entrance or Driveway Really is.

If we do not receive your comments by Friday, October 26, 2018, we will assume that you have no objections.

For additional information relative to this project, please contact me by telephoning (209) 533-6966 or by visiting the Community Resources Agency's office located at 48 Yaney Avenue in Sonora, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m . Descriptions of the permitted and conditional uses in all zoning districts are available on the County website, **www.tuolumnecounty.ca.gov**, through the Online County Ordinance Code by selecting Title 17 and the appropriate chapter. Thank you for your assistance in reviewing this application.

OFFICE OF ENVIRONMENTAL COORDINATOR

QUINCY YALEY, AICP
Environmental Coordinator

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

NOTICE OF DETERMINATION

PROJECT: Zone Change RZ18-011 and Conditional Use Permit CUP18-013

PROJECT PROPONENT: Preston Leslie
17617 Buttercup Circle
Sonora, CA 95370

PROJECT LOCATION: The project site consists of two parcels totaling 6.2± acres located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Within Sections 9 and 10 of Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 097-140-007 and 097-140-009. Within Supervisorial District Number 4.

PROJECT DESCRIPTION:

1. Approval of the Mitigated Negative Declaration for Zone Change RZ18-011 and Conditional Use Permit CUP18-013.

2. Ordinance for Zone Change RZ18-011 to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

3. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres.

STATE CLEARINGHOUSE NUMBER: 2023040285

The Tuolumne County Board of Supervisors on _____, has approved the project described above and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were included as conditions of project approval.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings relative to significant environmental effects identified in an Environmental Impact Report were not made pursuant to Section 15091 of the State CEQA Guidelines.

The project documents may be examined at the Tuolumne County Community Development Department.

The staff contact person is: Natalie Rizzi

This is to certify that the final EIR with comments and responses and record of project approval, or the Mitigated Negative Declaration and all documents referenced in the Mitigated Negative Declaration for the proposal described above, is available to the General Public in the Community Development Department, Monday

through Thursday, 8:00 a.m. to 3:00 p.m., Fourth Floor, A. N. Francisco Building, 48 Yaney Avenue, Sonora, California.

Quincy Yaley, AICP
Environmental Coordinator

Date

S:\Planning\PROJECTS\Rezone\2018\RZ18-011 (CUP18-013) Leslie\CEQA Documents\NOD.doc

SURFACE/MINERAL RIGHTS OWNER: Diane & Orb Hatton

APPLICANT: David Ragland

DATE: September 7, 2023

PROJECT AND LOCATION

PROJECT DESCRIPTION: Zone Change RZ23-004, in advance of a Lot Line Adjustment, to:

1. 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)

2. Rezone two portions of one 266.64± acre parcel (APN 071-320-025) as follows:

Parcel Information	GP/Zoning Before	GP/Zoning After
Central Portion (071-320-025) 253.69± Acres	General Plan: LR Zoning: AE-37	General Plan: LR Zoning: RE-10
North Portion (071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: AG 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.

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.

Executive Summary

Zone Change RZ23-004 is proposed to facilitate a lot line adjustment to adjust property lines between two legal parcels. Lot line adjustments are considered a ministerial project as defined in Section 15369 of the *State CEQA Guidelines,* and is therefore statutorily exempt from review under CEQA. In the particular case of this project, two lots with a maximum potential of two single family dwellings would modify their sizes and shapes, taking land area from a much larger lot and

assigning it to a smaller lot, to make an ultimate end result of two lots with a maximum potential of two single family dwellings.

The applicant requested RE-10 (Residential Estate, 10-acre minimum) zoning to be assigned to the larger resultant lot. The current General Plan designation assigned to that lot, LR (Large Lot Residential) is compatible with the RE-10 zoning request, and as such, falls under the umbrella of the CEQA analysis of the larger countywide 2018 General Plan (see below for further explanation).

However, if any subdivision of this land, whereby the number of parcels increases or resultant land use density increases, is proposed in the future, that project would require a parcel map (for a subdivision of less than five lots) or a subdivision map (for five or more lots) and would receive a full CEQA analysis for the impacts and requirements of the project.

The project under consideration at this time is not a subdivision of the land, nor does it authorize a subdivision of land. Pursuant to the Subdivision Map Act, the formal submittal and approval of a Parcel Map or Subdivision Map is the process to create new lots/parcels.

This project starts with two parcels and ends with two parcels, with no change allowed number of dwelling units, the disposition of the legal access (per Title 11 of the Tuolumne County Ordinance Code) or required utilities.

Based on the above, as well as the additional details provided in this staff report and attachments, staff is recommending approval of the project.

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. 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.

   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

7. 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.

8. 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.

Cultural Resources

9. 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.

10. 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 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. These comments are similar to those received by advisory agencies, which are detailed in Attachment 3.

Advisory Agency Review

See Attachment 3 to this staff report.

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.

Additionally, on January 3, 2019, the Board of Supervisors certified an environmental impact report (EIR) for the Tuolumne County General Plan Update. The EIR for the General Plan Update was prepared as a program EIR under the provisions of Section 15168 of the *State CEQA Guidelines*. As a program EIR, the document adopted by the Board of Supervisors adequately addressed the potential environmental impacts associated with the comprehensive update of the County's constitution for growth including certain implementation activities and provided for streamlining of the environmental review process for projects proposed subsequent to the certification of the EIR. The proposed project entails rezoning the subject property consistent with the General Plan. The rezoning of parcels consistent with the General Plan was addressed in the EIR for the General Plan and, therefore, pursuant to Section 15152(e) of the *State CEQA Guidelines*, no additional review under the California Environmental Quality Act is required for the proposed zone change.

Zone Change Findings

12. 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.

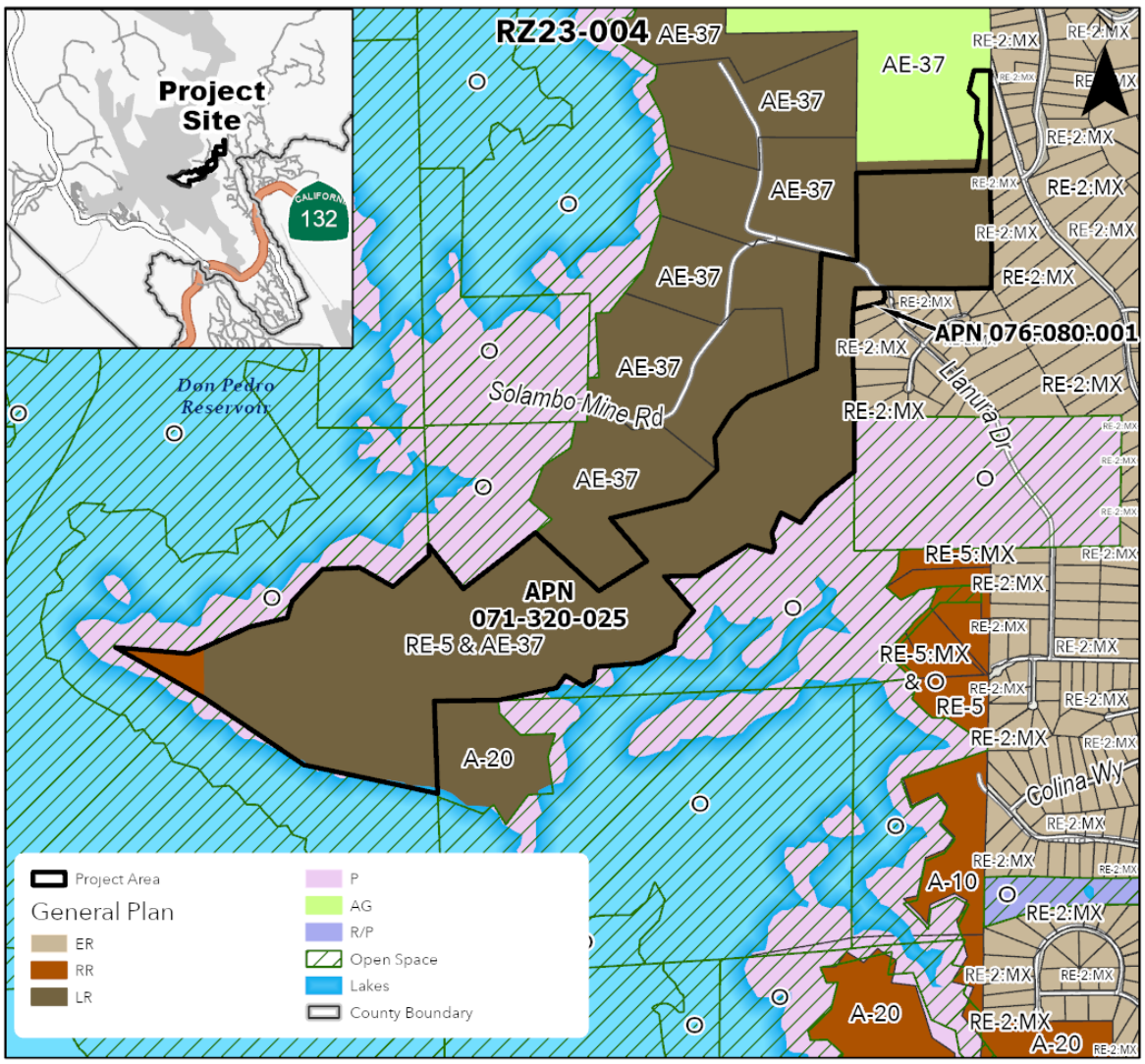
The project and site are discussed in #1 and #2 above in this report. The General Plan land use designation of Low Density Residential (LDR) for the site is consistent with the proposed zoning as identified in the project description above.

D. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), and Section 15152(e) 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

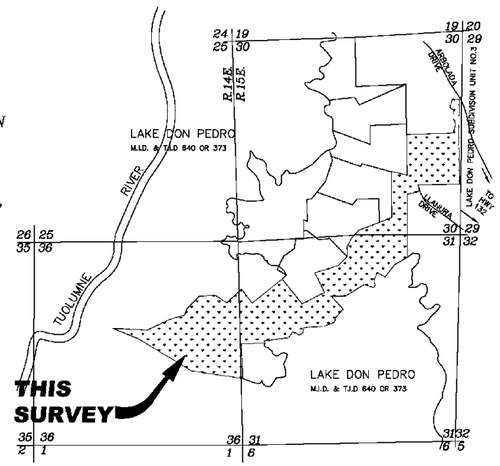
Attachment 2: Exhibit Map

EXHIBIT MAP

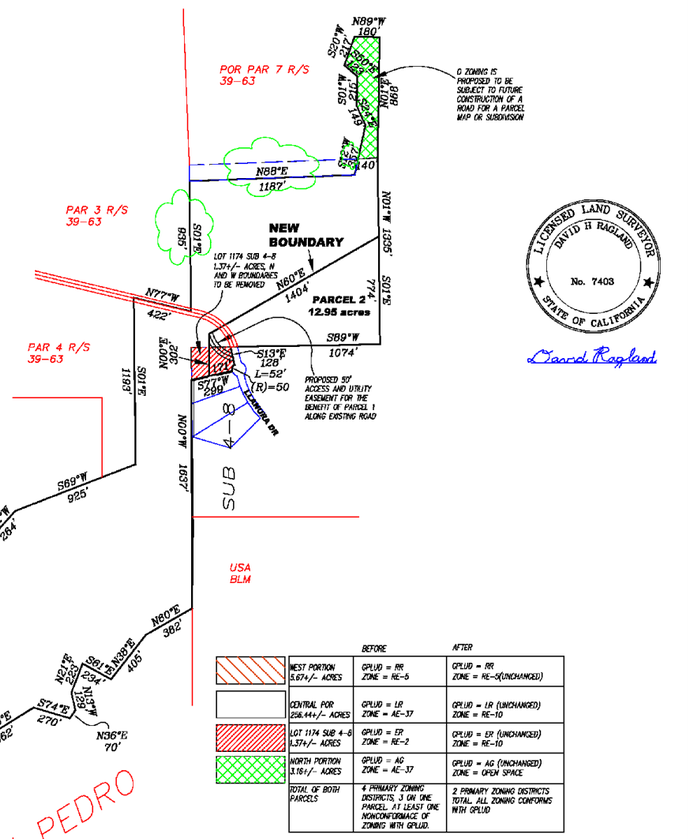
OF

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 071-320-025/Por Parcel 7:
Diane and Orb Hatton Instrument No. 1505 O.R. 681
APN 076-080-001/Lot 1174 of Sub 4-8: Diane and Orb Hatton Instrument No. 2021013395



VICINITY MAP
Sections 30 and 31, T.2S., R.15E.
and
Section 36, T.2S., R.14E. M.D.B.&M.
N.T.S.



		BEFORE	AFTER
	WEST PORTION 5.674+/- ACRES	GPLUD = RR ZONE = RE-5	GPLUD = RR ZONE = RE-5(UNCHANGED)
	CENTRAL POR 256.44+/- ACRES	GPLUD = LR ZONE = AE-37	GPLUD = LR (UNCHANGED) ZONE = RE-10
	LOT 1174 SUB 4-8 1.37+/- ACRES	GPLUD = ER ZONE = RE-2	GPLUD = ER (UNCHANGED) ZONE = RE-10
	NORTH PORTION 3.16+/- ACRES	GPLUD = AG ZONE = AE-37	GPLUD = AG (UNCHANGED) ZONE = OPEN SPACE
	TOTAL OF BOTH PARCELS	4 PRIMARY ZONING DISTRICTS, 3 ON ONE PARCEL, AT LEAST ONE NONCONFORMACE OF ZONING WITH GPLUD.	2 PRIMARY ZONING DISTRICTS TOTAL. ALL ZONING CONFORMS WITH GPLUD

LICENSED LAND SURVEYOR
DAVID H RAGLAND
No. 7403
STATE OF CALIFORNIA
David Ragland

VERSION: 07/11/23

David Ragland
ENGINEERING AND LAND SURVEYING
19545 ROGERS ROAD
SONORA, CA 95370
Phone (209) 532-7491
Email: dragland@mlode.com
Drafted by O. Ragland

JOB # 22-91

DHR

1/1

Attachment 3:

Response to Comments for Zone Change RZ23-004

Agency/Entity	Comment	County Response
Turlock Irrigation District	"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."	These comments are noted and included in the administrative record.
Central Sierra Environmental Resource Center	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 County is required to evaluate a submitted project. A property owner has the right to make a request from the County for an entitlement, the County's job is to review the project based on rules and regulations to show if the required findings can be made. The staff report has evaluated the zone change and determined that the required findings can be supported and is recommending approval of this project.
Central Sierra Environmental Resource Center	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.	There is no project at this time for large scale residential development. At the time of such a submittal, County staff will follow all required rules and regulations applicable to the evaluation of that specific project.
Central Sierra Environmental Resource Center	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.	An evaluation of access and emergency evacuation would be completed at such a time that a submitted project triggered that type of review. At this time, a review of a zone change's impact on the road network is not warranted.

Central Sierra Environmental Resource Center	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.	The changing of the zoning does not change the fire risk on the property beyond its current state, as after the zone change, the development potential of the site will be identical to the existing site conditions. Access issues are discussed above.
Central Sierra Environmental Resource Center	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.	An evaluation of impacts to County services would be completed at such a time that a submitted project triggered that type of review. At this time, a review of a zone change's impact to County services is not warranted.
Central Sierra Environmental Resource Center	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.	No evidence is provided to support the concern that there is not a viable water source for a future project. It should be noted that one domestic well can serve more than one parcel, therefore it is not a certainly that a specific number of wells would be needed to serve a future project. An evaluation of impacts to on water supply would be completed at such a time that a submitted project triggered that type of review. At this time, a review of a zone change's impact on water supply is not warranted.
Central Sierra Environmental Resource Center	The risk of well failure is significant. Accordingly, the main parcel should remain AE-37.	No evidence is supported that there is a significant risk of well failure. It should be noted that because the property is currently zoned agricultural, new wells of an undetermined quantity could be drilled in the property's current configuration, provided the wells meet the

		setback requirements, construction standards, and State law. In the event that there is a land division in the future that would allow multiple domestic wells on the property, an analysis of well failure risk will be performed at that time.
Central Sierra Environmental Resource Center	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 nature of the general plan update and Environmental Impact Report's (EIR) applicability to this project is described in the staff report and below. The General Plan Update (GPU) and EIR did not consider this parcel to be limited to future parcel sizes of 37 acres which what the current zoning allows. The GPU and its EIR considered the parcel to have a minimum of 10 acre parcels. Across the County, there are often large parcels of land that far exceed the minimum densities allowed by their general plan land use designation. These parels could be divided into smaller lots, with the limit/threshold being the density allowed in the stated general plan. For example, on Lyons Bald Mountain Road in Sonora, there is a 152 acre parcel with a land use designation of Low Density Residential (LDR) and a zoning district of AE-37. While this is compatible based on the Table 1.6, it does not describe the total allowed density on the site by the land use designation LDR, which is 1 dwelling per 7,500 square feet. This is because the County and the General Plan anticipate that growth in accordance with the general plan allowed density may occur on this site. The General Plan EIR looks at land use designations to determine the impacts from the buildout of the densities based on the land use colors on the map – it does not look at impacts from the buildout of what zoning allows, which is not shown on the land use map – that is why it is called a General Plan Update EIR and not a Zoning Designation EIR. If the General Plan EIR limited its analysis to environmental impacts based on densities allowed under zoning rather than the allowed

		density of land use designations, the EIR would far underestimate the impacts from future development that could occur in the County. In the General Plan EIR process, globally across the County, the EIR adds up all of the development potential of the land use designations, not the zoning designations, and evaluates the impacts from the development potential of build out of the land use designations, not the zoning. When Staff say that the impacts of the zone change have been evaluated under the general plan, we are saying that globally, the general plan looked at each parcel's development potential according to the land use designation, and then performed CEQA on the impact from the density of land use designation. This is done because this is how a County plans for growth in certain areas. The General Plan is the tool that tells the public, staff, and the decision makers where growth could occur, and where is can't or shouldn't occur. When a parcel has a land use designation that allows more houses than the zoning district, the County has said that this parcel is available for growth. As such, the general plan governs the growth of the County, not the zoning.
Central Sierra Environmental Resource Center	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 main parcel is not within the Lake Don Pedro Community Services boundary, but APN 071-320-025 is within the boundaries. See the above response regarding the role of the general plan in this project.
Lake Don Pedro Owners' Association	"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	The 1.37 acre parcel is within the Lake Don Pedro Subdivision and its Homeowners Association. If the lot line adjustment is completed, then the additional land in the parcel will not be within the legal boundary of the HOA Whether or not the HOA adjusts its boundaries to include the new area is outside of the purview of the County.

	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."	
Tuolumne Group of the Sierra Club	"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."	The proposed project if approved, will bring the project site into closer conformance with the existing general plan land use designation, and would allow the property to be configured from 37 acre minimum lots into 10 acre minimum lots. Any reconfiguration into 10 acre lots has not been analyzed as a part of this project, as no such project exists as this time. Because the project does not exist, it was not included in the advisory notice. If and when a project does exist, further review will be completed, including an advisory notice that describes the project being evaluated.
Tuolumne Group of the Sierra Club	"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."	A CEQA analysis was completed for the proposed project. If and when there is a future subdivision, that project will be evaluated as required by State law, which includes the issues identified in the comment - direct potential impacts, indirect potential impacts, cumulative effects, and other issues.
State of California Fish and Wildlife Department	"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	These comments are noted and included in the administrative record and as stated, are not related to the proposed project.

	(*Haliaeetus leucocephalus*), the State candidate-listed endangered Crotch bumble bee (*Bombos crotchii*), and the State species of the special concern American badger (*Taxidea taxus*)."	

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 committment 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
076-080-017-000

COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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

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

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

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 Lianura 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

Water Source: Lake Don Pedro Community Services District

Fire Hazard Rating: High Fire Hazard Severity Zone

RECEIVED
APR 19 2023
Community Development Department

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 # 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.

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

RECEIVED
APR 19 2023
Community Development Department

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 # 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 of 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.

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

RECEIVED
APR 19 2023
Community Development Department

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 (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.

April 27, 2023

RECEIVED
MAY 02 2023
Community Development
Department

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

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

Keith Martin for the Tuolumne Group

WATER & POWER
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(209) 883.8300 • www.tid.org

333 East Canal Drive • P O Box 949 • Turlock, CA 95381-0949

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

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 Cognetti
209.533.5609

SOLID WASTE
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626

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.

P:\Development\Conditions of Approval\2023\RZ23-004 Hatton.docx

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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.

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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

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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.

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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

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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

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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 CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB 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

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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:
Julie Vance
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

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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.

Gittleman, J. L., S. M. Funk, D. MacDonald, and R. K. Wayne. 2001. Carnivore conservation. Cambridge University Press, Cambridge, United Kingdom.

Goulson, D. 2010. Bumblebees: behaviour, ecology, and conservation. Oxford University Press, New York. 317pp.

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.

Williams, P. H., R. W. Thorp, L. L. Richardson, and S .R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp.

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

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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 .

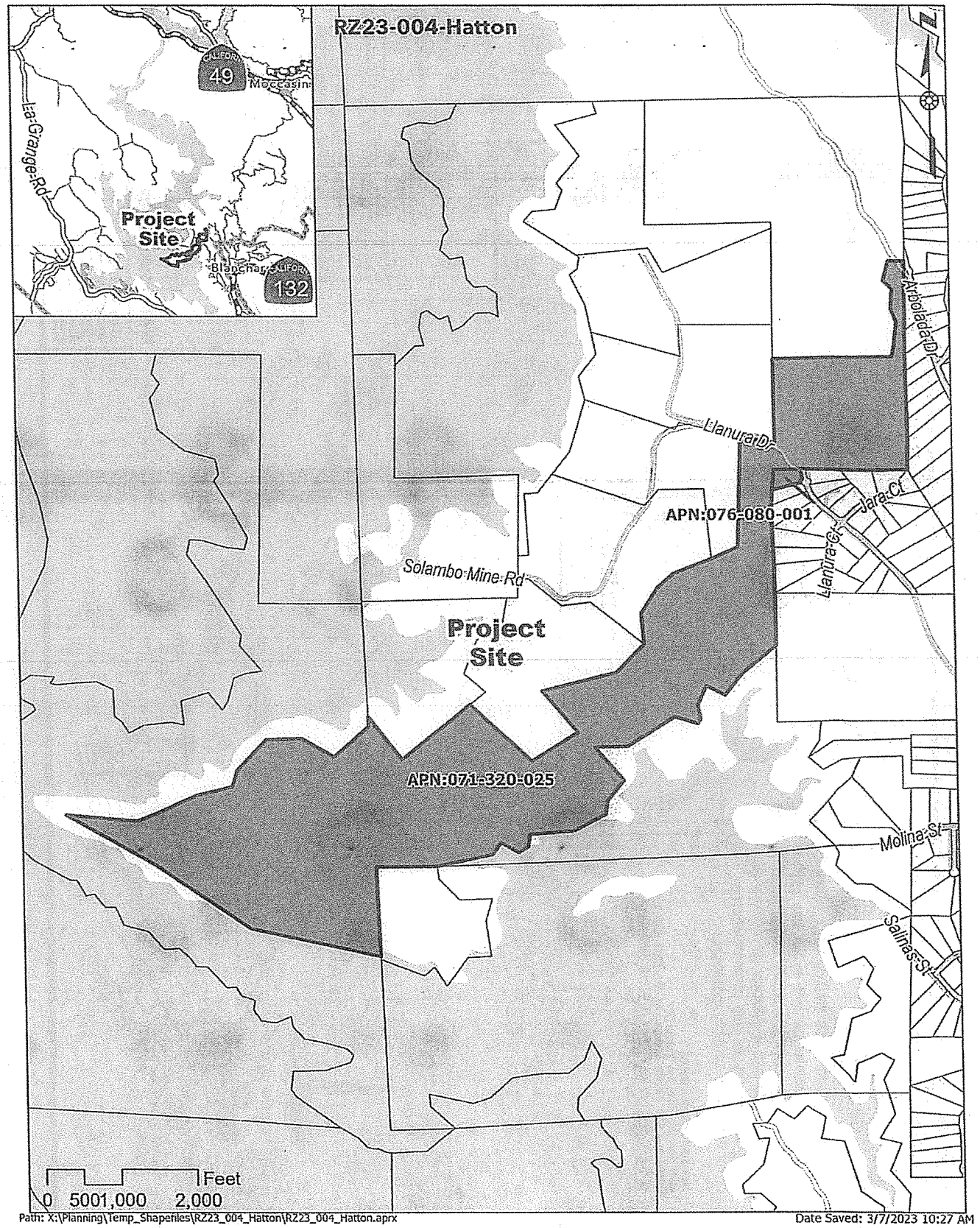
Planning Stakeholder Notification letters are posted at the following link:
https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications

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: _____

Agency: LDPCSD Date: 4/18/23

Vicinity Map.



Site Plan

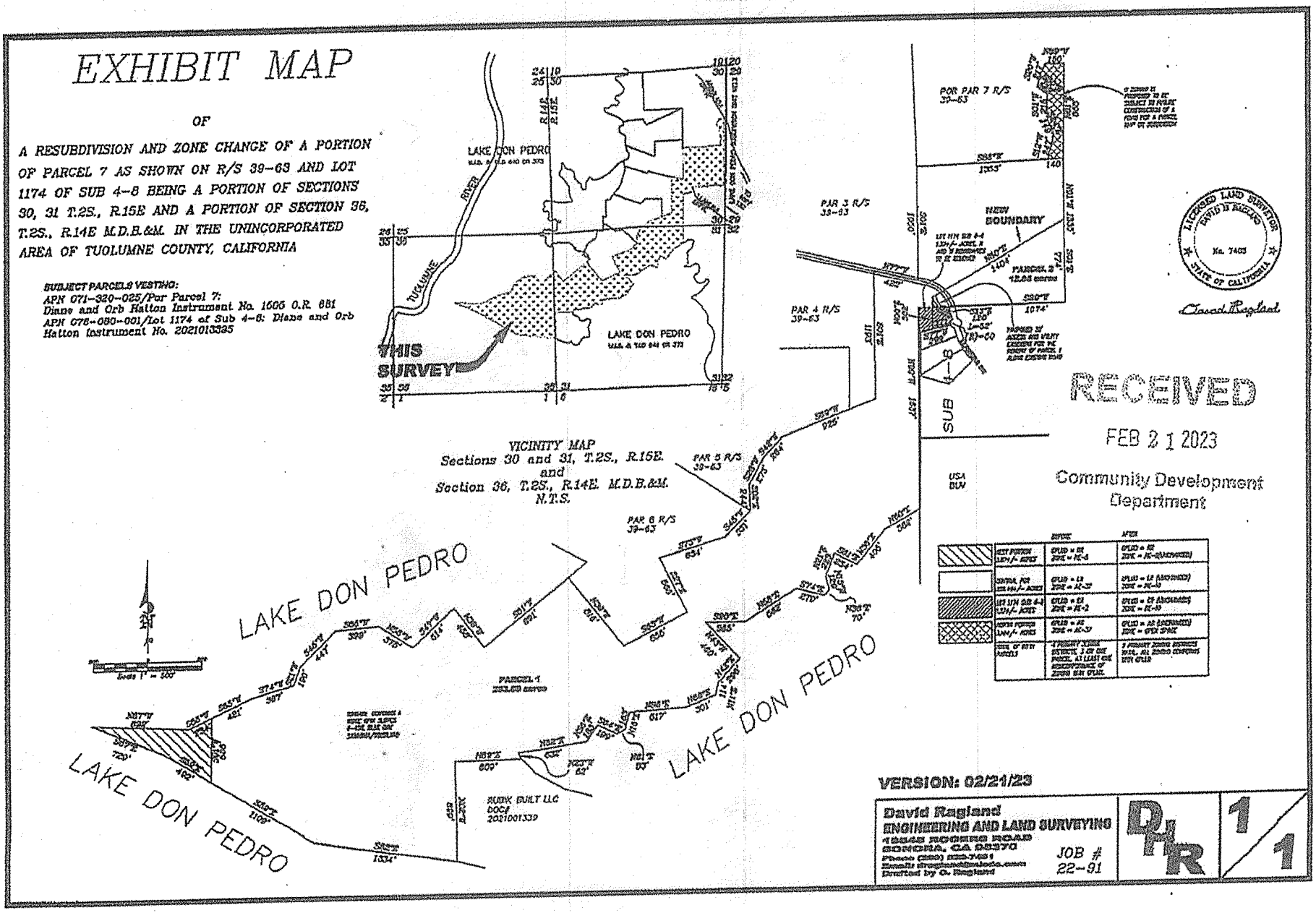


EXHIBIT MAP
OF
A RESUBDIVISION AND ZONE CHANGE OF A PORTION OF PARCEL 7 AS SHOWN ON R/S 39-63 AND LOT 1174 OF SUB 4-8 BEING A PORTION OF SECTIONS 30, 31 T.2S., R.15E AND A PORTION OF SECTION 36, T.2S., R.14E M.D.B.&M. IN THE UNINCORPORATED AREA OF TUOLUMNE COUNTY, CALIFORNIA
SUBJECT PARCELS VESTING:
APN 071-320-025/Par Parcel 7:
Diane and Orb Hatton Instrument No. 1606 O.R. 681
APN 078-080-001/Lot 1174 of Sub 4-8: Diane and Orb Hatton Instrument No. 2021013395
THIS SURVEY
LAKE DON PEDRO
TUOLUMNE RIVER
VICINITY MAP
Sections 30 and 31, T.2S., R.15E.
and
Section 36, T.2S., R.14E. M.D.B.&M.
N.T.S.
PAR 3 R/S 39-63
PAR 4 R/S 39-63
PAR 5 R/S 39-63
PAR 6 R/S 39-63
POR PAR 7 R/S 39-63
NEW BOUNDARY
SUB
USA BLVD
PARCEL 1
RUSK BUILT LLC
DOC# 2021001339
LICENSED LAND SURVEYOR
DAVID B. RAGLAND
No. 7403
STATE OF CALIFORNIA
RECEIVED
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Community Development Department
VERSION: 02/21/23
David Ragland
ENGINEERING AND LAND SURVEYING
JOB # 22-91
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076-080-001
071-320-025
MID
Boundary
Llavanna Dr
Arboleda Dr
Cabana West
Emmanuela Dr
Google

076-080-001
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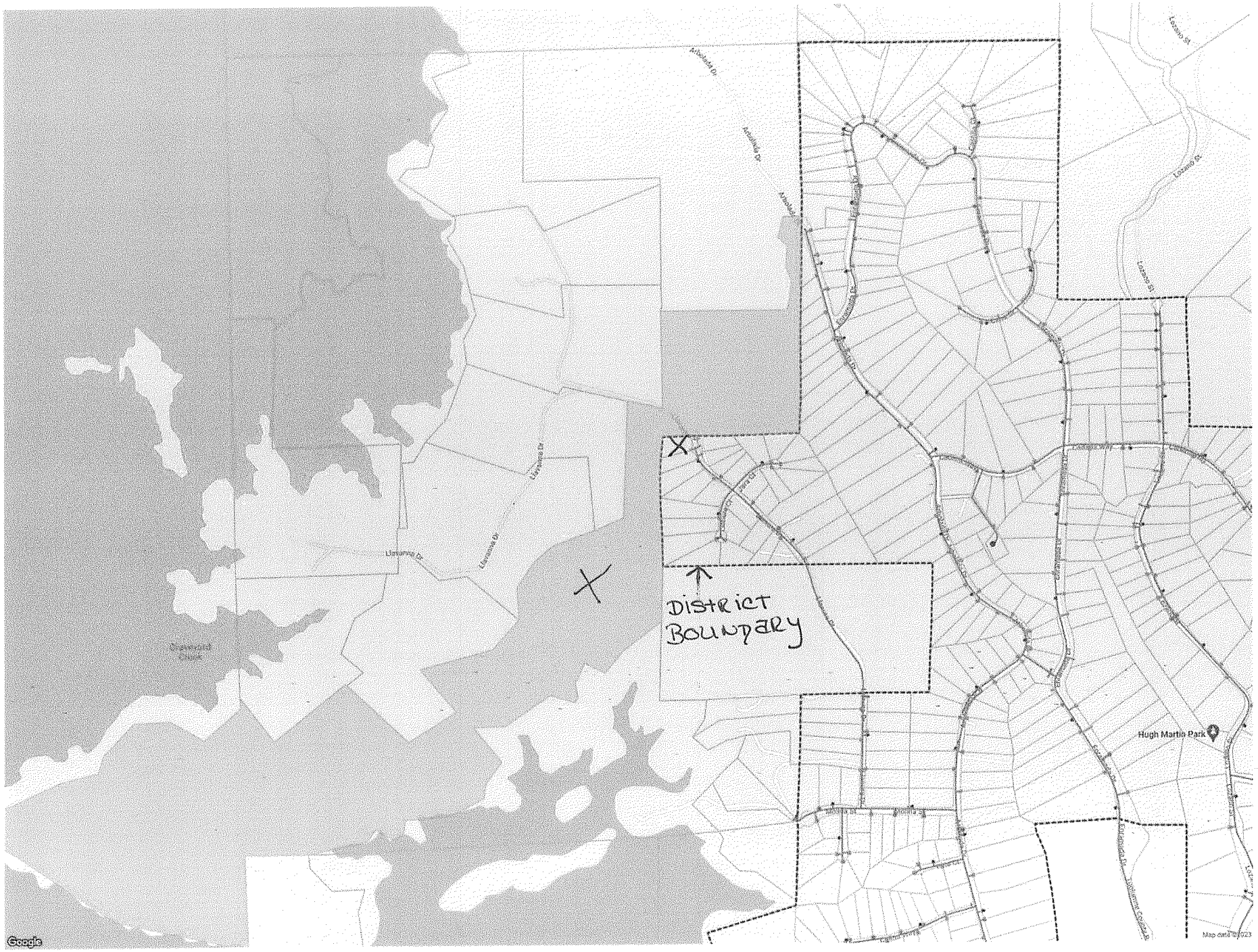
Arbolada Dr
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Lozano St
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Llanamia Dr

COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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

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

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 than 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

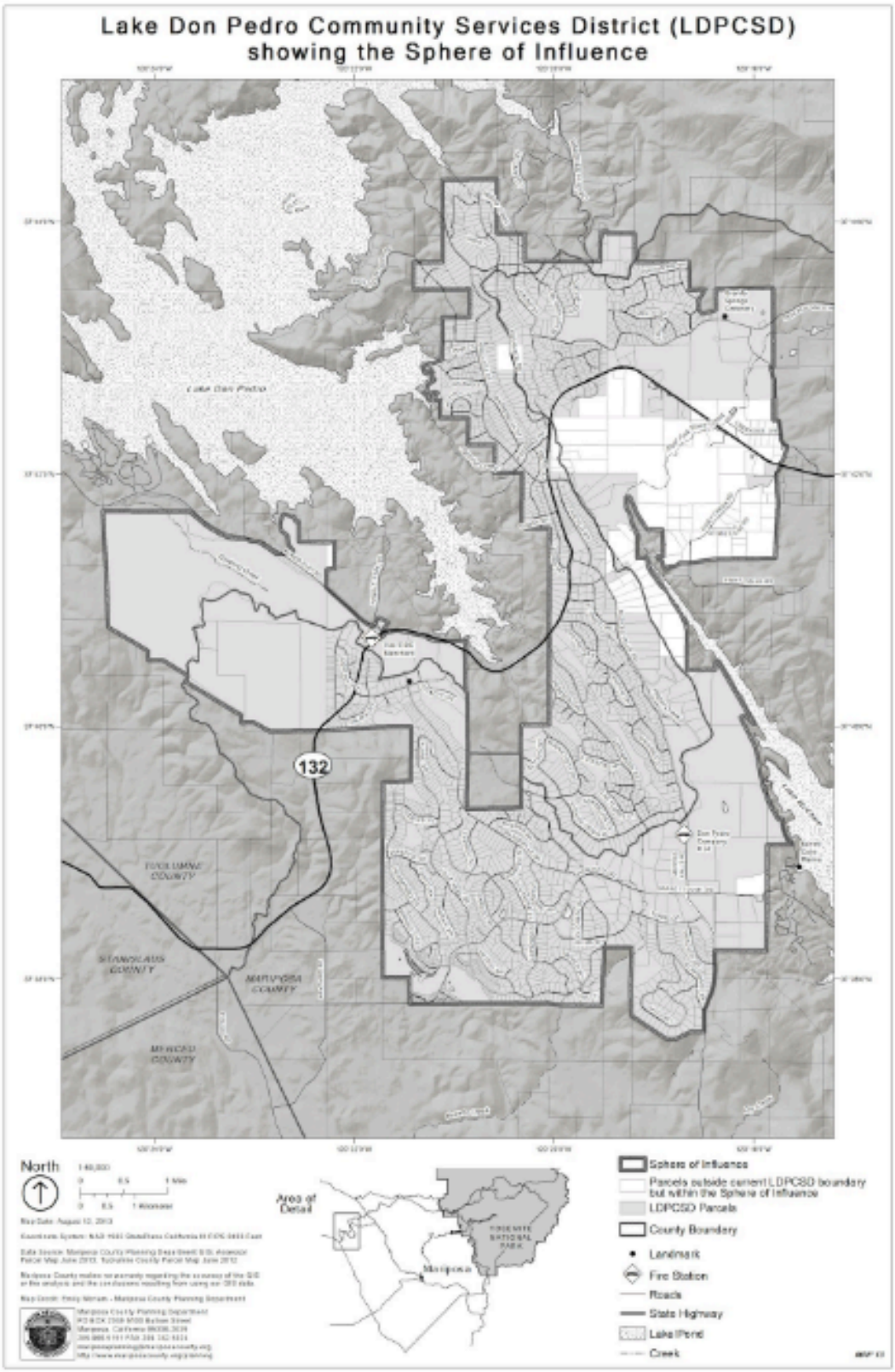
Lake Don Pedro Community Services District (LDPCSD)
showing the Sphere of Influence
Lake Don Pedro
132
TUOLUMNE COUNTY
STANISLAUS COUNTY
MARIPOSA COUNTY
MERCED COUNTY
North
Area of Detail
Mariposa
YOSEMITE NATIONAL PARK
Sphere of Influence
Parcels outside current LDPCSD boundary but within the Sphere of Influence
LDPCSD Parcels
County Boundary
Landmark
Fire Station
Roads
State Highway
Lake/Pond
Creek

Exhibit A

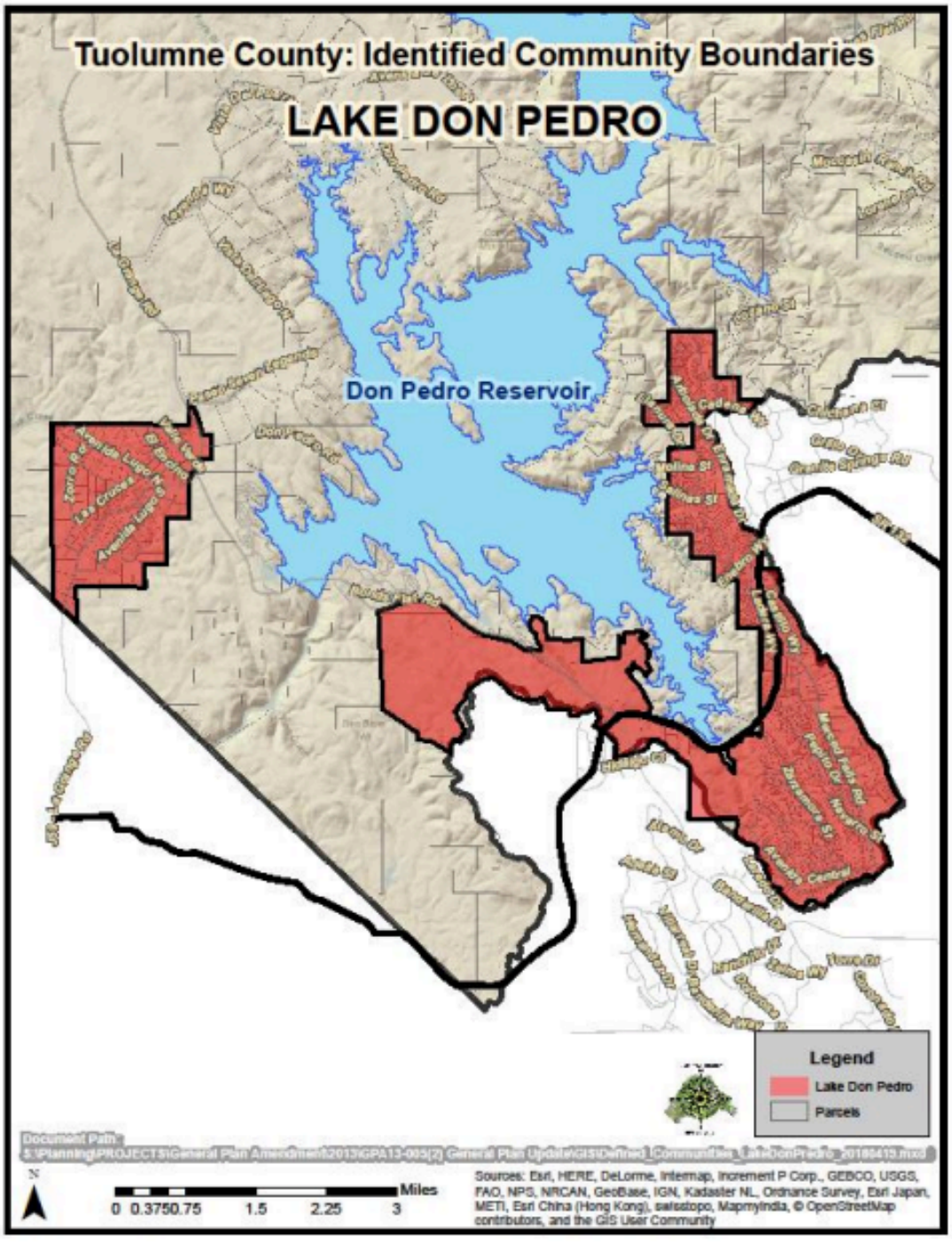

FIGURE 1.16: LAKE DON PEDRO

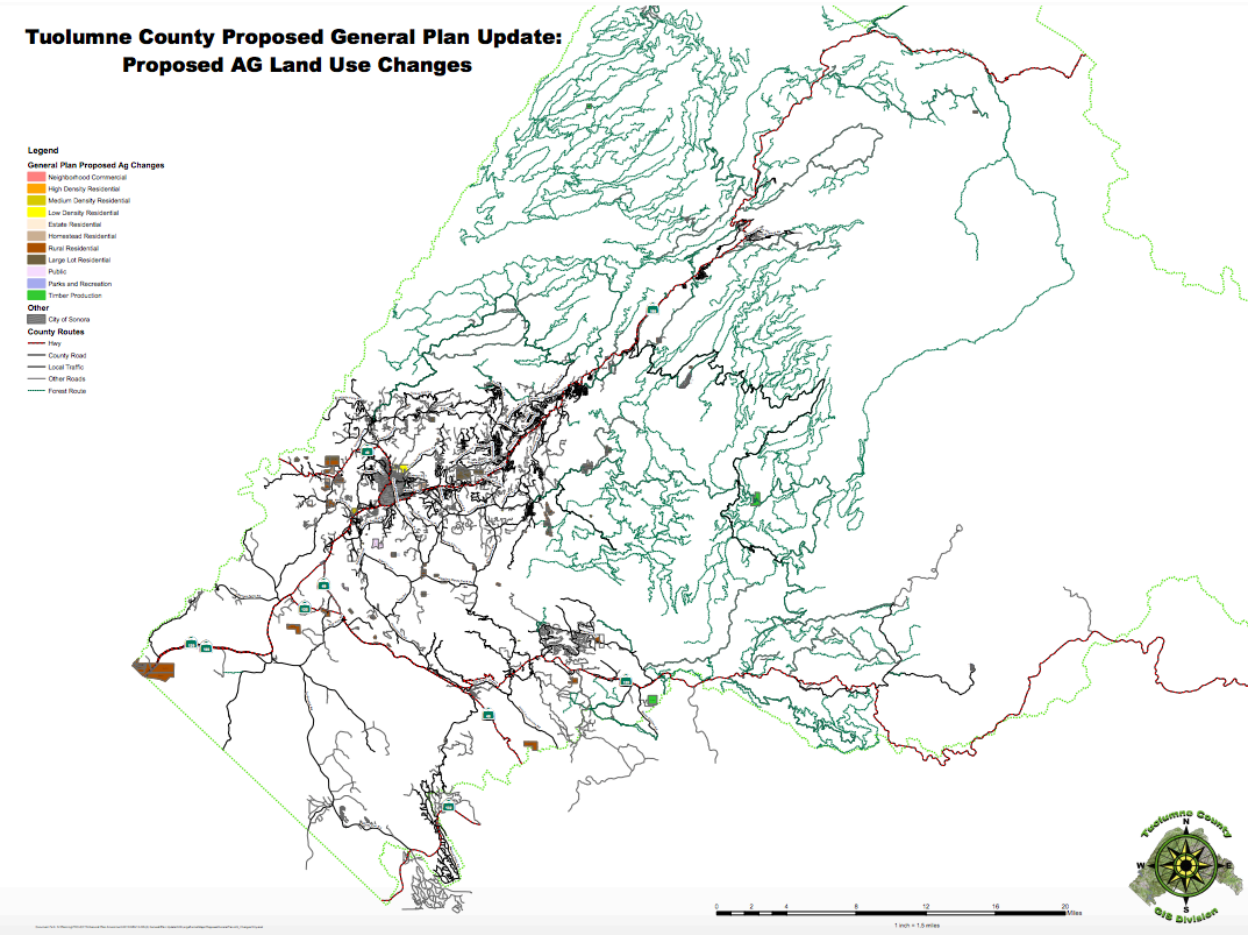
Tuolumne County Proposed General Plan Update:
Proposed AG Land Use Changes
Legend
General Plan Proposed Ag Changes
Neighborhood Commercial
High Density Residential
Medium Density Residential
Low Density Residential
Estate Residential
Homestead Residential
Rural Residential
Large Lot Residential
Public
Parks and Recreation
Timber Production
Other
City of Sonora
County Routes
Hwy
County Road
Local Traffic
Other Roads
Forest Route
Tuolumne County
GIS Division

Exhibit C

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

Good evening. My name is John Kreiter and I am unable to attend this hearing due to a previously planned and paid for trip that I was unable to cancel. I requested that this be read on my behalf. I own a 40 acre parcel adjacent to the proposed rezoning parcel. I am opposed to this rezoning and I'd like to provide a rationale for this opposition and suggest an alternative.

Before I get to that, I do want to thank Clark Sintek for answering my many questions as I tried to understand the Planning Rules around zoning and master plans.

The area of the proposed rezoning is adjacent to Lake Don Pedro and is currently zoned AE-37. If you looked at the zoning for the entire lake, you'd see that the vast majority of the property adjacent to the lake is currently zoned AE-37. The primary exceptions are the marina on the south end and the area to the far north. So, rezoning this 267 acres is not in keeping with the zoning of the property adjacent to Lake Don Pedro.

If you looked at the peninsula that the proposed rezoning is part of, you'd see that there are six 40 acre parcels adjacent to it that are zoned AE-37. If you rezone the 267 acres, the peninsula is going to have split zoning, which doesn't seem to make sense.

The major issue I see is that there is no infrastructure in this area. There is a single road into the area. Planning has told me that the cul de sac at the access point is not wide enough to support additional parcel development. There's no fire system and no paved roads.

If the objective of the lot line adjustment is to make the small parcel marketable, then I suggest you could simply rezone that parcel, or Mr Hatton could do a lot line adjustment that would create a larger 37 acre parcel that would not require any rezoning.

I hope the Planning Commission will recognize that this rezoning is not in keeping with the zoning of property adjacent to Lake Don Pedro and that there are better alternatives to the rezoning. I ask that you decline the request for rezoning.

Respectfully Submitted

John Kreiter

5455 Solambo Mine Rd

La Grange, CA 95329

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