



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

March 20, 2024

6:00 p.m.*

48 Yaney Avenue, Sonora
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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:

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. Meeting Minutes of March 6, 2024

3. Report from the Agricultural Advisory Committee Representative

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: Consideration of making a recommendation on the Tuolumne County Ordinance Code Title 17 Update Project and CEQA Addendum

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

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

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

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

March 12, 2024

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To: Tuolumne County Planning Commission

From: Quincy Yaley, AICP, Community Development Department Director

RE: Consideration of making a recommendation on the Tuolumne County Ordinance Code Title 17 Update Project and CEQA Addendum

NOTE: County staff is presenting this project to the Planning Commission in two parts. Part One was held during the regular TCPC meeting on March 6th, where Staff provided the Commissioners and public the overarching framework of the code update, its origins rooted in the 2019 General Plan Update, and outline key components of the updated code language.

In Part Two at the TCPC meeting on March 20th, Staff will respond to any questions the Commissioners and public may have after reviewing the draft documents and ask the Commissioners to make a recommendation to the Board of Supervisors. If there are specific recommendations the Planning Commission would like to make on certain topics, staff will highlight those to the Board of Supervisors.

1. Tuolumne County is updating Title 17, Zoning, of the County Code of Ordinances to align with the goals of the 2018 General Plan Update Project. The Zoning Code Update also addresses the following goals identified by the County:
 - Implement Tuolumne County 2018 General Plan land use policies.
 - Meet goals identified in the County's Senate Bill 2 Planning Grants Program application, including addressing Accessory Dwelling Units and streamlining the housing approval process.
 - Be consistent with State and federal law.
 - Create an intuitive document that is user-friendly.
 - Create a standard, transparent, predictable, and consistent process.
 - Respond to community concerns.
 - Promote infill and mixed-used development in Identified Communities.
2. County staff and the project consultant, Placeworks, have worked with the Planning Committee, Housing Policy Committee, Planning Commission, and Board of Supervisors on the project in over ten workshops and meetings. Public input was also sought on draft chapters, and specific comments were discussed during public meetings.
3. The proposed project would replace the existing Title 17, Zoning, of the County Code of Ordinances to align with the goals of the 2018 General Plan Update. The update will also affect references in other sections of the code because the numbering of the provisions has changed to reflect the new code. The most recent proposed code is available on the project website: <https://www.tuolumnecounty.ca.gov/1376/Title-17-Zoning-Code-Update>. Several chapters have been updated since the drafts were released, and those are noted on the webpage and listed below:

Chapter	Change?	Chapter	Change?
17.04	Fixed Typos	17.34	Fixed Typos
17.14	Fixed Typos	17.52	Added clarification to applicability
17.16	Fixed Typos	17.64	Added clarification to applicability
17.18	Fixed Typos	17.70	Fixed Typos
17.20	Added clarification to applicability	17.80	Added clarification to applicability
17.32	Fixed Typos	17.94	Fixed Typos

NEW ORGANIZATIONAL STRUCTURE FOR THE DOCUMENT

4. While the provisions of the code are being replaced, the code title, Title 17, has been retained for continuity between the existing and the proposed code. The code has been organized into five articles as follows:

- Article 1: Applicability
- Article 2: Zoning Districts and Allowable Land Uses
- Article 3: Development Standards
- Article 4: Standards for Specific Uses
- Article 5: Administration and Procedures

KEY LANGUAGE/CONCEPT CHANGES

5. A complete list of changes and their relationship to State law are listed in the CEQA Addendum. Overall, the changes, in addition to responding to the General Plan Update, are a combination of staff direction, public input, Planning Commission comments, and Board of Supervisors comments. Numerous changes are being proposed, and key elements are highlighted below:

- New definitions
- Changes to :MX (Mobilehome Exclusion) combining district
- Home Business permits
- Serving alcohol within 200 feet of a residential zoning district – no Use Permit required
- Streamlining small commercial projects
- Cannabis Ordinance based on SB 1186
- Multi-unit in C-1 (General Commercial) and C-O (Neighborhood Commercials) zoning
- Allowances for seasonal or resident employee housing
- Animal Keeping
- Sign Regulations
- Objective Design Standards

APPROVALS, APPEALS, ADMINISTRATION AND ENFORCEMENT

6. Other proposed changes impact the actual permitting process, for example, what uses are conditional and/or require a site development permit and clarify and improve the authorities over approvals and appeals. These include:

- Zoning Clearance
- Minor Modification
- Temporary Use Permits
- Emergency Permits
- Similar Use Determinations
- Appeals process
- New approval authorities

ENVIRONMENTAL REVIEW

7. The County anticipates using an addendum to the General Plan Environmental Impact Report (EIR) as the project's environmental document. Under CEQA Guideline Section 15164, an addendum to an EIR may be prepared if only minor technical changes are required or if none of the conditions identified in Guidelines Section 15162 are present. In the absence of substantial evidence to support a fair argument that the project changes may result in significant environmental impacts not previously studied, an addendum to the EIR is appropriate.
8. Staff recommends that the County determine that the potential impacts of the proposed updates to the Zoning Ordinance were studied in a previously certified EIR (i.e., the 2018 Tuolumne County General Plan Update Project EIR) and that the EIR provides a sufficient and adequate analysis of these environmental impacts. With that determination, an addendum, rather than an exemption, is the appropriate environmental document. If approved by the Board of Supervisors, the addendum will result in the County filing a Notice of Determination under CEQA.

UPDATES FOR COMPLIANCE WITH STATE LAW

9. Changes proposed in the code in response to State law regulations are as follows. This list is not exhaustive of all the changes in the proposed project:
 - Zoning chapters updated to allow uses per State law – ADUs, JADUs, residential care homes, mobile homes, employee housing, transitional housing, supportive housing, solar power generation facilities/equipment, agricultural laborer housing, home occupation, low barrier navigation centers, and single-room occupancy units.
 - Removal of discretionary review of housing in R-2, R-3, MU, C-O, C-1 zoning districts
 - Ch. 17.26 Density Bonuses and Affordable Housing Incentives – completely new chapter to match State law
 - Ch. 17.36 Accessory Dwelling Units – major updates to comply with current State law
 - Ch. 17.52 Cottage Food Operations – incorporates standards/regulations from State law
 - Ch. 17.58 Emergency Shelters – completely revised chapter to comply with State law development standards
 - Ch. 17.70 Mobilehomes, Recreational Vehicles and Campgrounds – updated to align with State law regarding HCD jurisdiction over these uses
 - Ch. 17.86 Single room occupancy (SRO) – completely new chapter to regulate SROs and comply with State law. SROs are proposed to be allowed ministerially in C-1.
 - Ch. 17.88 Solar Energy Systems – new chapter to comply with State law to facilitate solar
 - Removal of design review to incorporate State law for streamlining of residential projects.

MARCH 6, 2024 PLANNING COMMISSION MEETING AND PUBLIC COMMENTS

10. During the March 6th meeting, several questions were asked and either answered in the meeting or were reviewed by staff after the meeting. Staff has also received public comments, and those received the date of drafting this staff report are summarized and included in the table below.

Commission Question	Staff Response
Is a Home Occupation Permit required if no customers/employees come to the house?	It is not required in that situation, and the code has been clarified and updated online with the draft chapters.
Will the Planning Commission still review projects?	It is proposed that small commercial projects and multi-unit housing, if on property with correct zoning/general plan, and if projects meet Objective Design Standards and other applicable regulations, would not have discretionary review. Some small commercial projects currently do not come to the

	Planning Commission. Streamlining housing development is consistent with State law.
Does the project apply to issues with electric vehicles?	The project has provisions for charging stations, but no other components of EV operation/ weight/ tires.
Will the County purchasing of homes for unsheltered individuals come before the Commission?	The project will not change the involvement of the Planning Commission in the County purchasing of housing for unsheltered individuals.
Will the project change existing Open Space zoning or setbacks from Open Space zoning?	Existing Open Space zoning boundaries are not impacted by the code, nor are any existing setbacks from any existing Open Space zoning.
How many ADUs will be allowed?	On a single family zoned property, the parcel would be allowed one ADU and one Junior ADU.
Should the minimum lot size be smaller?	For this project, the minimum lot size is proposing to be reduced to 7,260 square feet. Lot sizes can be smaller for projects on a case by case basis. If the County wants to reduce lot sizes for an entire zoning district, additional environmental review will be required.
Are there any changes for bed and breakfast projects?	No changes are being proposed for bed and breakfast operations. Short-term rentals are being addressed outside of this project.
What if the code update creates a non-conforming use on a property?	There is an existing chapter in the code for non-conforming uses. Staff considers situations on a case-by-case basis and works with property owners to continue or expand a non-conforming use. This practice will continue with the code update.

11. Staff has continued to review the draft documents. Since the March 6th meeting, staff have made the following changes in addition to those identified in #3 above:

- Increased the number of events qualifying for a Temporary Use Permit from ten to twenty-four, in an effort to allow seasonal non-farmers markets, such as recurring craft or other fairs, to occur on weekends thru a summer season.
- A review process for non-retail cannabis delivery businesses in response to SB 1186.

RECOMMENDATION

It is recommended that:

- A. The Tuolumne County Planning Commission review the project and make a recommendation of approval to the Board of Supervisors regarding the proposed changes in the Zoning Code, Title 17.
- B. The Tuolumne County Planning commission recommend Board of Supervisors approval of the CEQA Addendum for the above project and file a Notice of Determination.

Attachments: Table Summary to record Recommendations from the Planning Commission to the Board of Supervisors (to be completed at the March 20, 2024 TCPC meeting)

List of Key Code Changes not Required by State Law	Staff Recommendation	Planning Commission Recommendation
Changes in density in R-1 zoning district	Increase to 2 dwelling units per parcel	
Multi-unit residential development in C-1 and C-O zoning districts	Allow by-right as a permitted land use with Objective Design Standards	
Allow biomass in AE zoning adjacent to State highway	Allow by-right as a permitted land use only if adjacent to State highway	
Small commercial projects, less than 10,000 sf with services etc available	Allow by-right as a permitted land use. Must meet conditions listed in code.	
Home Occupation Permits	Staff recommends implementing the proposed Home Occupation Permits	
Changes to allow Employee Housing in C-1 and C-O	Staff recommends the County allow the changes proposed to allow seasonal and resident employee housing	
Changes to Use Permit to serve alcohol within 200 feet of a R zoned district.	Staff is recommending to eliminate the Use Permit requirement and have objectives standards.	
Temporary Use Permit	Staff recommends allowing 24 seasonal events under this authority.	
Changes to the :MX Combining District.	Staff recommends eliminating the 10 year limitation in the MX district.	
Objective Design Standards	Staff recommends using objective standards to streamline review.	
<i>Other Planning Commission Recommendations to be Developed at the March 20 Meeting</i>		

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UNAPPROVED

MINUTES OF THE TUOLUMNE COUNTY PLANNING COMMISSION

MARCH 6, 2024, 6:00 PM

Board of Supervisors Chambers County Administration Center 4th Floor 2 S.
Green St. Sonora, CA 95370

PRESENT: Linda Emerson, Chair; Catherine Santa Maria, Vice Chair; Jerry Morrow, Commissioner; Jim Jordan, Commissioner; James Cherry, Commissioner; Wesley Brinegar, Commissioner

ABSENT: Kara Bechtle, Commissioner

STAFF: Quincy Yaley, Community Development Director; Cheydi Gonzalez, Planner II, Tamera Blankenship, Housing Development Specialist, Cody Nesper, County Counsel; Charlie Knox, Principal and Amy Sinsheimer, Senior Associate of PlaceWorks

CALL TO ORDER/WELCOME:

Chair Emerson called the meeting of March 6, 2024, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

PUBLIC PARTICIPATION PROCEDURES

Chair Emerson opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the printed Agenda. She indicated that there would be a three-minute time limit of public comment. Seeing no one, she closed the public comment period.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and staff

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

Quincy Yaley, Community Development Department Director introduces her staff that is present in the room and the consultants via zoom. Also, an Agricultural Advisory Committee Meeting will be held later in the month. In addition, would like to confirm commissioners' attendance for the March 20, 2024 meeting, at the end of the tonight's meeting.

Chair Emerson asks Commissioners of any reports. Commissioner Morrow states details for the upcoming October 4th and 5th Conference.

2. Report from the Agricultural Advisory Committee Representative

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

3. Minutes of the meeting of November 1, 2023, and November 15, 2023

Chair Emerson asks commission if any corrections or comments for the November 1, 2023 meeting minutes.

MOTION: Approve the November 1, 2023 meeting minutes

RESULT: **Approved**

MOVER: Catherine Santa Maria, Vice Chair

SECONDER: Jerry Morrow, Commissioner

AYES: Unanimous

Chair Emerson asks commission if any corrections or comments for the November 15, 2023 meeting minutes.

MOTION: Approve the November 15, 2023 meeting minutes

RESULT: **Approved**

MOVER: Jerry Morrow, Commissioner

SECONDER: Wesley Brinegar, Commissioner

AYES: Jim Cherry, Commissioner; Wesley Brinegar, Commissioner; Linda Emerson, Chair; Catherine Santa Maria, Vice Chair; Jerry Morrow, Commissioner

ABSTENTIONS: Jim Jordan, Commissioner

4. Election of Officers

MOTION: Nomination of Vice Chair Catherine Santa Maria as Chair for the incoming year.

RESULT: **Approved**

MOVER: Linda Emerson, Chair

SECONDER: Jerry Morrow, Commissioner

AYES: Unanimous

MOTION: Nomination of Commissioner Jim Jordan as Vice Chair for the incoming year.

RESULT: Approved

MOVER: Jerry Morrow, Commissioner

SECONDER: Wesley Brinegar, Commissioner

AYES: Unanimous

MOTION: Nomination of Commissioner Jerry Morrow for Agricultural Advisory Committee Representative

RESULT: Approved

MOVER: Linda Emerson, Chair

SECONDER: Catherine Santa Maria, Vice Chair

AYES: Unanimous

PUBLIC COMMENT:

Chair Santa Maria opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the printed Agenda. She indicated that there would be a three-minute time limit of public comment. Seeing no one, she closed the public comment period.

PUBLIC HEARING: No Public Hearing Items.

NEW ITEMS:

- 1. Presentation and Consideration of providing feedback on the Tuolumne County Ordinance Code Title 17 Update Project.**

Ms. Yaley gave a PowerPoint presentation for the Tuolumne County Ordinance Code Title 17 Update Project. Tamera Blankenship, Housing Development Specialist, described the key points of the Objective Design Standards.

Chair Santa Maria asks the commission if they have questions for staff.

Commissioner Emerson states a list of what is changing in the new ordinance code would be helpful and asks staff, how will the change affect current applicants in the planning process.

Ms. Yaley explains what non-conforming uses are in the code and gives the example of churches currently zoned in RE-5.

Commissioner Morrow asks staff about minimum lot size, open space, and setbacks, addressing Climate Change, high value land not being developed for multi-housing in commercially zoned areas and the rumor of the state cutting out the planning commission when it comes to affordable housing projects.

Ms. Yaley addresses all questions and Ms. Blankenship addresses the multi-housing in commercially zoned areas.

Commissioner Jordan asks staff if any heavy provisions for electric vehicles in the new ordinance code, he states the reason being for the extra weight and tire pollution it creates on the roadways. Also, a fire provision for electric vehicles because of the difficulty of extinguishing an electrical fire. Lastly, asks staff of clarification of what ministerial approval means.

Ms. Yaley explains when a project is a ministerial decision, and no public hearing will be held. Cody Nesper, County Counsel, further explains the example of homeless housing would be public noticed and a public hearing is required for approval of the project.

Ms. Yaley addresses Commissioner Morrow's questions regarding electric vehicles and Charlie Knox of PlaceWorks, gives his experience and background on planning matters, to the commission. Also, addresses Commissioner Morrow's question regarding electric vehicle pollution. Mr. Nesper follows up with, it is beyond the scope of this ordinance and states there is a separate code for road maintenance.

Commissioner Morrow states his concern, if the new ordinance is adopted, it will take away the public and commission's input.

Chair Santa Maria asks staff about the changes in the new ordinance code regarding Accessory Dwelling Units.

Ms. Yaley and Amy Sinsheimer of PlaceWorks addresses the question by explaining the different definitions of what an Accessory Dwelling Unit is and how the requirements have changed in the proposed ordinance code.

Commissioner Morrow asks staff about bed and breakfasts' and if the new code addresses it.

Ms. Yaley states it is not in this code, but the Board of Supervisors has addressed short-term rentals in a separate hearing.

Commissioner Cherry thanks staff for addressing the ordinance code change and wants to clarify what a junior accessory dwelling unit is.

Ms. Yaley and Ms. Sinsheimer restate the definition of a junior accessory dwelling unit.

Commissioner Jordan states he has concerns with the wording of the new ordinance code, gives the example of the word "encouraged" and can that be interpreted in a negative connotation. Mr. Nesper acknowledges the difference in wording of encouraged verse shall.

Chair Santa Maria opens the discussion for public comment. She indicated that there would be a three-minute time limit of public comment.

A member of the public addresses the commission and states the page numbering of the document can be difficult to navigate when printing. Also, asks what the timeline for the new ordinance code is to take effect and lastly, the deadline for public comments to be submitted for review.

Ms. Yaley responds to the questions from the member of the public.

A member of the public addresses the commission by stating the current housing crisis in Tuolumne County and feels the new ordinance code will be a positive change toward it. Submits a document of written comments to staff and commission.

A member of the public addresses the commission and states the importance of keeping local control and is encouraged by the new changes in the ordinance code.

Chair Santa Maria closes the public comment and brings the discussion back to the commission.

Commissioner Morrow thanks staff for their hard work on this issue.

Ms. Yaley addresses the commission on the goal of what the new ordinance code will achieve and that is transparency.

Chair Santa Maria adjourns the meeting at 8:13pm.

APPROVED:

Quincy Yaley, AICP
Community Development Department
Director

QY: rg

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Tuolumne County Planning Commission of Tuolumne County, California, will conduct a public hearing on March 20, 2024, at 6:00 p.m., in the Board of Supervisors Chambers, 2 South Green Street, Sonora to consider the following:

Public Hearing to Consider the Tuolumne County Ordinance Code Title 17 Update Project.
Location - Unincorporated Tuolumne County. Notice of Determination under the California Environmental Quality Act.

Interested persons are invited to be heard. Court challenges to any decisions on the above proposals may be limited to issues raised at the public hearing described herein or in correspondence submitted at, or prior to, said hearing.

s/Quincy Yaley
Community Development Department

DO NOT PRINT TEXT BELOW THIS LINE

To Be Published

Saturday, March 9, 2024

Contact Person:

**Submitted to the Union Democrat on Thursday, March 7, 2024,
by Rachel Gummerson, 533-5635, 533-5571, 533-5633**

Bill To:

Tuolumne County Community Development Department