



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

TUOLUMNE COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR COUNTY ADMINISTRATION CENTER 2 SOUTH GREEN STREET

October 4, 2023

6:00 p.m.*

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

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

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

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Reports from Commissioners and Staff

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

2. Report from the Agricultural Advisory Committee Representative

3. Minutes of the Meeting of September 20, 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. **MURPHY**, The project consists of a Zone Change and a Conditional Use Permit. Proposed Zone Change RZ23-006 is to rezone a 6.07± acre parcel (APN 035-350-016) from RE-1:MX (Residential Estate 1-Acre Minimum, Mobilehome Exclusion Combining) to RE-5:MX: (Residential Estate 5-Acre Minimum, Mobilehome Exclusion Combining District). The proposed zone change is in conjunction with a Conditional Use Permit (CUP23-003) to allow the development of outdoor wildlife rehabilitation facilities. The general plan designation for the site is Low Density Residential (LDR).

The project site is located at 20500 Shaws Flat Road, approximately 1,037± feet northwest of the intersection of Shaws Flat Road and the private driveway to the main residence in an unincorporated area of the County of Tuolumne, directly southwest of the City of Sonora. Within a portion of Section 25, Township 2 North, and Range 14 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 035-350-016.

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).

S:\Commissions\TCPC\2023\Agenda\10-4-2023 TCPC Agenda.doc

SURFACE/MINERAL**RIGHTS OWNER:** Laura Murphy**APPLICANT:** Laura Murphy [(209) 770-2167]**DATE:** September 11, 2023

PROJECT AND LOCATION

PROJECT

DESCRIPTION: The project consists of a Zone Change and a Conditional Use Permit. Proposed Zone Change RZ23-006 is to rezone a 6.07± acre parcel (APN 035-350-016) from RE-1:MX (Residential Estate 1-Acre Minimum, Mobilehome Exclusion Combining) to RE-5:MX: (Residential Estate 5-Acre Minimum, Mobilehome Exclusion Combining District). The proposed zone change is in conjunction with a Conditional Use Permit (CUP23-003) to allow the development of outdoor wildlife rehabilitation facilities. The general plan designation for the site is Low Density Residential (LDR).

LOCATION: The project site is located at 20500 Shaws Flat Road, approximately 1,037± feet northwest of the intersection of Shaws Flat Road and the private driveway to the main residence in an unincorporated area of the County of Tuolumne, directly southwest of the City of Sonora. Within a portion of Section 25, Township 2 North, and Range 14 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 035-350-016.

GENERAL PLAN: The project site is designated Low Density Residential (LDR) by the 2018 Tuolumne County General Plan. The Tuolumne County General Plan indicates that the proposed RE-5 zoning district is compatible with the LDR designation.

EXECUTIVE SUMMARY

This project consists of revision to zoning, coupled with a Conditional Use Permit, to allow the development of outdoor wildlife rehabilitation facilities within a RE-5 zoning district. The zone change to RE-5 is required to allow the development of outdoor wildlife rehabilitation facilities via a Conditional Use Permit, and the proposed zone change is appropriate for the size of the parcel in question. The project has been analyzed within the framework of CEQA for impacts and is believed to be categorically exempt from further environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*. Based on the above, as well as the additional details provided in this staff report and attachments, staff is recommending approval of the project, as follows:

RECOMMENDATION

Community Development Department Staff recommends approval of Zone Change (RZ23-006) based upon the following findings:

- 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*.

Community Development Staff recommends approval of Conditional Use Permit (CUP23-003) based upon the following findings, pursuant to Section 17.68.050 of the TCOC and subject to Conditions 1 through 24:

- A. The proposed project is consistent with the Tuolumne County General Plan.
- B. The proposed project 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 the 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 project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

GENERAL INFORMATION

Site Description

1. The project site consists of a 6.07± acre parcel zoned RE-1:MX under Title 17 of the TCOC with the LDR General Plan land use designation. The project site is located at 20500 Shaws Flat Road, approximately 1,037± feet northwest of the intersection of Shaws Flat and the private driveway to the main residence in an unincorporated area of the County of Tuolumne, directly southwest of the City of Sonora. The site of the Zone Change and Conditional Use Permit is sloping undeveloped land surrounding a residence. Trees found in the area include mainly live oak. Grey pine trees can also be found in the area. The surrounding land-uses include residential development and sparsely forested slopes. Approval of the Zone Change and Conditional Use Permit would allow for the development of outdoor wildlife rehabilitation facilities.
2. The surrounding zonings include:

RE-2:MX	Residential Estate, 2-acre minimum, Mobilehome Exclusion Combining
RE-1:MX	Residential Estate, 1-acre minimum, Mobilehome Exclusion Combining

General Plan

3. The project site contains the Low Density Residential (LDR) General Plan land use

Murphy

designation. The LDR designation provides for family-oriented neighborhoods that feature single-family, detached homes on individual parcels. A second dwelling unit per parcel is also permitted to provide for the caring of family members and to promote affordable housing. This designation is applied to urban or urbanizing areas suitable for single-family residential neighborhoods, with individual lots ranging in area from 7,500 square feet to two acres. Up to six dwelling units per acre is the maximum building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable/achievable housing in accordance with the California Government Code or the TCOC.

Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the existing Low-Density Development (LDR) General Plan land use designation on the project site is compatible with the proposed RE-5:MX zoning district. Therefore, the proposed project is consistent with the Tuolumne County General Plan. The structures proposed for the wildlife rehabilitation facilities include the following:

- One Wildlife Nursery (8'x12'x8') screened building
(Used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two Intermediate Care Hospital/Mews (6'x8'x8')
(used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two flight cages for birds of prey (10'x50'x12' + 10'x30'x12')
50' cage (Larger Hawks, Owls, Ravens, Osprey, Turkey Vultures, and Great-Horned Owls)
30' cage (Medium Hawks, Owls, and Ravens)
- One Woodpecker cage (8'x16'x8')
(Flickers, Woodpeckers, songbirds, small Hawks, Owls, Herons, and waterbirds)

Ordinance Code

4. Zone Change RZ23-006 proposes to rezone a 6.07± acre parcel APN 035-350-016 from RE-1:MX to RE-5:MX. The purpose of the RE-5 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 on the parcel.

Table 1: Existing Site Conditions

APN	Acres	Existing Zoning	Proposed Zoning	Development
035-350-016	6.07±	RE-1:MX	RE-5:MX	Single-family dwelling & forested slopes

RE-1:MX = (Residential Estate 1-Acre minimum, Mobilehome Exclusion Combining District)

RE-5:MX = (Residential Estate 5-Acre Minimum, Mobilehome Exclusion Combining District)

The existing parcel size of 6.07 acres is appropriate for the proposed RE-5 primary zoning district, and the nature of the land use is consistent with that allowed by the Ordinance Code

section for RE-5, therefore the proposed change from RE-1 to RE-5 is consistent with Tuolumne County Ordinance Code.

Wildlife and Habitat

5. The Tuolumne County Wildlife Habitat Maps indicate that the mixed chaparral (mch), montane Hardwood conifer (mhc), montane hardwood (mhw) and residential park (rsp) 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.
6. The California Natural Diversity Database (CNDDDB) was consulted for known locations of special status plant species and animal species. The CNDDDB indicates that the big-scale balsamroot (*Balsamorhiza macroepis*) are the one 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 consists of a Zone Change in conjunction with conditional use permit and is consistent with the existing General Plan land use designation.

Cultural Resources

7. There were three historic sites found in the Banner Heights Subdivision in December 1990 and January 1991. All three of the sites are related to placer and hard rock prospecting and mining activities from the 1850s through the mid-1970s. The project site area of disturbance was inspected by LUNR staff on July 17, 2023, and no archeological or cultural resources were noted in the proposed work or operational area of the CUP.

Adjoiner Comments

8. On June 16, 2023, 30 adjoining property owners within 500 feet were notified of the project via mail. The CDD received 3 responses on the proposed project. All of the comments were against the project, however, all misinterpreted the project, thinking it was on the portion of the site located within the City limits of Sonora. The comments spoke of concerns of a perceived increased fire risk, increased noise, and fear of insurance premiums going up as well.

Advisory Agency Review

9. The proposed project has been reviewed by the Central Sierra Environmental Resource Center, Tuolumne County Air Pollution Control District, California Department of Transportation, and Tuolumne County Public Works Department. They offered the following comments:

Central Sierra Environmental Resource Center (CSERC): Our Center does note that the proposed wildlife rehabilitation center does provide an important public benefit. Our rural community contains considerable areas of wildland urban interfaces increasing the chances of (1) wild animals being injured due to interactions with humans and (2) humans discovering a wild animal in distress. Having a rehabilitation center in our community where animals can be cared for is an important and valued service.

Tuolumne County Air Pollution Control District: The Air Pollution Control District offered a list of project Conditions that they wished to be included in the compiled project Conditions of Approval, as follows:

Any person building, altering, or replacing any source of air contaminants shall submit an application for a Permit to Construct to the Tuolumne County Air Pollution Control District. (TCAPCD Rules and Regulations, Regulation IV, Rule 401)

Construction, building activities and grading activities on parcels greater than 1 acre in serpentine derived soils shall have an Asbestos Dust Mitigation Plan submitted to and approved by the Air Pollution Control Officer before the start of any construction or grading (refer to TCAPCD Rules and Regulations, Regulation IX, Rule 908 Section (E)(4) or contact the Air Pollution Control District). (Section 93105 of the California Health and Safety Code) (Site = 1 acre or greater)

Secure building permits from the Tuolumne County Air Pollution Control District and the California Department of Forestry and Fire Protection prior to burning vegetation on the site. Only clean dry vegetation shall be burned on the site on a California resources Board declared permissive burn day. (California Health and Safety Code; California Public Resources Code Sections 41800 & 41802; General Plan, Implementation Program 12.D.d; TCAPCD Rules and Regulations, Regulation III)

Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (I)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (California Health and Safety Code, Sections 93105 and 93106) (Site = 1 acre or greater)

Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D)(3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.

Requirements for Road Construction and Road Maintenance Activities:

Equipment and operations must not cause any visible dust crossing project boundaries

Unpaved roads, areas subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust suppressants, or covered with material that contains less than 0.25% asbestos;

Construction vehicles speeds shall be limited to 15 mph;

Track out from any road construction project is prohibited on any paved public roadway

Construction and Grading Activities on parcels greater than 1 acre shall comply with the Asbestos Dust Mitigation Plan on parcels greater than 1 acre shall comply

Murphy

with the Asbestos Dust Mitigation Plan submitted to and approved by the Air Pollution Control Officer pursuant to TCAPCD Rules and Regulations, Regulation IX, Rules 908 Section (E)(4). (California Health and Safety Code, Section 93105) (Site = 1 acre or greater)

10. **California Department of Transportation:**

Once the properties that are getting rezoned begin to develop, please submit design plans to Caltrans for review.

Caltrans suggest Tuolumne County continue to coordinate and consult with Caltrans to identify and address potential cumulative transportation impacts that may occur from this project and other developments near this location.

11. **Tuolumne County Public Works Department:** The Public Works Department directed that the following list of project Conditions be added to the compiled Conditions of Approval:

A Grading Plan shall be submitted to the Engineering Division of the Department of Public Works for review and approval (TCOC, Section 12.20.140).

Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOT) 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 discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI 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 contracted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre and should be submitted to SWRCB. Obtain an NOI or exemption from requirements.

A Grading Permit shall be obtained from the Engineering Division of the Department of Public Works prior to any grading (TCOC, Section 12.20.050).

A Drainage Plan Shall be required and address concerns listed below (TCOC Sections 11.04.050E; 12.20.300-12.20.360; 16.26.180).

The entire project site including the parking lot drainage.

The increased runoff and effect to downstream drainages, culverts, and adjacent property.

On-site detention/retention shall be required; this feature may be proposed as subsurface under the parking area.

Provide proof of 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, Section 12.20.270-280).

Also provide a 15-foot-wide drainage easement along all existing pipes that are not located in a road and public utility easement (TCOC, Section 16.24.180)

Murphy

Prior to the construction of any site improvements or grading on the site, all property corners shall be monumented and clearly visible. Where a clear line of sight between lot corners is not possible, appropriate markers shall be set long the property line to mark the boundaries while construction is in process (TCOC, Section 12.20).

All soils disturbed by clearing and grubbing and/or grading shall be reseeded or hydro-mulched or otherwise stabilized as soon as possible, and emergency erosion control measures shall be utilized as requested by County officials (TCOC, Title 12).

The applicant shall submit an erosion control plan for any construction to take place (TCOC, Title 12).

Exposed serpentine gravel is prohibited on the construction site. (17 California Code of Regulations, Section 93106)

The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the project 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 other intervals, as need dictates, to control dust (TCOC, Section 12.20.370).

Environmental Evaluation

12. 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.

The zone change component of the project does not increase the land use density or intensity and has no anticipated adverse impacts. The Conditional Use Permit is to construct a number of animal cages for a wild animal rehabilitation facility, which staff feels meets the “common sense” CEQA exemption criteria that the activity does not constitute a project which has the potential to cause a significant effect on the environment. If there is no possibility that the project may have a significant effect on the environment, it is not subject to CEQA.

Impacts to the resource section questions listed in the CEQA Appendix G checklist were all considered “less than significant impact,” or “no impact.”

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 #3 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 #4 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 posed in the project description above.

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

The project has been reviewed and is believed to be categorically exempt, as identified in section #12 above.

Conditional Use Permit Findings

13. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for its Conditional Use Permit. Below are the required findings, and staff's responses to each requirement:

- A. The proposed project is consistent with the Tuolumne County General Plan.*

Consistency with the General Plan is discussed and demonstrated in #3 above in this report.

- B. The proposed project is in accordance with the Tuolumne County Ordinance Code.*

Consistency with the Tuolumne County Ordinance Code is discussed in #4 in this report.

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

The project site is located within the service boundaries of the Tuolumne Utilities District (TUD). The site already has an active account with TUD. The project will be constructed and operated in compliance with TUD standards, policies, regulations, and ordinances. The applicant will submit a water and sewer service application and an Encroachment Permit for any work or improvements within a TUD easement. These requirements have been incorporated into the project's Conditions of Approval.

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

The site is on the top of a hill with gently sloping surrounding areas. The parcel is approximately 6.07 acres in size. The minimum parcel size in the RE-5 zoning district is 5-acres. Within any RE-5 district, the maximum residential building intensity shall be (1) dwelling unit per five acres. Therefore, the size of the parcel is sufficient for its ultimate intended use.

- E. Under the circumstances of the particular case, the proposed use will not be*

Murphy

substantially detrimental to the health, safety or general welfare of the persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

The proposed use is suitable for this location, as described in numbers 1 through 3 above, and is described in greater detail above in #3. No advisory agencies brought forth any comments of concern regarding the land use proposed.

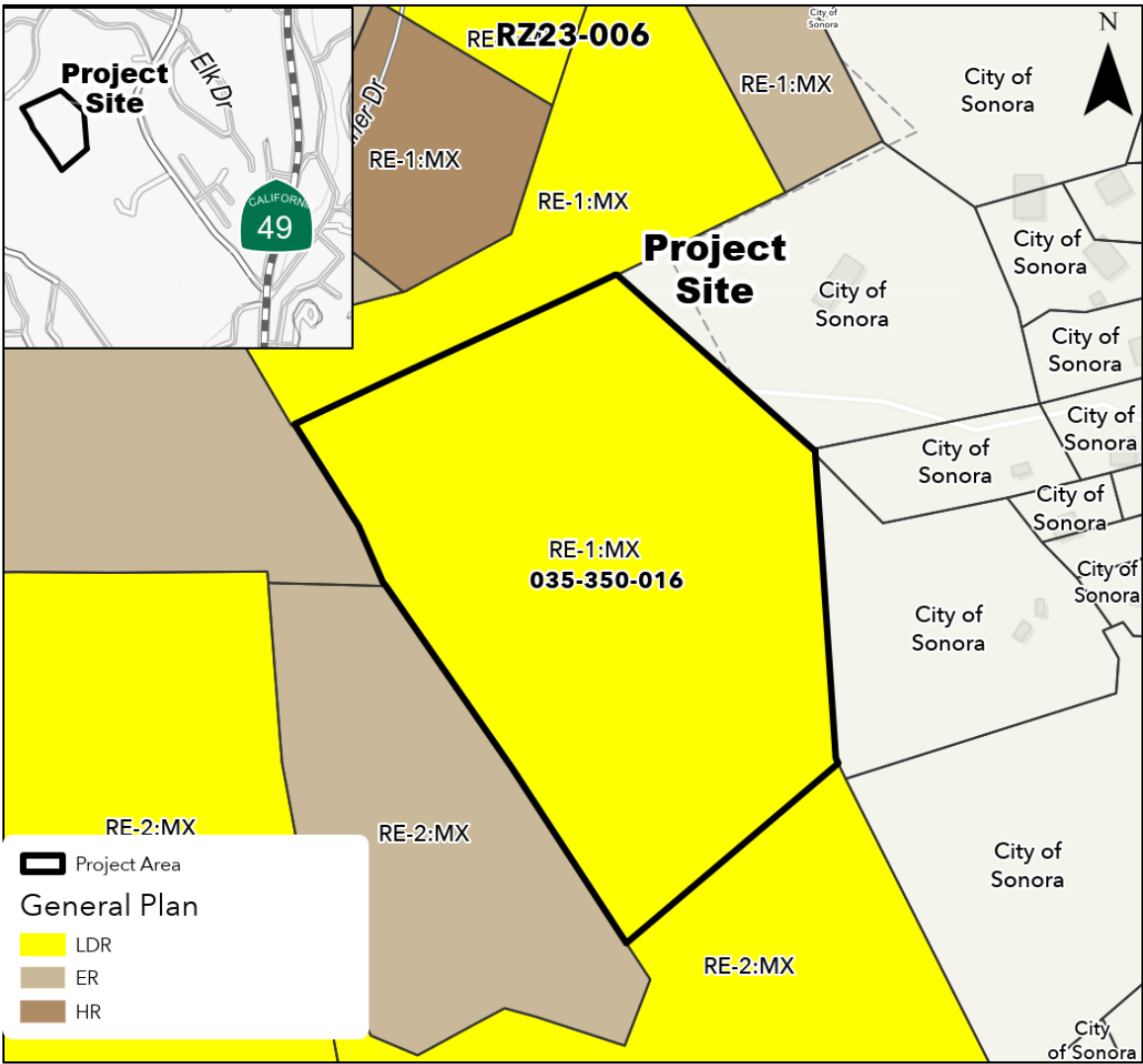
- F. *The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.*

The project has been reviewed and is believed to be categorically exempt, per the exemption listed above in section #12.

PREPARED BY: Clark Sintek, Planner I

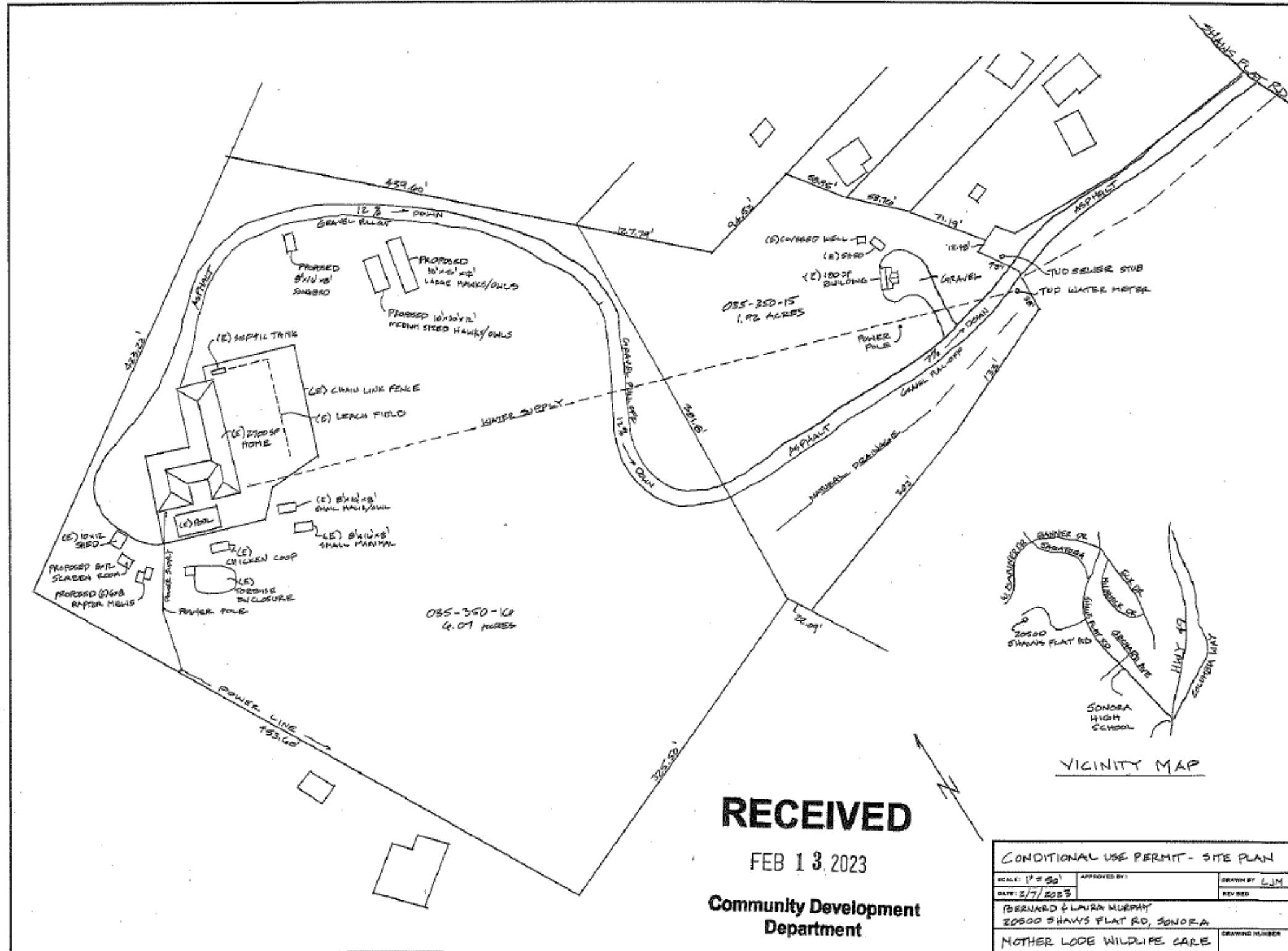
S:\Planning\PROJECTS\Rezone\2023\RZ23-006 (CUP23-003) Murphy (Mother Lode Wildlife Care)\Agenda & Conditions\RZ23-006 (CUP23-003) Murphy Agenda 20230622.docx

Attachment 1: Agenda Map



Project: RZ23-006
Owner: Laura Murphy
Applicant: Laura Murphy
APN: 035-350-016
Acres: 6.07 ± acres
Current Zoning: RE-1:MX
Current General Plan Designation: LDR
Project Description: The proposed Zone Change RZ23-006 is to rezone highlighted parcel from RE-1:MX to RE-5:MX.

Attachment 2: Exhibit Map



**CONDITIONS OF APPROVAL
MURPHY
CONDITIONAL USE PERMIT CUP23-003**

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/permittee/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)

Conditions to be met prior to the issuance of a Conditional Use Permit by the Building and Safety Division of the Community Development Department:

2. LU The site plan and elevations shall adhere to the plans as approved by the Community Development Department. Plans and elevations shall comply with the Tuolumne County Airport Land Use Compatibility Plan. Any significant deviation shall require approval of supplemental plans submitted by the property owner. (TCOC, Section 17.68.150)
3. ED A Grading Plan shall be submitted to the Engineering Division of the Department of Public Works for review and approval (TCOC, Section 12.20.140)
4. ED Submit to the 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 discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require a NOI 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 contracted for determination of permit requirements. Commercial and Industrial developments may require a NOI even if less than one acre and should be submitted to SWRCB. Obtain and NOI or an exemption from requirements.

5. ED A Grading Permit shall be obtained from the Engineering Division of the Department of Public Works prior to grading (TCOC, Section 12.20.050)
6. ED A Drainage Plan shall be required and address the concerns listed below (TCOC Sections 11.04.050E; 12.20.360; 16.26.180).
 - a. The entire project site including the parking lot drainage.
 - b. The increased runoff and effect to downstream drainages, culverts and adjacent property
 - c. On-site detention/retention shall be required; this feature may be proposed as subsurface under the parking area.
7. 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, Sections 12.20.270-280).

Also provide a 15-foot-wide drainage easement along all existing pipes that are not located in a road and public utility easement (TCOC, Section 16.24.180).
8. ED Prior to the construction of any site improvements or grading on the site, all property corners shall be monumented and clearly visible. Where a clear line of sight between lot corners is not possible, appropriate markers shall be set along the property line to mark the boundaries while construction is in process (TCOC, Section 12.20).
9. ED The applicant shall submit an erosion control plan for any construction to take place (TCOC, Title 12).

Conditions to be met during the construction phase of the proposed project:

10. ED Exposed serpentine gravel is prohibited on the construction site (17 California Code of Regulations, Section 93106).
11. ED All soils disturbed by clearing and grubbing and/or grading shall be reseeded or hydro-mulched or otherwise stabilized as soon as possible, and emergency erosion control measures shall be utilized as requested by County officials (TCOC, Title 12).
12. BD/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. Exceptions to these hours may

be authorized by the Community Development Director (TCOC, Section 17.68.150).

13. ED/BF

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. LU

If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:

- A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 24 hours of the discovery or the next working day if the department is closed.
- B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photo document and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways, or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
- C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
- D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Development Department.
- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional

shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

- F. A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources (TCOC, Section 14.10.150).

Conditions to be met prior to the Final Inspection by the Building and Safety Division of the Community Development Department:

15. LU The final project shall meet all requirements mandated by federal, state, or local law. Federal or state law may require additional obligations beyond those required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control (TCOC, Section 17.68.150).
16. LU/BD All construction on the site shall adhere to the site plan approved by Tuolumne County. Any significant deviation from the plans shall require approval of supplemental plans submitted by the property owner (TCOC, Section 17.68.150).
17. LU A site inspection may be conducted by Community Development Department and Department of Public Works personnel to verify compliance with these conditions (TCOC, Section 17.68.150).
18. ED Drainage improvements shall be installed in accordance with approved drainage plans (TCOC Sections 11.04, 11.12, 16.26.180).

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

19. APCD Any person building, altering, or replacing any source of air contaminants shall submit an application for a Permit to Construct to the Tuolumne County Air Pollution Control District (TCAPCD Rules and Regulations, Regulation IV, Rule 401).
20. APCD Construction, building activities and grading activities on parcels greater than 1 acre in serpentine derived soils shall have an Asbestos Dust Mitigation Plan submitted to and approved by the Air Pollution Control Officer before the start of any construction or grading (refer to TCAPCD Rules and Regulations, Regulation IX, Rule 908 Section (E)(4) or contact the Air Pollution Control District). (Section 93105 of the California Health and Safety Code) (Site = 1 acre or greater)

21. APCD Secure burning permits from the Tuolumne County Air Pollution Control District and the California Department of Forestry and Fire Protection prior to burning vegetation on the site. Only clean dry vegetation shall be burned on the site on a California Air Resources Board declared permissive burn day. (California Health and Safety Code; California Public Resources Code Sections 41800 & 41802; General Plan, Implementation Program 12.D.d; TCAPCD Rules and Regulations, Regulation III)
22. APCD Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (I)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (California Health and Safety Code, Sections 93105 and 93106) (Site = 1 acre or greater)
23. APCD Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D)(3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.

A. Requirements for Road Construction and Road Maintenance Activities:

1. Equipment and operations must not cause any visible dust crossing project boundaries;
2. Unpaved roads, areas subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust suppressants, or covered with material that contains less than 0.25% asbestos;
3. Construction vehicle speeds shall be limited to 15 mph;
4. Track out from any road construction project is prohibited on any paved public roadway.

B. Construction and Grading Activities on parcels greater than 1 acre shall comply with the Asbestos Dust Mitigation Plan submitted to and approved by the Air Pollution Control Officer pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 908 Section (E)(4). (California Health and Safety Code, Section 93105) (Site = 1 acre or greater)

24. EH Development of the site shall comply with Chapters 13.04, 13.08 and 13.16 of TCOC for construction and maintenance of on-site sewage treatment and disposal systems and water wells (TCOC, Chapters 13.04, 13.08, 13.16).

MONITORING PROVISION: A Notice of Action shall be recorded for Conditions 1 through 24 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department and Department of Public Works 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: Clark Sintek, Planner I

S:\Planning\PROJECTS\Rezone\2023\RZ23-006 (CUP23-003) Murphy (Mother Lode Wildlife Care)\Agenda & Conditions\CUP23-003 CONDITIONS Murphy 20230907.docx

3. Cages proposed for development for wildlife rehabilitation facilities:

- One Wildlife Nursery (8'x12'x8') screened building
(Used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two Intermediate Care Hospital/Mews (6'x8'x8')
(used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two flight cages for birds of prey (10'x50'x12' + 10'x30'x12')
50' cage (Larger Hawks, Owls, Ravens, Osprey, Turkey Vultures, and Great-Horned Owls)
30' cage (Medium Hawks, Owls, and Ravens)
- One Woodpecker cage (8'x16'x8')
(Flickers, Woodpeckers, songbirds, small Hawks, Owls, Herons, and waterbirds)

Please return your comments to the CDD by **July 7, 2023**.

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

AGENCY/NAME: Darleen Titchener

COMMENTS: This is a very High Fire Hazard
Severity Zone within the City Limits-
This is NOT a area for a Wildlife rehabilitation
facility. The noise & commotion from such
a facility would disrupt my home.
Rezoning this area could make my insurance
increase-

This Facility belongs "outside" of the City Limits.
I object to this!
Wild life would draw predators - This is
too close to the school where children

could be in jeopardy of being affect by a
Mountain Lion.

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 500 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: Darlene Tichenor

Agency: _____

Date: 7-5-23

3. Cages proposed for development for wildlife rehabilitation facilities:

- One Wildlife Nursery (8'x12'x8') screened building
(Used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two Intermediate Care Hospital/Mews (6'x8'x8')
(used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two flight cages for birds of prey (10'x50'x12' + 10'x30'x12')
50' cage (Larger Hawks, Owls, Ravens, Osprey, Turkey Vultures, and Great-Horned Owls)
30' cage (Medium Hawks, Owls, and Ravens)
- One Woodpecker cage (8'x16'x8')
(Flickers, Woodpeckers, songbirds, small Hawks, Owls, Herons, and waterbirds)

Please return your comments to the CDD by **July 7, 2023**.

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

AGENCY/NAME: Daniel Titchena

COMMENTS: I AM A VICTIM OF A VIOLENT CRIME
I have extreme ANXIETY - The commotion
From a wild life rehabilitation Facility would
ELEVATE MY ANXIETY -
I worry about The noise and The "fire" danger
also my insurance premium could go up from
changing the zone. This area is "NOT" for such
a facility - this is within the city limits, it should
NOT be in the "City Limits"
I object TO THIS!
Wildlife bring predators & I have domestic

pets That will be in jeopardy from The
draw of Mountain Lions!

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 500 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:

David J. Tichenor

Agency: _____

Date: 7-5-23

3. Cages proposed for development for wildlife rehabilitation facilities:

- One Wildlife Nursery (8'x12'x8') screened building
(Used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two Intermediate Care Hospital/Mews (6'x8'x8')
(used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two flight cages for birds of prey (10'x50'x12' + 10'x30'x12')
50' cage (Larger Hawks, Owls, Ravens, Osprey, Turkey Vultures, and Great-Horned Owls)
30' cage (Medium Hawks, Owls, and Ravens)
- One Woodpecker cage (8'x16'x8')
(Flickers, Woodpeckers, songbirds, small Hawks, Owls, Herons, and waterbirds)

Please return your comments to the CDD by **July 7, 2023**.

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

AGENCY/NAME: Darleen Porter

COMMENTS: High FIRE HAZARD AREA
DOES NOT BELONG WITHIN THE CITY LIMITS
NOISE + COMMOTION WOULD BE TOO DISRUPTIVE.
POSSIBILITY OF MY INSURANCE INCREASING IF
THIS IS REZONED.
I object TO THIS!

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 500 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: Darleen Porter

Agency: _____

Date: 7-5-23



Department of Public Works

Kim MacFarlane, P.E.
Director

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

MEMORANDUM

Date: July 10, 2023

To: Clark Sintek, Planner

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

Re: RZ23-006, and CUP23-003, Murphy
Assessor's Parcel No.: 032-040-020

This application consists of a Zone Change, RZ23-003, to rezone of a 6.07 ± acre parcel from RE-1:MX (Residential Estate, One Acre Minimum: Mobilehome Exclusion Combining) to RE-5:MX (Residential Estate, Five Acre Minimum: Mobilehome Exclusion Combining), and a Conditional Use Permit, CUP23-003, to allow the development of outdoor wildlife rehabilitation facilities in a parcel (APN: 035-350-016) zoned RE-5:MX (Residential Estate, Five Acre Minimum: Mobilehome Exclusion Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC). The Zone Change is to be completed in advance of issuance of the Conditional Use Permit.

The Department of Public Works has no comment on the proposed Zone Change item but wishes to make the following comments on the Conditional Use Permit.

According to the submitted site map, access to the subject parcel is via an asphalt driveway that connects to Shaws Flat Road (Non County-maintained Road). Due to the proximity to the City of Sonora, its recommended that the applicant checks with the City of Sonora regarding driveway and encroachment improvements into Shaws Flat Road.

The following conditions apply to this Conditional Use Permit and Site Development plan:

1. A Grading Plan shall be submitted to the Engineering Division of the Department of Public Works for review and approval (TCOC, Section 12.20.140).
2. 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 discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI 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 contracted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre and should be submitted to SWRCB. Obtain and NOI or an exemption from requirements.
3. A Grading Permit shall be obtained from the Engineering Division of the Department of

ADMINISTRATION

Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS

Airport Manager
Drew Njirich
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

Superintendent of
Roads and Fleet
Mike Cagnetti
209.533.5609

SOLID WASTE

209.533.5588

SURVEYING

County Surveyor
Warren Smith, L.S.
209.533.5626

Public Works prior to any grading (TCOC, Section 12.20.050).

4. A Drainage Plan shall be required and address the concerns listed below (TCOC Sections 11.04.050E; 12.20.300-12.20.360; 16.26.180).
 - a. The entire project site including the parking lot drainage.
 - b. The increased runoff and effect to downstream drainages, culverts and adjacent property.
 - c. On-site detention/retention shall be required; this feature may be proposed as subsurface under the parking area.
5. 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, Section 12.20.270-280).

Also provide a 15-foot-wide drainage easement along all existing pipes that are not located in a road and public utility easement (TCOC, Section 16.24.180).

6. Prior to the construction of any site improvements or grading on the site, all property corners shall be monumented and clearly visible. Where a clear line of sight between lot corners is not possible, appropriate markers shall be set along the property line to mark the boundaries while construction is in progress (TCOC, Section 12.20).
7. All soils disturbed by clearing and grubbing and/or grading shall be reseeded or hydro-mulched or otherwise stabilized as soon as possible, and emergency erosion control measures shall be utilized as requested by County officials (TCOC, Title 12).
8. The applicant shall submit an erosion control plan for any construction to take place (TCOC, Title 12).
9. Exposed serpentine gravel is prohibited on the construction site. (17 California Code of Regulations, Section 93106)
10. The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the project 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 other intervals, as need dictates, to control dust (TCOC, Section 12.20.370).



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

RECEIVED

JUL 03 2023

Community Development
Department

VIA EMAIL AND MAIL

July 7, 2023

Quincy Yaley and Clark Sintek
County Community Development Dept.
2 South Green Street
Sonora, CA 95370

CSERC COMMENTS FOR THE BERNARD AND LAURA MURPHY PROJECT

CSERC appreciates the opportunity to review and provide comment on the requested zone change and request for issuance of a CUP. After review of the Advisory Notice, our Center **has no issue of concern** regarding the requested Zone Change RZ23-003 and the requested issuance of CUP23-003.

Our Center does note that **the proposed wildlife rehabilitation center does provide an important public benefit**. Our rural community contains considerable areas of wildland urban interfaces increasing the chances of (1) wild animals being injured due to interactions with humans and (2) humans discovering a wild animal in distress. Having a rehabilitation center in our community where animals can be cared for is an important and valued service.

Thank you for considering our input.

Stan Dodson



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

Date: June 16, 2023
To: Interested Stakeholder
From: Tuolumne County Community Development Department
RE: Zone Change & Conditional Use Permit: RZ23-006 & CUP23-003
Assessor's Parcel Number: 035-350-016

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

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

Applicant: Bernard & Laura Murphy

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

1. Zone Change RZ23-003 to rezone of a 6.07 ± acre parcel from RE-1:MX (Residential Estate, One Acre Minimum: Mobilehome Exclusion Combining) to RE-5:MX (Residential Estate, Five Acre Minimum: Mobilehome Exclusion Combining). The Zone Change is to be completed in advance of issuance of the Conditional Use Permit.
2. Conditional Use Permit CUP23-003 to allow the development of outdoor wildlife rehabilitation facilities in a parcel (APN: 035-350-016) zoned RE-5:MX (Residential Estate, Five Acre Minimum: Mobilehome Exclusion Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

Location: The project site is located at 20500 Shaws Flat Road, approximately 1,037± feet northwest of the intersection of Shaws Flat Road and the private driveway to the main residence in the community of Sonora. Within a portion of Section 25, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 1. Assessor's Parcel Number 035-350-016.

Access: Shaws Flat Road

Sewage Disposal Method: Public

Water Source: Public

Fire Hazard Rating: Very High fire hazard severity zone

Additional Information:

1. The directly adjacent 1.92± acre parcel to the west, APN 035-350-015 is located within the City of Sonora's jurisdiction.
2. The proposed wildlife rehabilitation structures are located 105± feet southwest and 211± feet northeast of the current main residence on the parcel.

3. Cages proposed for development for wildlife rehabilitation facilities:

- One Wildlife Nursery (8'x12'x8') screened building
(Used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two Intermediate Care Hospital/Mews (6'x8'x8')
(used for care of younger animals and injured/weak animals that require isolation and/or limited activity)
- Two flight cages for birds of prey (10'x50'x12' + 10'x30'x12')
50' cage (Larger Hawks, Owls, Ravens, Osprey, Turkey Vultures, and Great-Horned Owls)
30' cage (Medium Hawks, Owls, and Ravens)
- One Woodpecker cage (8'x16'x8')
(Flickers, Woodpeckers, songbirds, small Hawks, Owls, Herons, and waterbirds)

Please return your comments to the CDD by **July 7, 2023**.

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

AGENCY/NAME:

COMMENTS:

[illegible]

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>



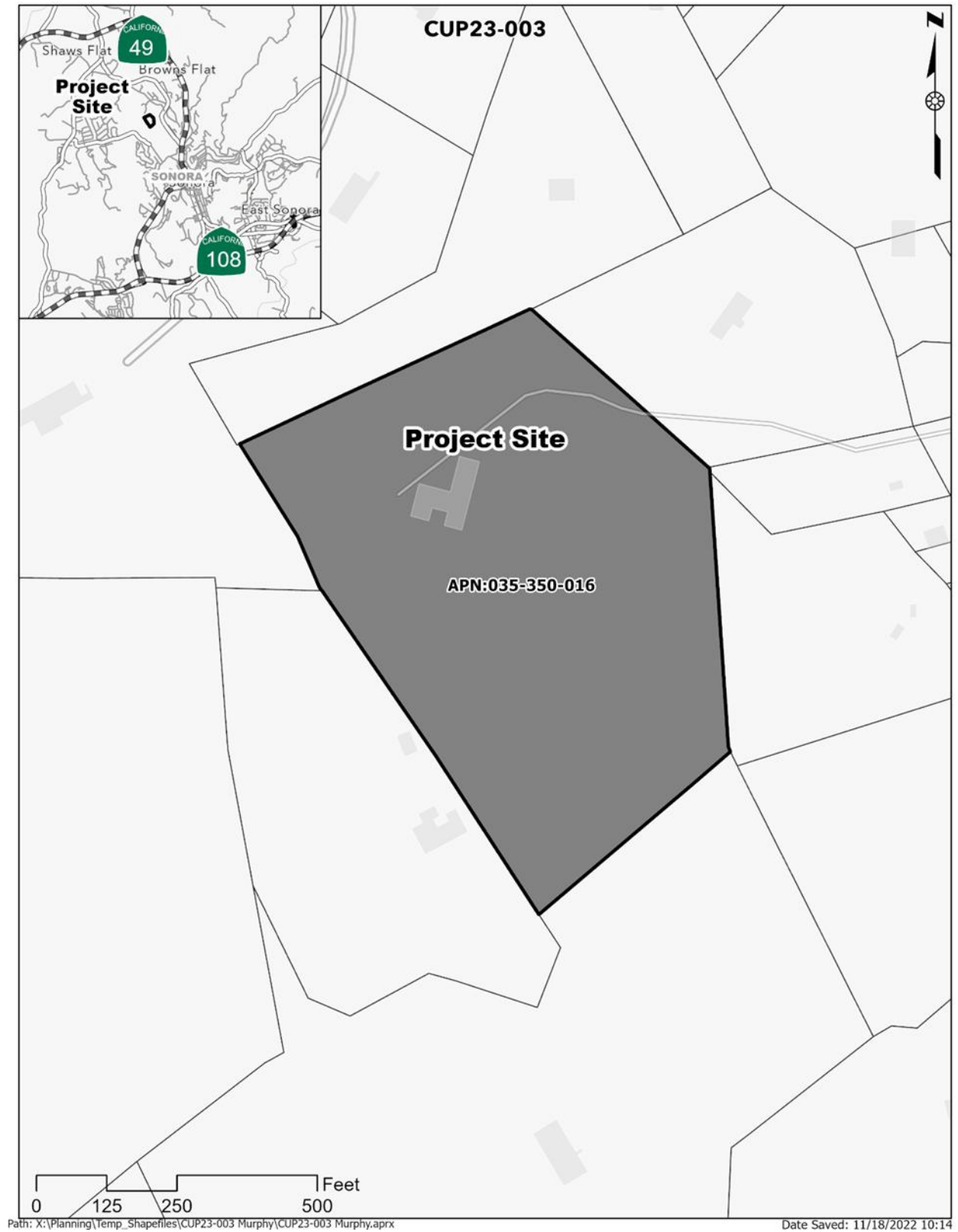
All property owners within 500 feet of the proposed project and agencies/organizations will be notified of future public hearings. Property owners do not need to request future notification. Please note that all comments that are submitted are part of the public record for the project.

Signed by: _____

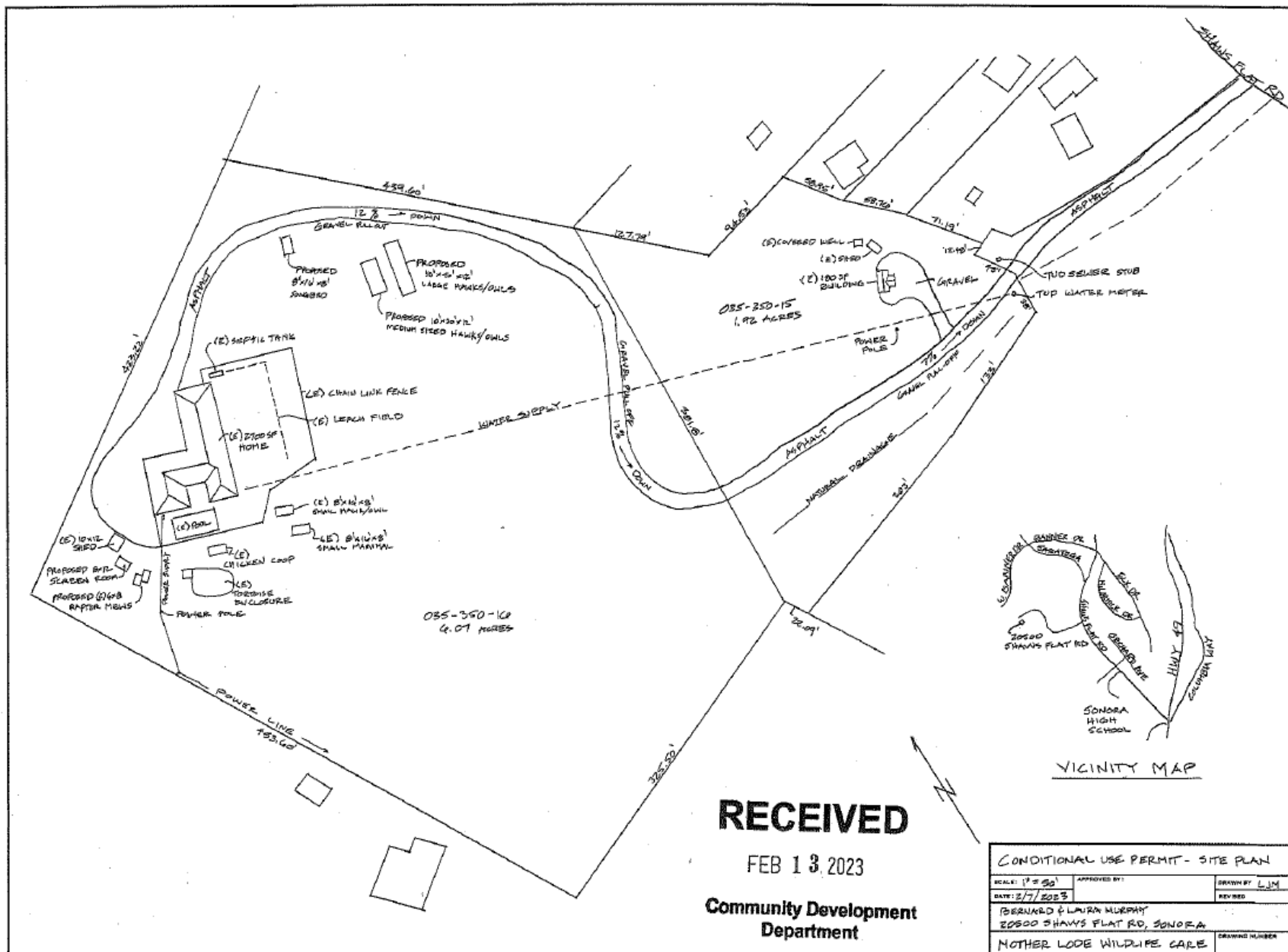
Agency: _____

Date: _____

Vicinity Map



Site Plan



STANDARD APCD CONDITIONS OF CUP23-003

1. Any person building, altering, or replacing any source of air contaminants shall submit an application for a Permit to Construct to the Tuolumne County Air Pollution Control District. (TCAPCD Rules and Regulations, Regulation IV, Rule 401)
2. Construction, building activities and grading activities on parcels greater than 1 acre in serpentine derived soils shall have an Asbestos Dust Mitigation Plan submitted to and approved by the Air Pollution Control Officer before the start of any construction or grading (refer to TCAPCD Rules and Regulations, Regulation IX, Rule 908 Section (E)(4) or contact the Air Pollution Control District). (Section 93105 of the California Health and Safety Code) (Site = 1 acre or greater)
3. Secure burning permits from the Tuolumne County Air Pollution Control District and the California Department of Forestry and Fire Protection prior to burning vegetation on the site. Only clean dry vegetation shall be burned on the site on a California Air Resources Board declared permissive burn day. (California Health and Safety Code; California Public Resources Code Sections 41800 & 41802; General Plan, Implementation Program 12.D.d; TCAPCD Rules and Regulations, Regulation III)
4. Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (I)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (California Health and Safety Code, Sections 93105 and 93106) (Site = 1 acre or greater)
5. Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D)(3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.

A. Requirements for Road Construction and Road Maintenance Activities:

1. Equipment and operations must not cause any visible dust crossing project boundaries;
2. Unpaved roads, areas subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust suppressants, or covered with material that contains less than 0.25% asbestos;
3. Construction vehicle speeds shall be limited to 15 mph; and
4. Track out from any road construction project is prohibited on any paved public roadway.

- B. Construction and Grading Activities on parcels greater than 1 acre shall comply with the Asbestos Dust Mitigation Plan submitted to and approved by the Air Pollution Control Officer pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 908 Section (E)(4). (California Health and Safety Code, Section 93105) (Site = 1 acre or greater)
6. Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (I)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (California Health and Safety Code, Sections 93105 and 93106) (Site = 1 acre or less)
7. Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D)(3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity. The following shall apply to Construction and Grading Activities on parcels up to 1 acre in size:
 - A. Requirements for Road Construction, Road Maintenance, and Construction Grading Activities:
 1. Equipment and operations must not cause any visible dust crossing project boundaries;
 2. Unpaved roads, areas subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust suppressants, or covered with material that contains less than 0.25% asbestos;
 3. Construction vehicle speeds shall be limited to 15 mph; and
 4. Track out from any road construction project is prohibited on any paved public roadway.
 5. Construction Grading equipment shall be washed down before moving from the property onto a paved public road (construction grading equipment only) (Section 93105 of the California Health and Safety Code) (Site = 1 acre or less)

Conditions to be met prior to the issuance of a Certificate of Occupancy by the Tuolumne County Building and Safety Division. These conditions shall be attached to each individual building proposed unless otherwise denoted:

94. APCD Property owner shall notify the Tuolumne County Air Pollution Control District of future occupancies which may discharge air pollutants into the atmosphere. Additional conditions relating to reduction of air pollution may be attached at that time. (TCOC, Section 17.68.150)

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



July 7, 2023

Clark Sintek
Planner
Tuolumne County
Transportation Council
2 S. Green Street
Sonora, CA 95370

TUO-49-PM 18.925 Zone Change RZ23-006 and Conditional Use Permit CUP23-003

Dear Mr. Sintek,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Conditional Use Permit 23-003 and the Zone Change RZ23-006 located on Shaws Flat Road on State Route (SR) 49 in the City of Sonora.

Zone Change RZ23-003 is to rezone of a 6.07 acre parcel from Residential Estate, One Acre Minimum: Mobile home Exclusion Combining (RE-1:MX) to Residential Estate, Five Acre Minimum: Mobile home Exclusion Combining (RE-5:MX). The Zone Change is to be completed in advance of issuance of the Conditional Use Permit.

Conditional Use Permit CUP23-003 is to allow the development of outdoor wildlife rehabilitation facilities on Assessor Parcel Number (APN) 035-350-016 zoned RE-5:MX under Title 17 of the Tuolumne County Ordinance Code (TCOC).

Caltrans has the following comments:

Traffic Operations

Once the properties that are getting rezoned begin to develop, please submit design plans to Caltrans for review.

Outdoor Advertising

It is important to note that any advertising structure visible to the National Highway System (NHS) is subject to the provisions of the California Outdoor Advertising Act outlined in Business and Professions Code Section 5200 et seq.

Any advertising structure that displays off-premises commercial copy visible from the NHS will require a permit from the Office of Outdoor Advertising (ODA). Any advertising structure that only advertises goods and services available on-premises will not require a permit from ODA, provided it adheres to the provisions of Business and Professions Code Section 5272 and 5274 and California Code of Regulations 2243 and 2246. Each of the proposed advertising structures should refrain from operating in any of the conditions outlined in Business and Professions Code Section 5403. For questions related to the ODA permit application process please visit our website at: <http://www.dot.ca.gov/trafficops/oda/>.

Caltrans suggest Tuolumne County continue to coordinate and consult with Caltrans to identify and address potential cumulative transportation impacts that may occur from this project and other developments near this location. This will assist Caltrans in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.

If any future project activities encroach into Caltrans Right of Way, (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. These studies will analyze potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

Please contact David Karnes at (209) 986-9830 (david.karnes@dot.ca.gov), or me at (209) 483-7234 (Gregoria.Ponce@dot.ca.gov) if you have any questions or concerns.

Sincerely,

Gregoria Ponce'

Gregoria Ponce'
Chief, Office of Rural Planning

c: David Ruby, Planning Manager

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 totaling 256.45± acres of parcel (APN 071-320-025) as follows:

Parcel Information	GP/Zoning Before	GP/Zoning After
Central Portion (071-320-025) 253.29± 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 creating 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), Rural Residential (RR), 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, RR, ER 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 are 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 262.12± acre parcel zoned AE-37 & RE-5 under Title 17 of the TCOC with the LR, AG, & RR 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 250.53± 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), Rural Residential (RR), 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 Rural Residential (RR) 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 RR 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. The final general plan designation is Estate Residential (ER) which 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. One primary dwelling unit per two acres is the maximum building intensity under this designation.

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), Rural Residential (RR), 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 250.53± 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

Hatton

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. RZ23-004 also proposes to rezone a 3.16± acre portion of APN 071-320-025 from AE-37 to O, and the 1.37± acre entirety of APN 076-080-001 from RE-2:MX to RE-10:MX. The existing westerly portion of APN 071-320-025, currently zoned RE-5, is not proposed to change.

Table 1: Existing Site Conditions

APN	Acres	Existing Zoning	Maximum Density	Development
071-320-025	253.69±	AE-37	2 dwellings/37ac	Vacant
	*5.67±	RE-5	1 dwelling/5ac	Vacant
076-080-001	1.37±	RE-2:MX	1 dwelling/1ac	Vacant
Total:	263.49			

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

RE-2:MX = (Residential Estate, 10-Acre Minimum, Mobilehome Exclusion Combining)

RE-5 = (Residential Estate, 5-Acre Minimum)

*not part of rezone action

Table 2: Proposed Site Conditions

Proposed Parcel	Acres	Proposed Zoning	Maximum Density	Development
Parcel 1	250.53±	RE-10	1 dwelling/10ac	Vacant
	3.16±	O	NA	Vacant
	*5.67±	RE-5	1 dwelling/5ac	Vacant
Parcel 2	12.95±	RE-10:MX	1 dwelling/10ac	Vacant
Total:	263.49			

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

RE-10:MX = (Residential Estate, 10-Acre Minimum, Mobilehome Exclusion Combining)

RE-5 = (Residential Estate, 5-Acre Minimum)

O = (Open Space)

*not part of rezone action

Wildlife and Habitat

- The Tuolumne County Wildlife Habitat Maps indicate that the Blue Oak Woodland (bow) and Blue Oak-Foothill Pine (bop) habitats are present on site. All listed habitat types on the project site are fourth priority habitats, which are considered to be relatively low value to wildlife. Most uses would be allowed without wildlife mitigation.
- The California Natural Diversity Database (CNDDDB) was consulted for known locations of special status plant species and animal species. The CNDDDB 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 existing General Plan land use designations Large Lot Residential (LR), Rural Residential (RR), and Agricultural (AG) on the site are consistent with the proposed zoning as identified in the project description above.

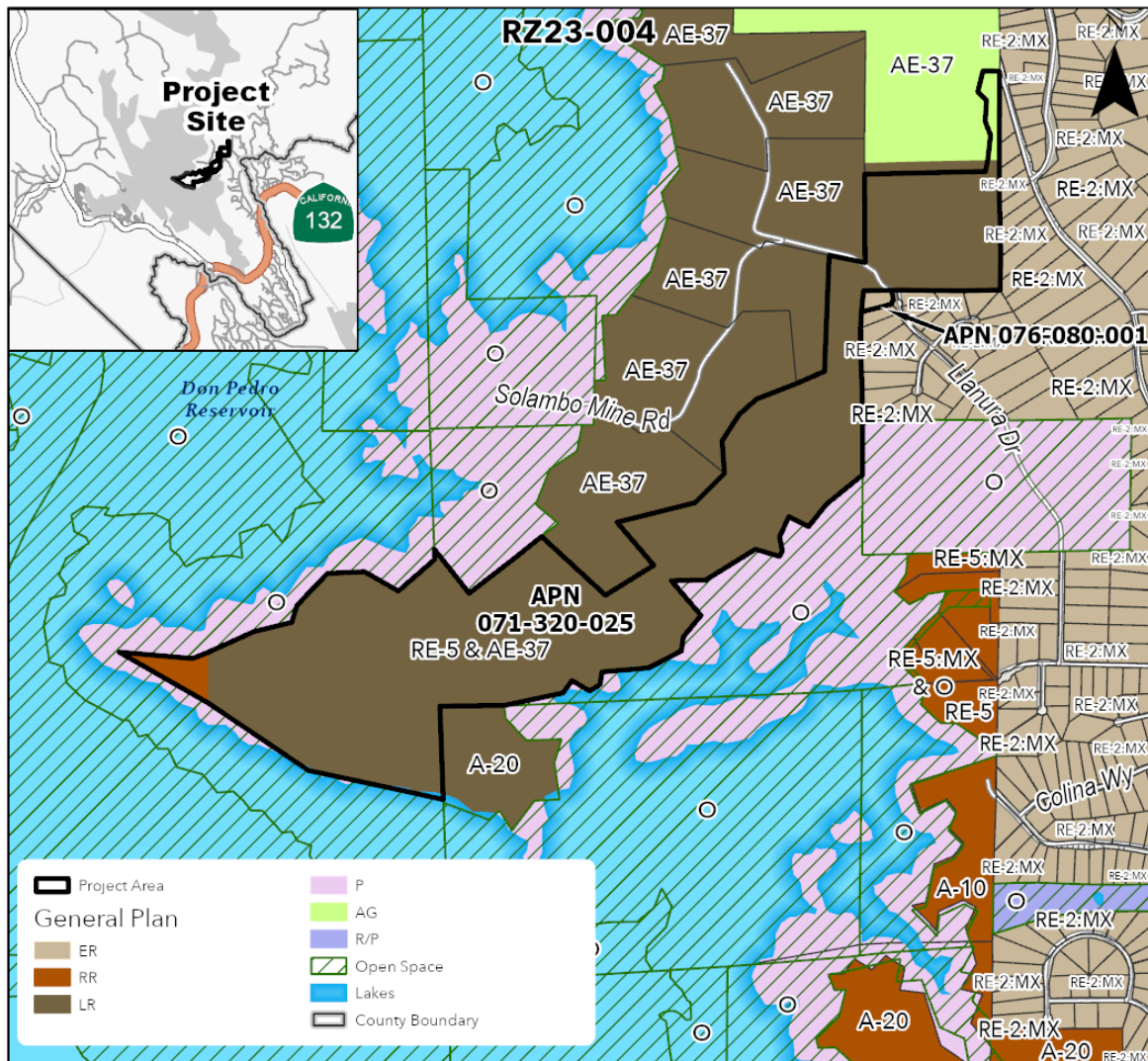
D. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), and Section 15152(e) of the State CEQA Guidelines.

Environmental review of the project, concluding in its Categorical Exemption pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* and Section 15152(e) of the *State CEQA Guidelines*, is discussed above.

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

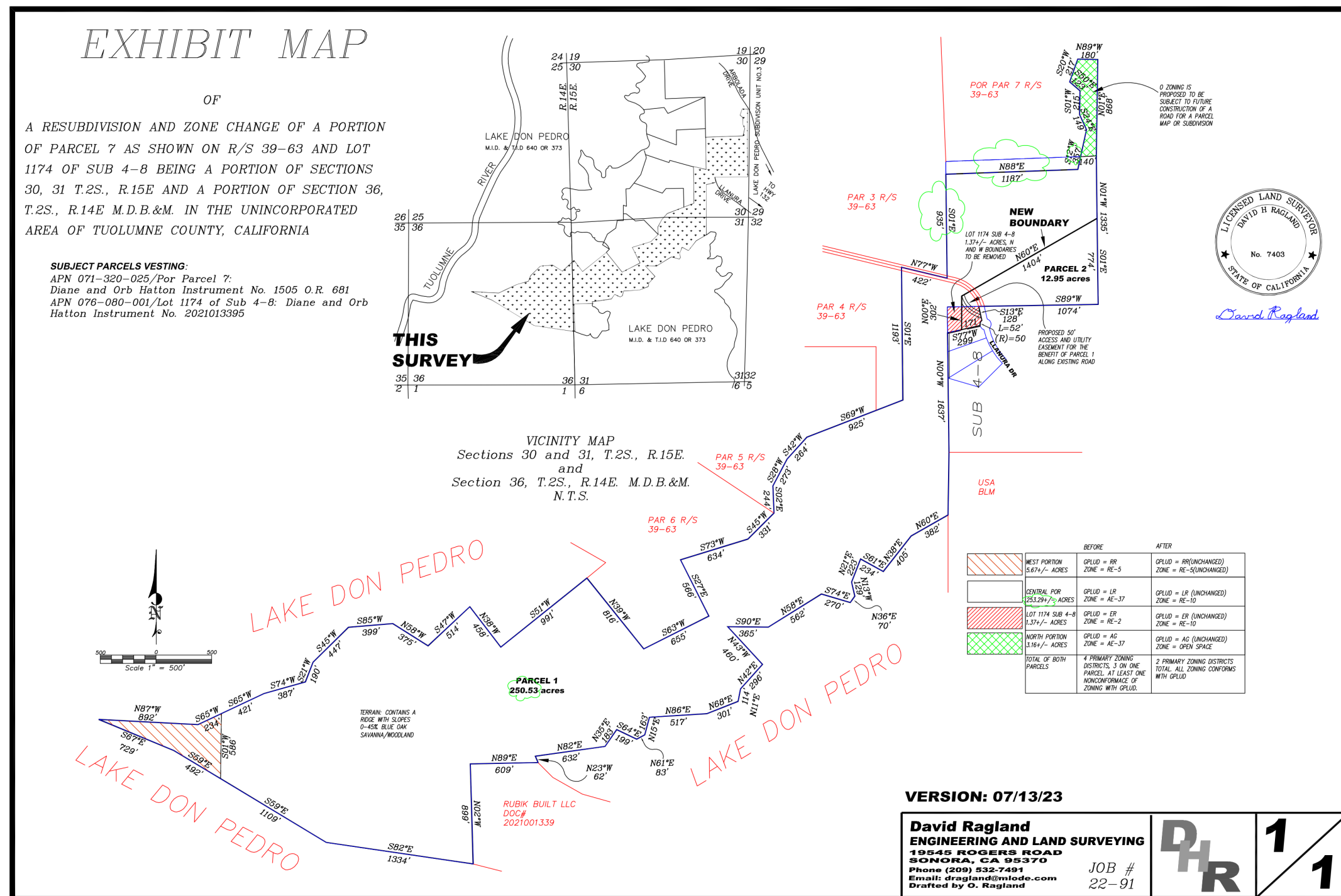
Current General Plan Designation: LR & AG

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



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 certainty 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 paretls 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 <u>zoning</u> rather than the allowed

		density of <u>land use designations</u>, 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.

	(<i>Haliaeetus leucocephalus</i>), the State candidate-listed endangered Crotch bumble bee (<i>Bombos crotchii</i>), and the State species of the special concern American badger (<i>Taxidea taxus</i>)."	
--	---	--

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

Clark,

Thank you for the clear exhibit.

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

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

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

Thank you for this opportunity to comment.

Sincerely,
Al Toschi

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

Hello Allen,

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

Sincerely,

Clark Sintek

Planner

Tuolumne County | Community Development Department

Phone: (209) 533-5614

Email: csintek@co.tuolumne.ca.us



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

COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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

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

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

Applicant: Diane and Orb Hatton

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

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

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 Llanura dr.
decline to change zone

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

Access: Llanura Drive

Sewage Disposal Method: septic

Water Source: Lake Don Pedro Community Services District

Fire Hazard Rating: High Fire Hazard Severity Zone

Additional Information:

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

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

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

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

RECEIVED

APR 19 2023

Community Development
Department

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

Access: Llanura Drive

Sewage Disposal Method: septic

Water Source: Lake Don Pedro Community Services District

Fire Hazard Rating: High Fire Hazard Severity Zone

Additional Information:

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

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

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

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

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

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

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

RECEIVED

APR 19 2023

Community Development
Department

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

Access: Llanura Drive

Sewage Disposal Method: septic

Water Source: Lake Don Pedro Community Services District

Fire Hazard Rating: High Fire Hazard Severity Zone

Additional Information:

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

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

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

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

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

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

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

RECEIVED

APR 19 2023

Community Development
Department

April 27, 2023

RECEIVED

MAY 02 2023

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

Community Development
Department

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

To Clark and the CDD staff:

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

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

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

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

Thank you,



Keith Martin for the Tuolumne Group



April 10, 2023

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

RE: Zone Change RZ23-004 - Hatton

Dear Mr. Sintek:

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

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

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

Sincerely,

Todd Troglin

Todd Troglin
Supervising Engineering Technician, Civil
CF: 2023015



Department of Public Works

Kim MacFarlane, P.E.
Director

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

MEMORANDUM

Date: May 4, 2023

To: Clark Sintek, Planner

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

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

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

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

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

ADMINISTRATION
Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS
209.533.5685

BUSINESS
Business Manager
Janelle Kostlivy
209.533.5972

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

FLEET SERVICES
Fleet Services Manager
Mike Young
209.536.1622

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

ROAD OPERATIONS
Road Superintendent
Mike Cagnetti
209.533.5609

SOLID WASTE
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 21, 2023

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

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

Dear Clark Sintek:

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

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

CDFW ROLE

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

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

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

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

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

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Diane and Orb Hatton

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

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

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

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

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

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

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

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

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

Bald Eagle

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

Crotch Bumble Bee (CBB)

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

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

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

American Badger

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

Clark Sintek
Tuolumne County Community Development Department
April 21, 2023
Page 5

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

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

Nesting birds

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

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

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

Clark Sintek
Tuolumne County Community Development Department
April 21, 2023
Page 6

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

Oak Woodlands

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

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

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

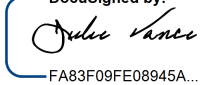
Lake and Stream Alteration: The Project site includes a peninsula to Don Pedro Reservoir. Therefore, any subsequent ground-disturbing and/or development activities may be subject to notification under Fish and Game Code Section 1602. Fish and Game Code section 1602 requires the project proponent to notify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

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

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

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

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

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

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

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

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

LITERATURE CITED

- California Department of Fish and Game. 2010. Bald Eagle Breeding Survey Instructions. California Department of Fish and game, April 2010.
- CDFW. 2023. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed April 13, 2023.
- 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

AGENCY/NAME: Lake Don Pedro Community Services District

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

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

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



Planning Stakeholder Notification letters are posted at the following link:

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



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

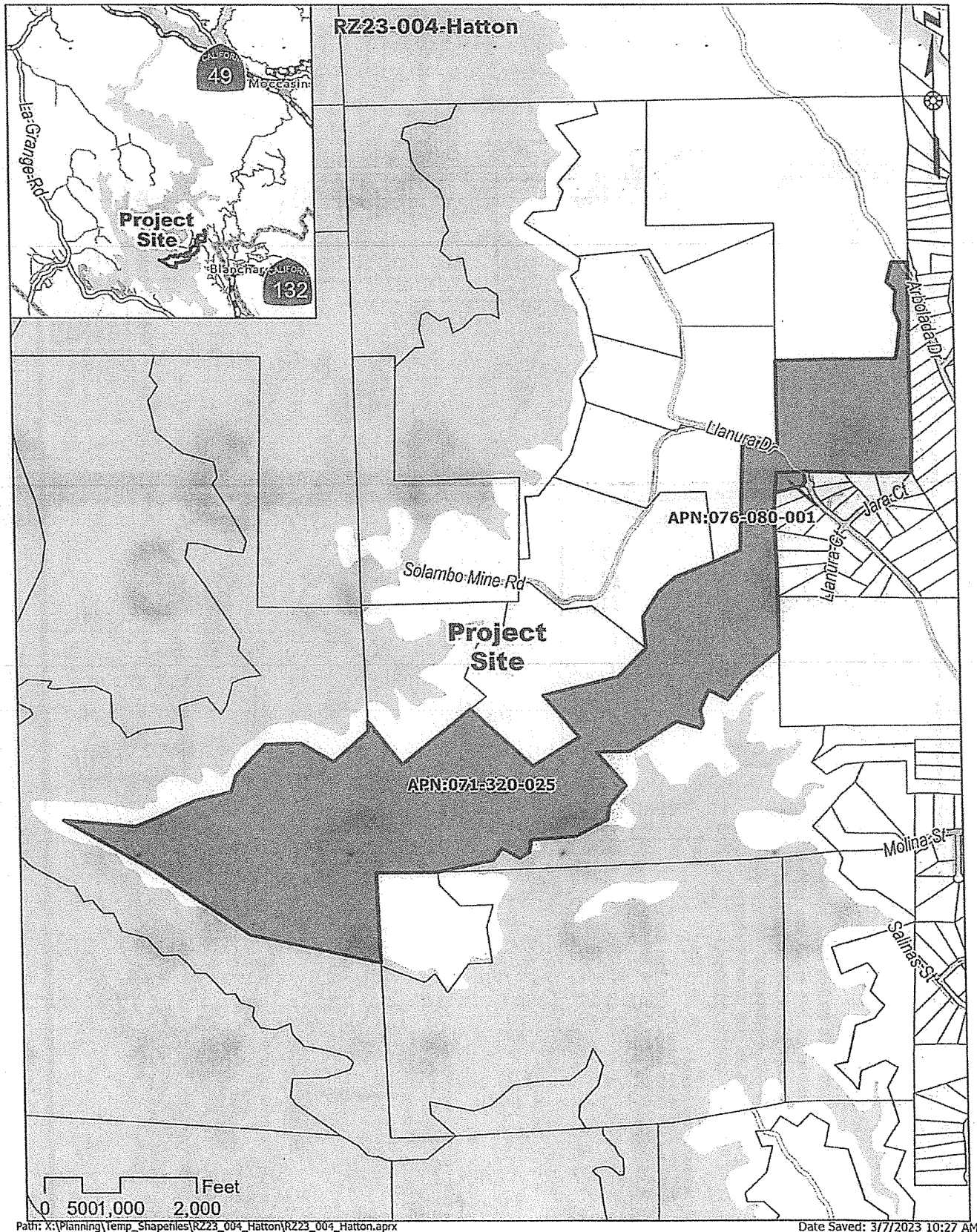
Signed by: _____

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

Agency: LDPCSD

Date: 4/18/23

Vicinity Map.

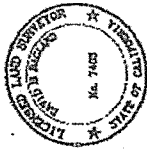
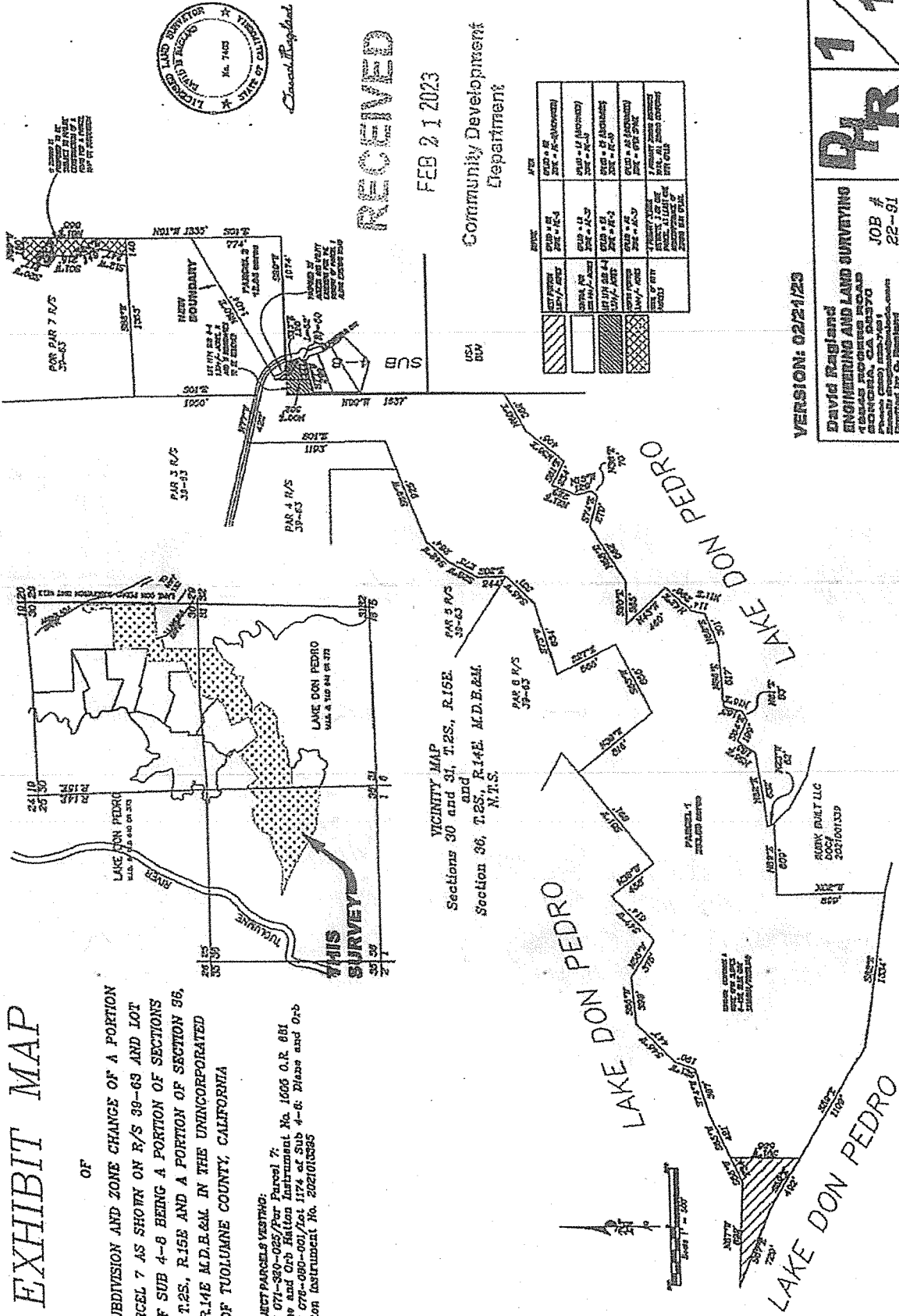


Site Plan

EXHIBIT MAP

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

SUBJECT PARCELS' VESTING:
APN 071-330-025/For Parcel 7;
Dase and Ors Hutton Instrument No. 1666 O.R. 881
APN 078-089-001/For Sub 4-8, Dase and Ors
Hutton Instrument No. 20210385



David Ragland

RECEIVED

FEB 21 2023

Community Development
Department

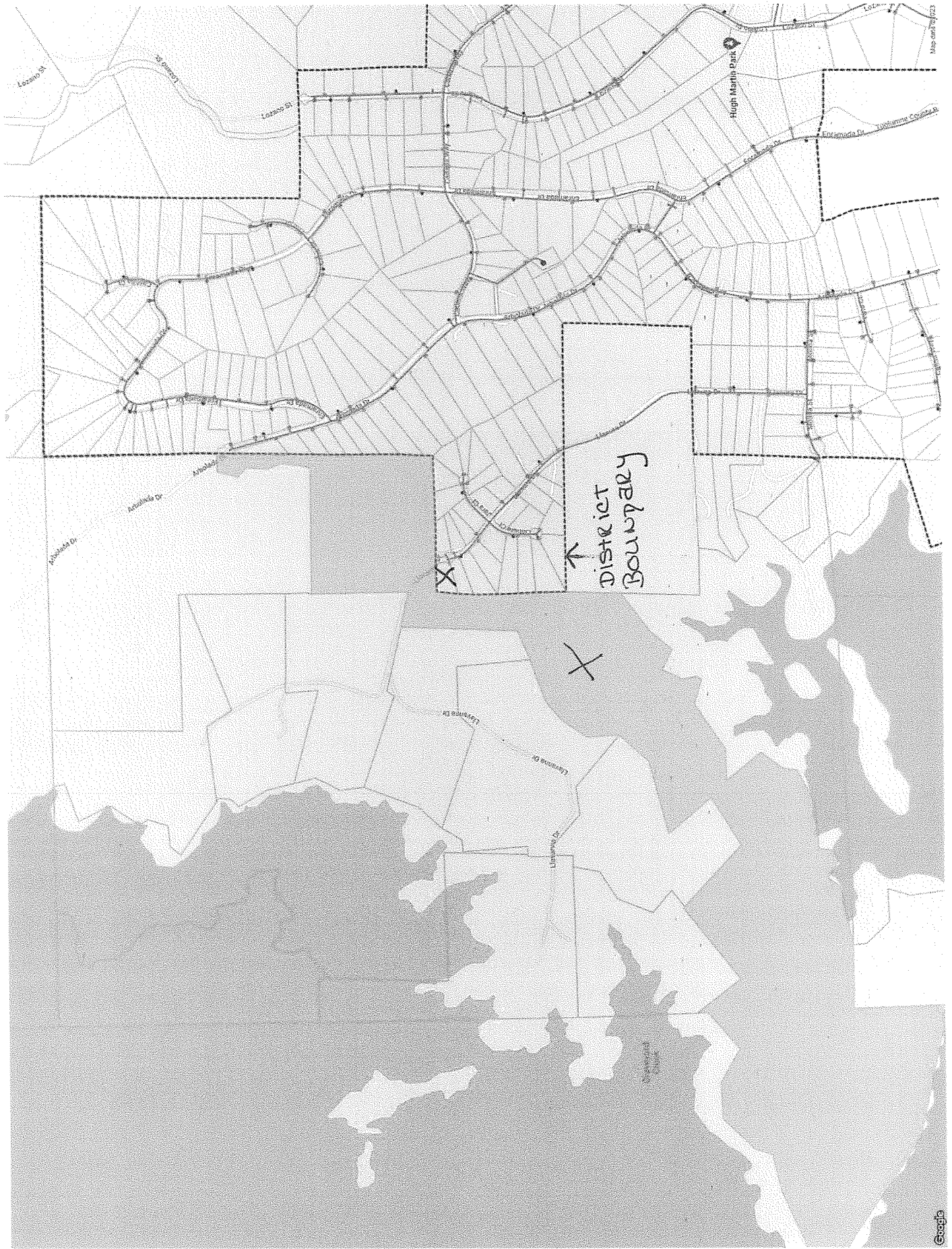
SYMBOL	DESCRIPTION
[Symbol]	EXISTING BOUNDARY
[Symbol]	NEW BOUNDARY
[Symbol]	EXISTING LOT
[Symbol]	NEW LOT
[Symbol]	EXISTING SUBDIVISION
[Symbol]	NEW SUBDIVISION
[Symbol]	EXISTING ROAD
[Symbol]	NEW ROAD
[Symbol]	EXISTING RAILROAD
[Symbol]	NEW RAILROAD
[Symbol]	EXISTING WATERWAY
[Symbol]	NEW WATERWAY
[Symbol]	EXISTING UTILITY
[Symbol]	NEW UTILITY
[Symbol]	EXISTING EASEMENT
[Symbol]	NEW EASEMENT
[Symbol]	EXISTING ENCUMBRANCE
[Symbol]	NEW ENCUMBRANCE

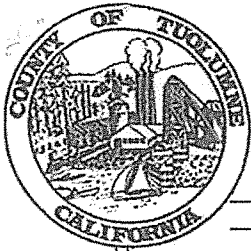
VERSION: 02/21/23

David Ragland
ENGINEERING AND LAND SURVEYING
10000 DON PEDRO ROAD
SAN JOSE, CA 95130
Phone: (408) 262-7001
Email: dragland@earthlink.net
Director 1746 Ragland

PR 1/1
JOB # 22-81







COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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

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

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

Applicant: Diane and Orb Hatton

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

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

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

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

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



Central Sierra Environmental Resource Center

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

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

VIA EMAIL AND MAIL

April 21, 2023

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

COMMENTS ON THE HATTON REQUEST FOR ZONING CHANGE RZ23-004

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

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

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

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

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

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

2. UNFAIR BURDEN TO COUNTY EMERGENCY SERVICES AND RESIDENTS.

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

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

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

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

a. General Plan Discussion.

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

The purpose of identifying the Communities was explained as follows:

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

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

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

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

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

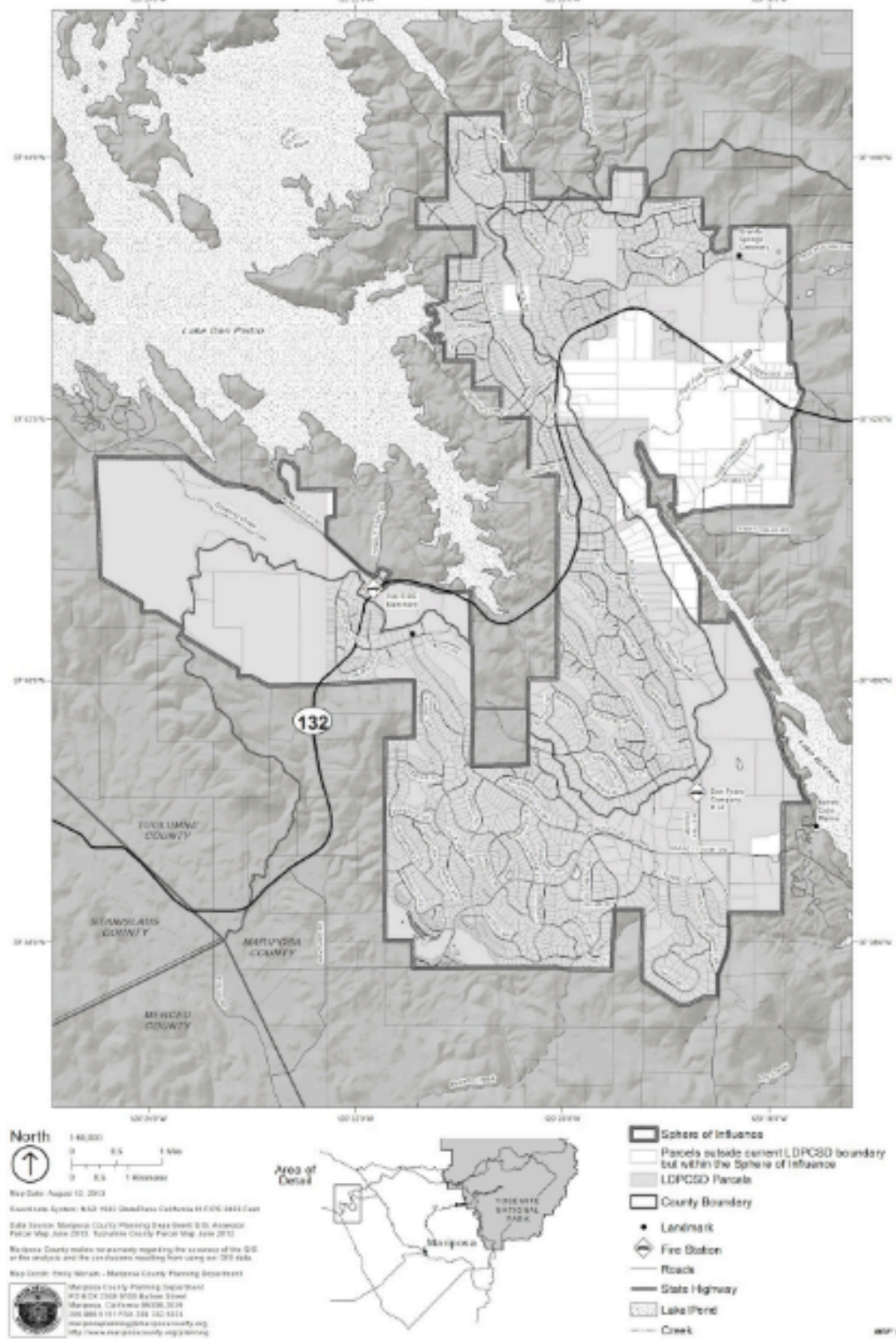
b. Environmental Impact Report Discussion

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

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

Chelsea Lewandowski
Chelsea Lewandowski
Conservation Coordinator

Lake Don Pedro Community Services District (LDPCSD) showing the Sphere of Influence



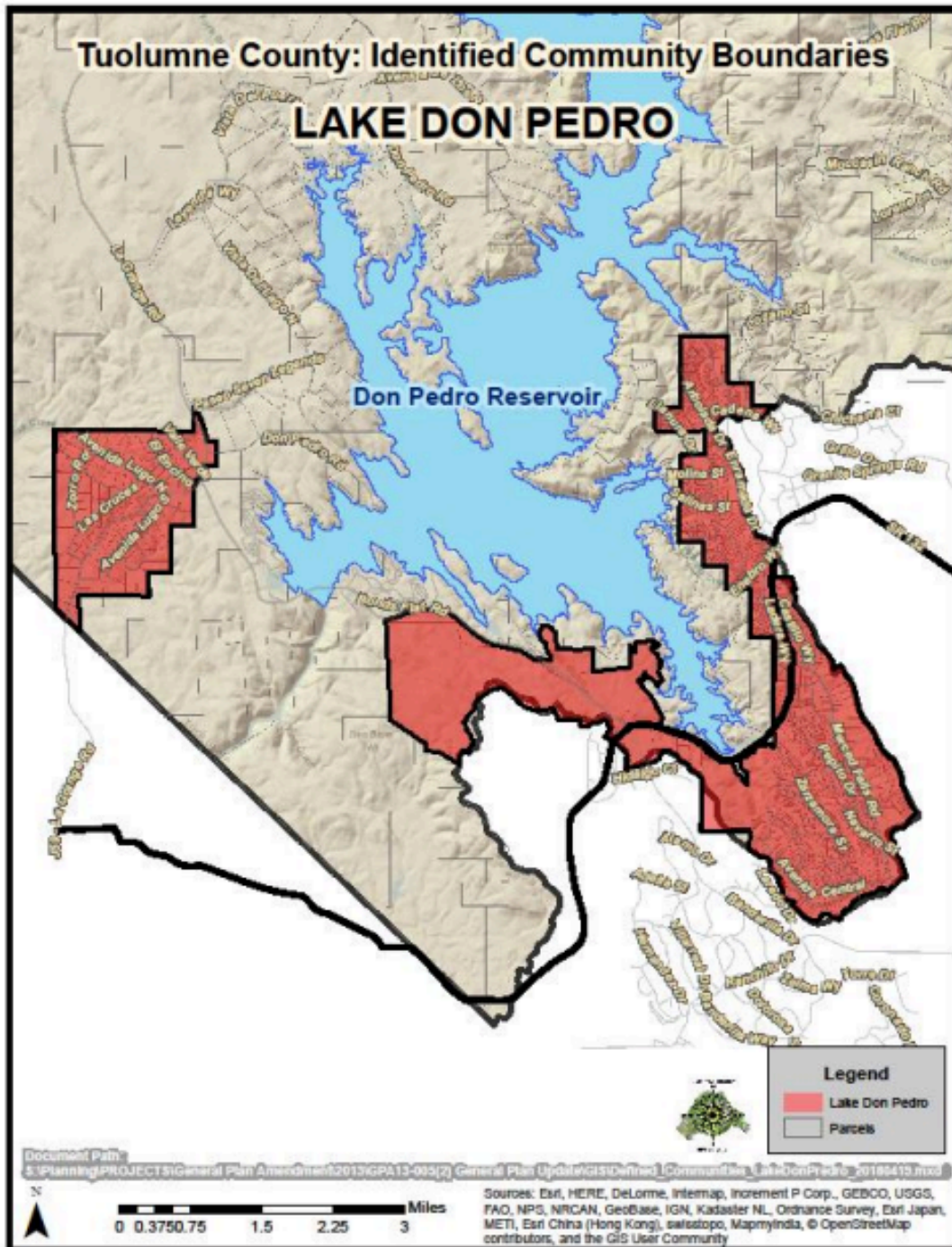
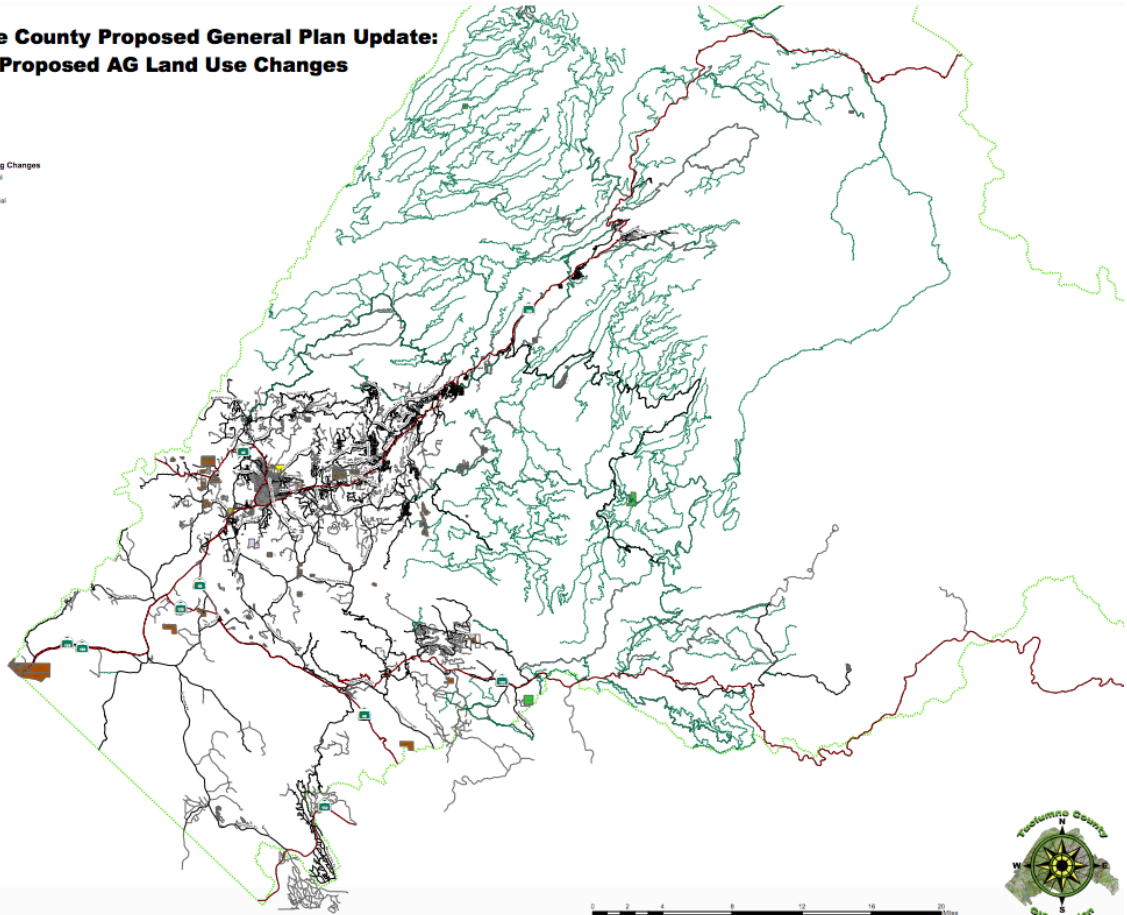
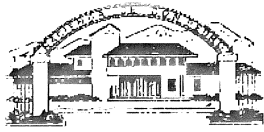


FIGURE 1.16: LAKE DON PEDRO

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

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





Lake Don Pedro Owners' Association

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

April 17, 2023

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

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

Sir,

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

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

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

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

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

Respectfully,

The Lake Don Pedro Owners' Assoc. Board of Directors

PC/ph

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

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

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

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



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: September 22, 2023

TO: Tuolumne County Planning Commission

FROM: Taryn Vanderpan, Commission Secretary

SUBJECT: Minutes of the Meeting of September 20, 2023

The Minutes of the meeting of September 20, 2023, will be mailed (and emailed) to you under separate cover later this week. Please give me a call at 533-5635 if you have any questions or concerns; and thank you for your patience.