



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

July 17, 2024
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)
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(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:

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. Meeting Minutes of June 18, 2024

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. **YADEN**, Ordinance for Zone Change LUNR-23-12 to rezone a 44.3-acre parcel (APN 059-290-006) from RE-2 (Residential Estate, Two Acre Minimum) and A-10 (General Agricultural, Ten Acre Minimum) to RE-10 (Residential Estate, Ten Acre Minimum) and to rezone a 7.2-acre parcel (APN 059-600-001) from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) to RE-10) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 15500 Jacksonville Road, in the community of Jamestown. Within a portion of Section 35, Township 1 North, Range 14 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial Districts 4 and 5. Assessor's Parcel Number 059-600-001 and 059-290-066.

2. **ROSASCO**, Ordinance for Zone Change RZ23-008 to rezone two parcels, a 159.89± acre parcel and a 80.0± acre parcel from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) to AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum: Agricultural

Preserve Combining) and a Zone Change for 1.28± acres from AE-37:AP to AE:37 under Title 17 of the Tuolumne County Ordinance Code (TCOC). The addition of the :AP zoning will allow for the inclusion within the Williamson Act Land Conservation Program and the removal of the :AP zoning is to facilitate a Lot Line Adjustment.

The project site consists of 2 parcels totaling 239.89± acres located on Peoria Flat Road, approximately 1.68 miles north from the intersection of O'Byrnes Ferry Road and New Peoria Flat Road within the community of Jamestown. The project site is located within a portion of Sections 25 and 30, Township 1 North, Range 14 East and 13 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 063-070-006 and 058-230-001. The project site consists of a portion of a parcel totaling 1.28± acres located on Peoria Flat Road, approximately 1.09 miles north from the intersection of O'Byrnes Ferry Road and New Peoria Flat Road within the community of Jamestown. The project site is located within apporportion of Section 25, Township 1 North, Range 13 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Number 063-070-056.

3. HOUSING ELEMENT UPDATE,

1. Resolution for General Plan Amendment updating the 2024-2029 Housing Element.
2. Addendum to the Final Environmental Impact Report prepared for the 2018 General Plan Update.

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

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

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

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SURFACE/MINERAL

RIGHTS OWNER: Matthew Yaden & Joseph Litteral

APPLICANT: Matthew Yaden [(925) 708-5713]

DATE: July 3, 2024

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Ordinance for Zone Change LUNR-23-012 to rezone a 44.3 acre parcel (APN 059-290-066) from RE-2 (Residential Estate, Two Acre Minimum) and A-10 (General Agricultural, Ten Acre Minimum) to RE-10 (Residential Estate, Ten Acre Minimum) and to rezone a 7.2 acre parcel (APN 059-600-001) from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) to RE-10 under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 15500 Jacksonville Road, in the community of Jamestown. Within a portion of Section 35, Township 1 North, Range 14 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial Districts 4 and 5. Assessor's Parcel Numbers 059-600-001 and 059-290-066.

RECOMMENDATION

Community Development Department Staff recommends approval of Zone Change LUNR-23-012 based upon the following findings pursuant to Chapter 17.100.110 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*.

PROJECT DESCRIPTION

An application for Zone Change LUNR-23-012 was submitted in conjunction with an application for a Lot Line Adjustment (LLA). Zone Change LUNR-23-012 would rezone the entirety of two parcels currently zoned RE-2, A-10, and AE-37 to RE-10. The Zone Change would be consistent with the existing General Plan land use designations of ER, HR, and LR. The Zone Change would allow for the LLA, as shown on the attached Exhibit Map. This action would not increase the development potential of either parcel or result in an increase of the number of parcels. The Lot Line Adjustment application is handled by the Tuolumne County Surveyor and would be processed following approval of the Zone Change application by the Tuolumne County Board of Supervisors. Table 1 below shows the existing and proposed site conditions.

Table 1: Existing Site Conditions

APN	Existing Zoning	Proposed Zoning	General Plan Designation	Size Before LLA (Acres)	Size After LLA (Acres)	Existing Development
059-290-066	A-10 & RE-2	RE-10	LR, ER & HR	44.3	38.55	Vacant
059-600-001	AE-37	RE-10	LR & HR	7.02	14.09	Single Family Dwelling

SITE DESCRIPTION

The project site is located at 15500 Jacksonville Road in the community of Jamestown. The site of the zone change contains a single-family-dwelling and undeveloped rocky forested area. Trees found in the area include a combination of live, blue, and black oak trees. Other trees also found in the area include Grey and Ponderosa pine, and Manzanita trees. The surrounding land-uses include agricultural land, rural residential development, and forested rocky slopes.

ZONE CHANGE FINDINGS

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

1. The project site contains the (LR), (HR), and (ER) General Plan land use designations. The LR designation provides country-estate style living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or 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 typical uses allowed in the LR designation include one single family dwelling per parcel, one secondary dwelling when the parcel is twenty (20) acres or larger, agricultural uses, such as crop production and grazing, roadside stands for agricultural products, and public facilities.
2. The HR designation provides county-estate type living conditions while maintaining areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. This designation, with its maximum residential density of one (1) dwelling per three (3) acres, is intended to comply with the density restrictions of the Airport Land Use Compatibility Plan for the areas around the Columbia and Pine Mountain Lake Airports; consequently, this designation is concentrated within the jurisdictional boundaries of that plan for those airports, but can be found in other areas which have limited public services and where a buffer between urban and urbanizing areas and rural areas is desired.
3. The ER designation provides country-estate style living conditions while maintaining limited areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. This designation serves as a buffer between urban and urbanizing areas and areas where public services are limited.
4. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the existing LR, HR, and ER General Plan land use designations on the project site is compatible with the proposed RE-10 zoning district. Therefore, the proposed project is consistent with the Tuolumne County General Plan.

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

5. Zone Change LUNR-23-012 proposes to rezone two parcels to RE-10. The first parcel is a 44.7± acre parcel currently zoned A-10 and RE-2. The second parcel is a 8.9± acre parcel currently zoned AE-37. This rezone is advance of a LLA between the two parcels to adjust a portion of parcel "A" of PM 47-06 lying east of Jacksonville Rd would not be a part of parcel "C", shown

Yaden

below in the exhibit map. The purpose of the RE-10 district is to provide areas for country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-10 district is intended for areas where public services are limited. Development in this zone must comply with Title 15 of this Code relative to fire safety standards. The minimum size requirement in the RE-10 district is 10 gross acres. The parcel configuration after the LLA would result in parcel A-1 having 38.55± acres and parcel C-1 having 14.09± acres. Both of the resulting acreages comply with the RE-10 minimum of 10-acre requirement. Each parcel zoned RE-10 can be developed with a single family dwelling and Accessory Dwelling Unit (ADU). The parcel receiving land by way of a LLA has one single-family dwelling on the parcel, which is consistent with the RE-10 zoning district.

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

6. On January 18, 2024, twenty-two adjoining property owners within 1,000 feet were notified of the project via mail. The CDD received no responses on the proposed project.
7. The proposed project has been reviewed by the County of Tuolumne Public Works, Tuolumne Utilities District, and the California Department of Transportation. All agencies that reviewed this project either had no comments or no objection to the proposed zone change.
8. 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, which include a site containing or being adjacent to a parcel that contains known archaeological or historic sites, the presence of rock retaining walls, evidence of historic era mining, evidence of Native American habitation, structures older than 50 years, or a site within 100 meters of a river, spring, perennial or intermittent stream, as indicated by a blue line on the USGS quadrangle maps. The site contains a blue line stream.

The site was included in the cultural resource study prepared for the Sonora Mining Corporation project. Additionally, the project site is included in the Contextual History of Tuolumne County Prepared by Shelly Davis-King and Judith Marvin, Foothill Resources, Ltd. in 1994. The project does not include any development. The project would not result in an increase in the number of parcels or in an increased development potential. Any future development of the site would comply with Chapter 14.10 of the TCOC and impacts to cultural resources would be analyzed. Therefore, there would be no impact to cultural resources and no cultural resource study or mitigation was required for the proposed project.

9. The California Natural Diversity Database (CNDDB) was consulted for known locations of special status plant species and animal species. The CNDDB found that the Pallid Bat (*Antrozous Pallidus*) has been known to inhabit the project site. No mitigation for cumulative impacts to wildlife are needed for the project. The project is not proposing any development and therefore no vegetation would be removed as a result of the project.

The project is not proposing any development and therefore no vegetation would be removed as a result of the zone change, and no habitat would be impacted by the zone change. The project would not result in an increase in the number of parcels or in the development potential of the site. No development is proposed. The habitats present on the project site include Blue oak-digger pine (bop), Blue oak woodland (bow), Annual Grassland (ags), and Valley-foothill riparian woodland (vri). There would be no impact to wildlife or biological resources.

FINDING 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.

10. 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

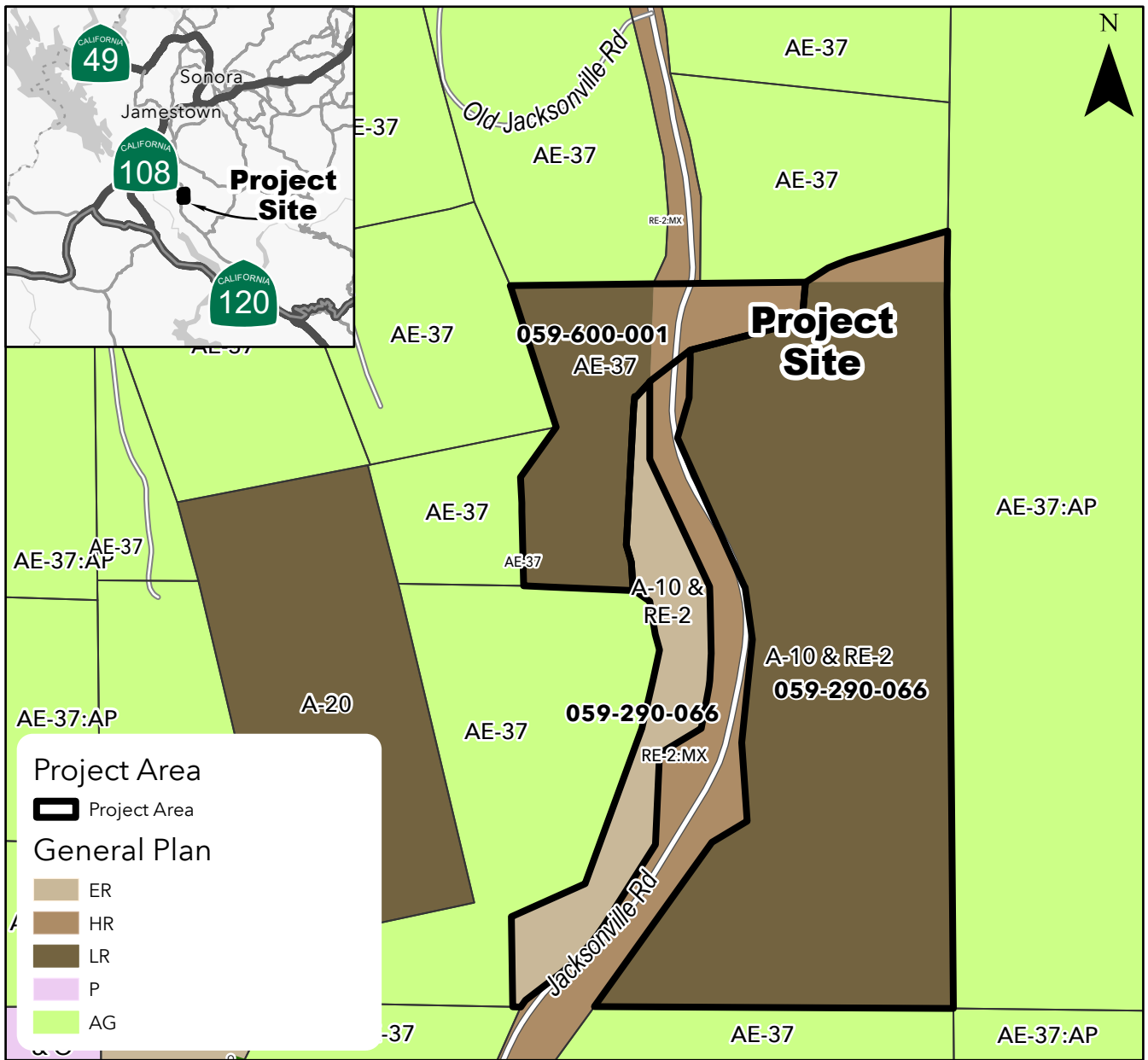
Yaden

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 is proposed to facilitate a Lot Line Adjustment to adjust property boundaries between two legal parcels. This would not result in an increased development potential of either parcel and there would be no increase in the number of parcels. No development is proposed.

11. The CEQA Guidelines contain exceptions that if present on a project site, prevent a project from proceeding with an exemption. These exceptions are listed in Section 15300.2 of the State CEQA Guidelines and include situations such as a project resulting in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, or being listed as having documented hazardous waste on the site. None of the exceptions listed in Section 15300.2 apply to this project .

PREPARED BY: Clark Sintek, Planner II

LUNR 23-12



Project: LUNR 23-12

Applicant/Owner: Matthew Yaden & Joseph Litteral

APN: 059-600-001 & 059-290-066

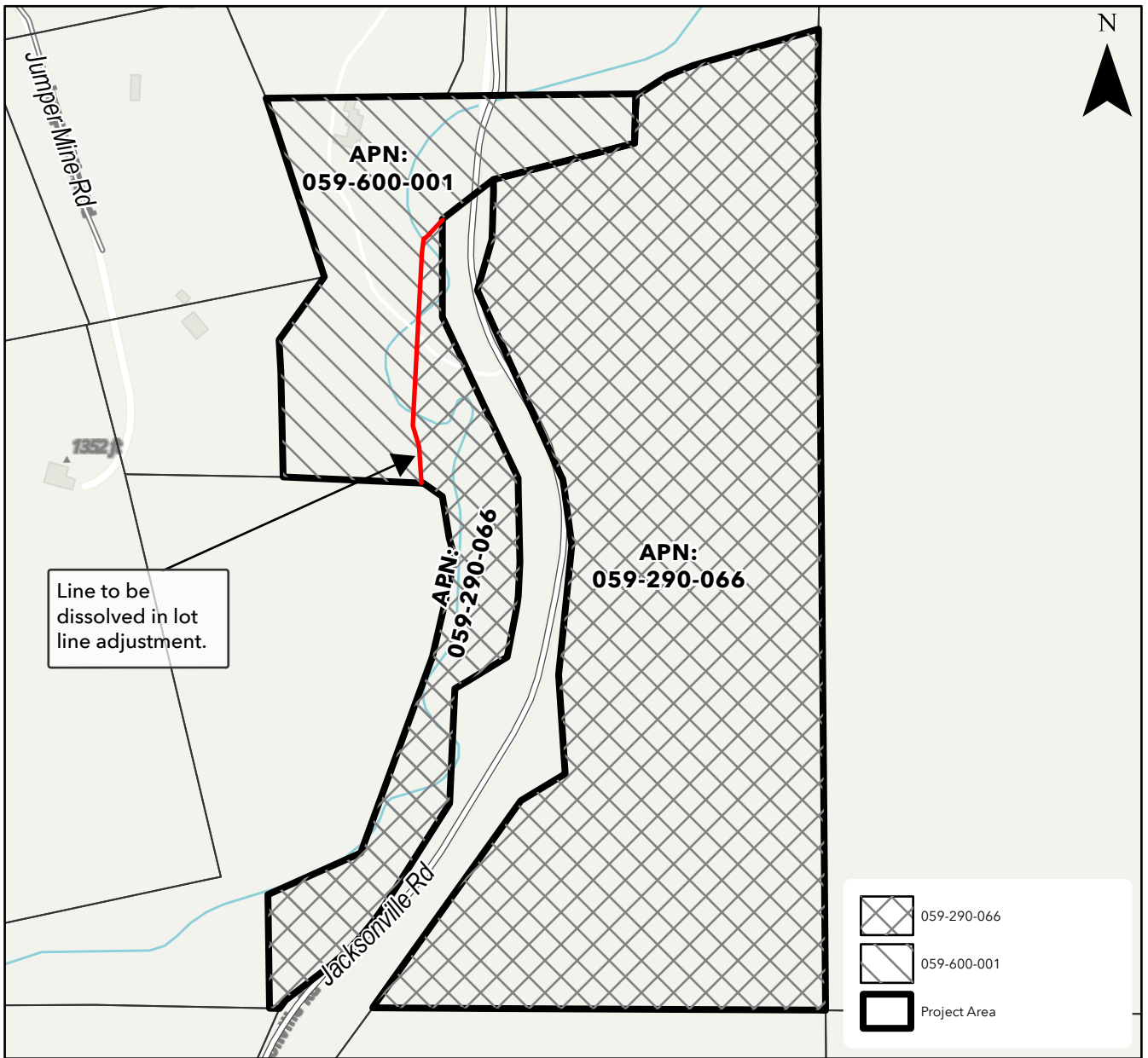
Acres: 53.6 ± acres

Current Zoning: A-10 & RE-2, AE-37

Current General Plan Designation: LR & ER

Project Description: LUNR 23-12 to allow zone change on two parcels in advance of Lot Line adjustment. Parcel 059-290-066 is a 44.7± acre parcel is currently zoned A-10 & RE-2 with a General Plan Designation of LR and HR to be rezoned RE-10. Parcel 059-600-001 is a 8.9± acre parcel currently zoned AE-37 with General Plan designations of LR and HR to be rezoned to RE-10.

LUNR 23-12



Project: LUNR 23-12

Applicant/Owner: Matthew Yaden & Joseph Litteral

APN: 059-600-001 & 059-290-066

Acres: 53.6 ± acres

Current Zoning: A-10 & RE-2, AE-37

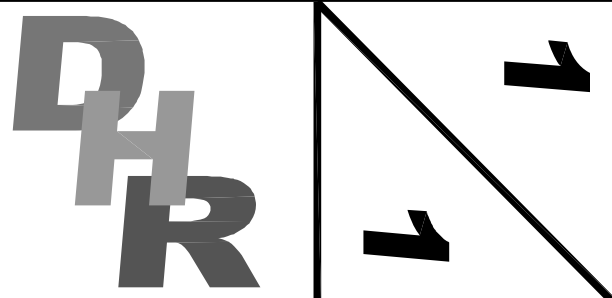
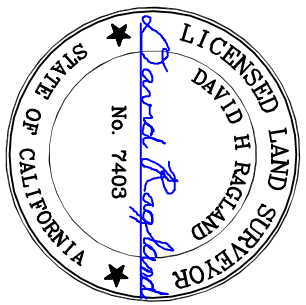
Current General Plan Designation: LR & ER

Project Description: LUNR 23-12 to allow zone change on two parcels in advance of Lot Line adjustment.

Parcel 059-290-066 is a 44.7± acre parcel is currently zoned A-10 & RE-2 with a General Plan Designation of LR and ER to be rezoned RE-10. Parcel 059-600-001 is a 8.9± acre parcel currently zoned AE-37 with General Plan designations of LR and HR to be rezoned to RE-10.

EXHIBIT MAP

of A REZONE, AND A LOT LINE
ADJUSTMENT of Parcel "A" of PM
47-06 & PARCEL C of RS 38-38
Being a Portion of the Northwest
1/4 of Section 35
T.1N., R.14E., M.D.M.
In The Unincorporated Area of
Tulume County, California
VERSION: 12/08/23



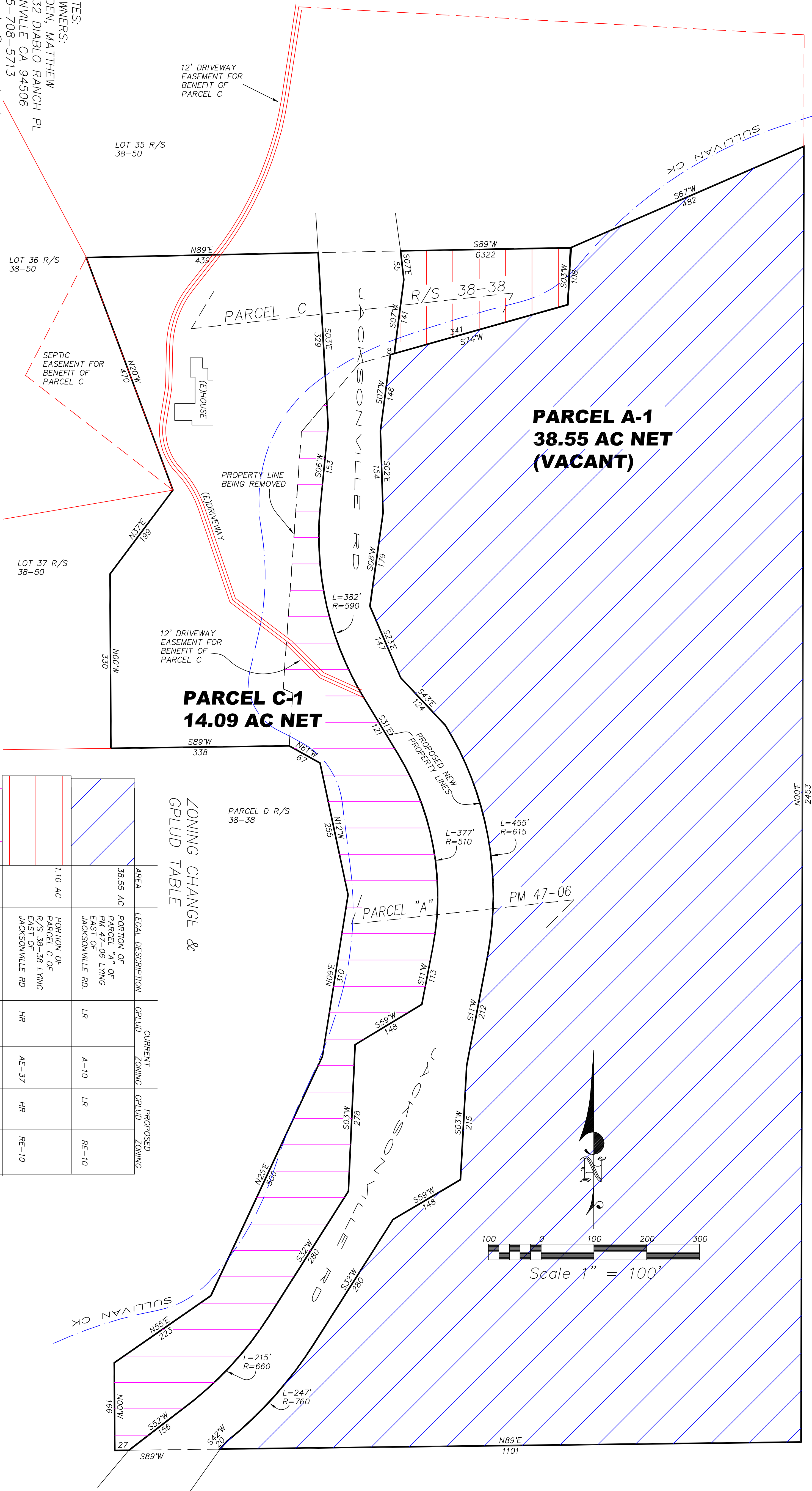
PARCEL A-1
38.55 AC NET
(VACANT)

PARCEL C-1
14.09 AC NET

ZONING CHANGE &
GULUD TABLE

AREA	LEGAL DESCRIPTION	CURRENT ZONING	PROPOSED ZONING
38.55 AC	PORTION OF PARCEL "A" OF PM 47-06 LYING EAST OF LYING JACKSONVILLE RD.	LR	LR
1.10 AC	PORTION OF PARCEL C OF RS 38-38 LYING EAST OF JACKSONVILLE RD.	HR	HR
5.79 AC	PORTION OF PARCEL "A" OF PM 47-06 LYING WEST OF JACKSONVILLE RD.	ER	ER
7.20 AC	PORTION OF PARCEL C OF RS 38-38 LYING WEST OF JACKSONVILLE RD.	LR	LR

NOTES:
1. OWNERS:
YADEN, MATTHEW
2432, DIABLO RANCH PL
DANVILLE CA 94506
925-708-5713
m.yaden@comcast.net
LITTERAL, JOSEPH WILLIAM ETAL SALYERS, RENALDA J ETAL
PO BOX 1236
JAMESTOWN CA 95327
carolilletteral7@gmail.com
2. IMPROVEMENTS HAVE BEEN LOCATED WITH SUFFICIENT ACCURACY TO ASCERTAIN THAT NO RELOCATED PROPERTY LINES CAUSE SETBACK VIOLATIONS. DO NOT SCALE THIS MAP FOR DESIGNING FUTURE IMPROVEMENTS.
3. THIS PROJECT CORRECTS THE DISCONTINUITY OF A PARCEL WHICH WAS CAUSED BY COUNTY RIGHT OF WAY ACQUISITIONS.



LOT LINE ADJUSTMENT OF APN'S
059-600-001 & 059-290-066

for:
YADEN & LITTERAL
Job No.23-51

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

NO.	DATE	DESCRIPTION
1	12/08/23	Initial Survey
2		
3		
4		
5		
6		
7		
8		
9		
10		



Department of Public Works

Kim MacFarlane, P.E.
Director
Blossom Scott-Heim, P.E.
Assistant Director

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

MEMORANDUM

ADMINISTRATION
Assistant to the
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209.694.2718

AIRPORTS
Assistant Director
Blossom Scott-Heim
209.533.5685

BUSINESS
Business Manager
Janelle Kostlivy
209.533.5972

ENGINEERING
Assistant Director
Blossom Scott-Heim, P.E.
209.533.5904

FLEET SERVICES
Fleet Services Manager
Orlando Magdaleno
209.536.1622

GEOGRAPHIC
INFORMATION
SYSTEMS
GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS
Superintendent of
Roads and Fleet
Mike Cognetti
209.533.5609

SOLID WASTE
Solid Waste Director
Deborah Reagan
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626

Date: February 15, 2024

To: Clark Sintek, Planner II

From: Blossom Scott-Heim, P.E., Assistant Director *BSH*
Dave Ruby, AICP, Engineer II *DR*

Re: LUNR-23-12, Yaden & Litteral (Rezone for Lot Line Adjustment)
Assessor's Parcel Nos.: 059-600-001 and 059-290-066

This project is a zone change action, triggered by proposed Lot Line Adjustment T-23-52 (T23-030) between APNs 059-600-001 and 059-290-066 along Jacksonville Road.

The Public Works Department submitted comments to the Lot Line Adjustment on January 19, 2024. Clarifying comments were given by the project's Land Surveyor on January 22, 2024, clarifying the scope of work and configuration of the intended ultimate parcels of land. Comments clarifying the easements of record and their persistence were also submitted.

The Public Works Department, Engineering Division has reviewed the application documents for this proposed Zone Change action and has no further comments or conditions at this time.

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



January 19, 2023

Clark Sintek
Planner II
Tuolumne Community
Development Department
2 S. Green Street
Sonora, CA 95370

TUO-120-PM 16.95
Conditional Use Permit
and Zone Change
LUNR-23-12- Yaden

Dear Mr. Sintek,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Conditional Use Permit LUNR-23-12 to allow a Zone Change on two parcels to Residential Estate located at 15500 Jacksonville Road in the community of Jamestown.

Caltrans has the following comments:

We do not have any comments at this time. The potential project will not impact the State Route (SR) based on the project type and distance to the nearest State Route. Should development occur, we request to review those projects.

Encroachment Permits

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 include an analysis of 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>

Clark Sintek
January 19, 2024
Page 2

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: Quincy Yaley, Director

DATE: May 17, 2024

SURFACE/MINERAL

RIGHTS OWNERS: Nathan & Doni Rosasco

APPLICANT: Nathan Rosasco

PROJECT AND LOCATION

PROJECT

DESCRIPTION:

Ordinance for Zone Change RZ23-008 to rezone two parcels, a 159.89± acre parcel and a 80.0± acre parcel from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) to AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum: Agricultural Preserve Combining) and a Zone Change for 1.28± acres from AE-37:AP to AE:37 under Title 17 of the Tuolumne County Ordinance Code (TCOC). The addition of the :AP zoning will allow for the inclusion within the Williamson Act Land Conservation Program and the removal of the :AP zoning is to facilitate a Lot Line Adjustment.

LOCATION:

The project site consists of 2 parcels totaling 239.89± acres located on Peoria Flat Road, approximately 1.68 miles north from the intersection of O'Byrnes Ferry Road and New Peoria Flat Road within the community of Jamestown. The project site is located within a portion of Sections 25 and 30, Township 1 North, Range 14 East and 13 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 063-070-006 and 058-230-001. The project site consists of a portion of a parcel totaling 1.28± acres located on Peoria Flat Road, approximately 1.09 miles north from the intersection of O'Byrnes Ferry Road and New Peoria Flat Road within the community of Jamestown. The project site is located within apportion of Section 25, Township 1 North, Range 13 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Number 063-070-056.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Zone Change RZ23-008 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 proposed zone change is in accordance with Tuolumne County Resolution 106-04.

- E. 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.

PROJECT DESCRIPTION

On July 14, 2023, an application was submitted for a Zone Change RZ23-008. The applicant was in the process of a Lot Line Adjustment to facilitate new Williamson Act Contracts, an alteration of an Agriculture Preserve and corresponding Agriculture Management Plans. The project was placed on hold pending the submittal of the Lot Line Adjustment. Staff received the Lot Line Adjustment application on March 12, 2024. The Agriculture Advisory Committee reviewed and recommended approval of the Agriculture Preserve Alteration, the Zone Changes, the four new Williamson Act Contracts and associated Agriculture Management Plans on May 16, 2024.

The project before the commission is for the Zone Change that will help facilitate the Agriculture Preserve, Williamson Act Contracts and Agriculture Management Plans. Resolution 106-04 states that the Planning Commission reviews Zone Changes for Williamson Act Contracts. The Planning Commission also reviews Zone Changes for Lot Line Adjustments. Therefore, this report only includes the Zone Change findings. The Board of Supervisors is the deciding body for Williamson Act Contracts and Agricultural Preserve Alterations. See Attachment 1 for Agenda Map. See Attachment 2 for Vicinity Map. See Attachment 3 for Exhibit Map of the Lot Line Adjustment T-24-8.

FINDING A The proposed project is consistent with the Tuolumne County General plan.

- A.1 The existing AG General Plan land use designation of the project site provides for the production of food and fiber and other productive or potentially productive lands where commercial agricultural uses can exist without creating conflicts with other land uses or where potential conflicts can be minimized. Typical land uses allowed include crop production, orchards and vineyards, grazing, pasture and rangeland, recreational farming, resource extraction activities, facilities that directly support agricultural operations and public facilities. There are active agricultural operations on the project site consisting of the raising of cattle for beef production. The AE-37 and :AP zoning districts are compatible with the AG General Plan designation. Therefore, the project is consistent with the AG General Plan land use designation.

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

- B.1 The purpose of the existing zoning district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses. The parcels within the project site are engaged in active agricultural operations, which are permitted use in the AE-37 zoning district. The minimum parcel size in the AE-37 zoning district is thirty-seven gross acres. APN 063-070-006 is 80± acres and APN 058-230-001 is 159.89± acres. After the Lot Line Adjustment APN 063-070-056 will be 175.99± acres. The 1.28-acre adjustment portion will be increasing the acreage of APN's 063-070-046 and 063-070-047, which is not part of this project. The exhibit map for T-24-8 (Attachment 3) indicates the portion of the parcel to be adjusted. Therefore, the project is consistent with the AE-37 Tuolumne County Ordinance Code.
- B.2 The purpose of the :AP combining district is to implement the provisions of the California Land Conservation Act of 1965, also known as the Williamson Act, as adopted by the Board

of Supervisors by resolution. The county seeks to promote agricultural productivity and the preservation and protection of agricultural or open space values from encroaching development and at the same time prevent inclusion of land in Agricultural Preserves that is not suitable for future use in the production of food, fiber, forage and livestock or wildlife habitat. The project proposes to rezone two parcels totaling 239.89± acres from AE-37 to AE-37:AP to allow for the inclusion within the Williamson Act program. The :AP zoning is consistent with the agricultural uses on site. The project proposes to rezone a 1.28± portion of a parcel from AE-37:AP to AE:37 to facilitate a Lot Line Adjustment for property boundaries to follow an existing fence line. The portion of the parcel that is being rezoned to remove the :AP zoning will not be within a Williamson Act Contract. By removing the :AP from that portion it will make the parcels consistent with the Tuolumne County Ordinance Code.

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

- C.1 See B.1 and B.2. The permitted uses within the AE-37 includes general farming and ranching. The existing uses on the parcels is an existing cattle ranch, which falls under general farming and ranching. Therefore, the project is consistent with the existing and proposed zoning districts.

FINDIND D The proposed zone change is in accordance with Tuolumne County Resolution 106.04.

- D.1 Rule 11.C of Tuolumne County Resolution 106-04 requires that reconfiguration of parcels under a Williamson Act Contract be consistent with Section 51257 of the California Government Code. Section 51257 requires that the property owner rescind their existing contract and enter into a new contract in order to facilitate the reconfiguration.

In order to approve the Lot Line Adjustment, the following findings must be made pursuant to Section 51257:

- a. The term of the new contract will restrict the adjusted boundaries of the parcel for at least the unexpired term of the former contract, but no less than 10 years;
- b. There will be no net decrease in the amount of restricted acreage following the adjustment. If the two parcels to be adjusted are both subject to Williamson Act Contracts, this finding will be satisfied if the aggregate acreage of the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts;
- c. No more than 10% of the original contracts acreage will be removed as a result of the adjustment. Conversely, at least 90% of the new contract must be land which was restricted by the original contract.
- d. After the reconfiguration, the land subject to the contract will be large enough to sustain commercial agriculture uses;
- e. The long term agricultural productivity of resulting parcels, or to other contracted parcels will not be compromised by the adjustment;
- f. The adjustment will not result in the removal of adjacent land from agriculture uses; and
- g. The reconfiguration does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

ROSASCO

These findings will be met and reviewed at the Board of Supervisor's meeting. The Zone Change to add the :AP zoning would allow for a net increase in the area of contracted land, consisted with the findings above.

Government Code Section 51254 states that the contract parties may, upon their mutual agreement, rescind a land conservation contract in order to simultaneously enter into a new contract, in which the new contract would enforceably restrict the same property for an initial term at least as long as the unexpired term of the contract being so rescinded, but not less 10 years. The Lot Line Adjustment will subtract about 1.28± acres from the Williamson Act and the project would result in the removal of another two parcels totaling 65.27± acres. The addition of the 239.89± acres from two parcels that are being rezoned to AE-37:AP will be included within the new Williamson Act Contracts, with a net gain of Williamson Act land totaling 172.84± acres. Therefore, staff has determined that the proposed Lot Line Adjustment meets findings a through g, as presented above.

- D.2 Rule 4.A.1 of Tuolumne County Resolution 106-04 states that to qualify for a Land Conservation Contract, land shall be in an agriculture preserve, and be comprised of a single parcel of land, or two or more contiguous or discontiguous parcels in the same preserve when such parcels are under the same ownership or are owned by immediate family members and are managed as a single unit. Following project approval, the contracts would include parcels owned by the Rosasco family located within an Agricultural Preserve, as required by Rule 4.A.1.
- D.3 Rule 4.A.2 of Tuolumne County Resolution 106-04 states that the minimum acreage for land conservation contracts that have a dryland grazing contract is 160 acres of which 90% must be in agriculture production. The minimum acreage for contracts utilizing dryland grazing with irrigated pasture is 80 acres of which 90% must be in agricultural production. The contracts will consist of 1996.63± acres utilized for cattle grazing with irrigated pasture.
- D.4 Rule 1.A.4.c of Tuolumne County Resolution 106.04 states that any proposed utilization for commercial agriculture operations, open space and other qualifying and compatible uses shall be existing at the time of recommendation for approval by the Agricultural Advisory Committee for a new Williamson Act Contract. The project site was inspected by the Agricultural Office Staff on September 26, 2023. Livestock consisting of cattle were present at the time of the inspection.
- D.5 Rule 8.A states that livestock grazing is a qualifying agriculture use. Any customary agricultural buildings or structures and necessary equipment for the maintenance and support of the agriculture use are also qualifying agricultural uses. The project site contains barns and corrals, which is used to support the agricultural use on site.
- D.6 Rule 8.B.11 states that one single-family dwelling per parcel is a compatible use when the parcel meets the minimum acreage specified in Rule 4.A.2. Where all parcels under the same contract fail to meet the minimum acreage requirement, one single-family dwelling may be erected on any one of the parcels under that contract. There are currently five residences within the project site, two on APN 058-230-039, one on APN 063-070-070 and two on APN 058-230-068. The existing residences have been previously determined to be existing within Williamson Act Contracts 05WA-112 and 04WA-70.

FINDING E 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.

- E.1 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 project entails modifying Agriculture Preserves and modifying existing Williamson Act Land Conservation Contracts to add additional acreage to the contracts for net gain within the contracts of 172.84± acres after the Lot Line Adjustment is completed. The lot line adjustment is a ministerial project as defined in Section 15369 of the *State CEQA Guidelines*. Ministerial projects are statutorily exempt from review under CEQA pursuant to Section 15268 of the *State CEQA Guidelines*. There would be no changes to uses conducted on the parcel beyond what is existing. This action poses no significant effect on the environment. The Zone Change is required to add the additional 239.89± acres to the Williamson Act Contracts with the removal of 67.05± acres. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the State CEQA Guidelines apply to this project.

Agricultural Advisory Committee

The project was considered by the Agricultural Advisory Committee on May 16, 2024. The Agricultural Advisory Committee recommended approval of Williamson Act Contracts WA23-001, WA23-002, WA23-003 and WA23-004 and to rescind existing Williamson Act Contracts 05WA-112 and 0WA-70 and enter into four new contracts on the site pursuant to Resolution 106-04, including approval of the new Agricultural Management Plan. The Agricultural Advisory Committee recommended serving a Notice of Nonrenewal on a portion of APN 063-070-056 pertaining to 1.28± acres and APN's 063-070-071 and 063-070-069 for non-compliance with Resolution 106-04 and recommended approval of Zone Change RZ23-008 to rezone two parcels of 239.89± acres from AE-37 to AE-37:AP and to rezone a portion of APN 063-070-056 pertaining to 1.28± acres from AE-37:AP to AE:37.

Adjoiner Comments

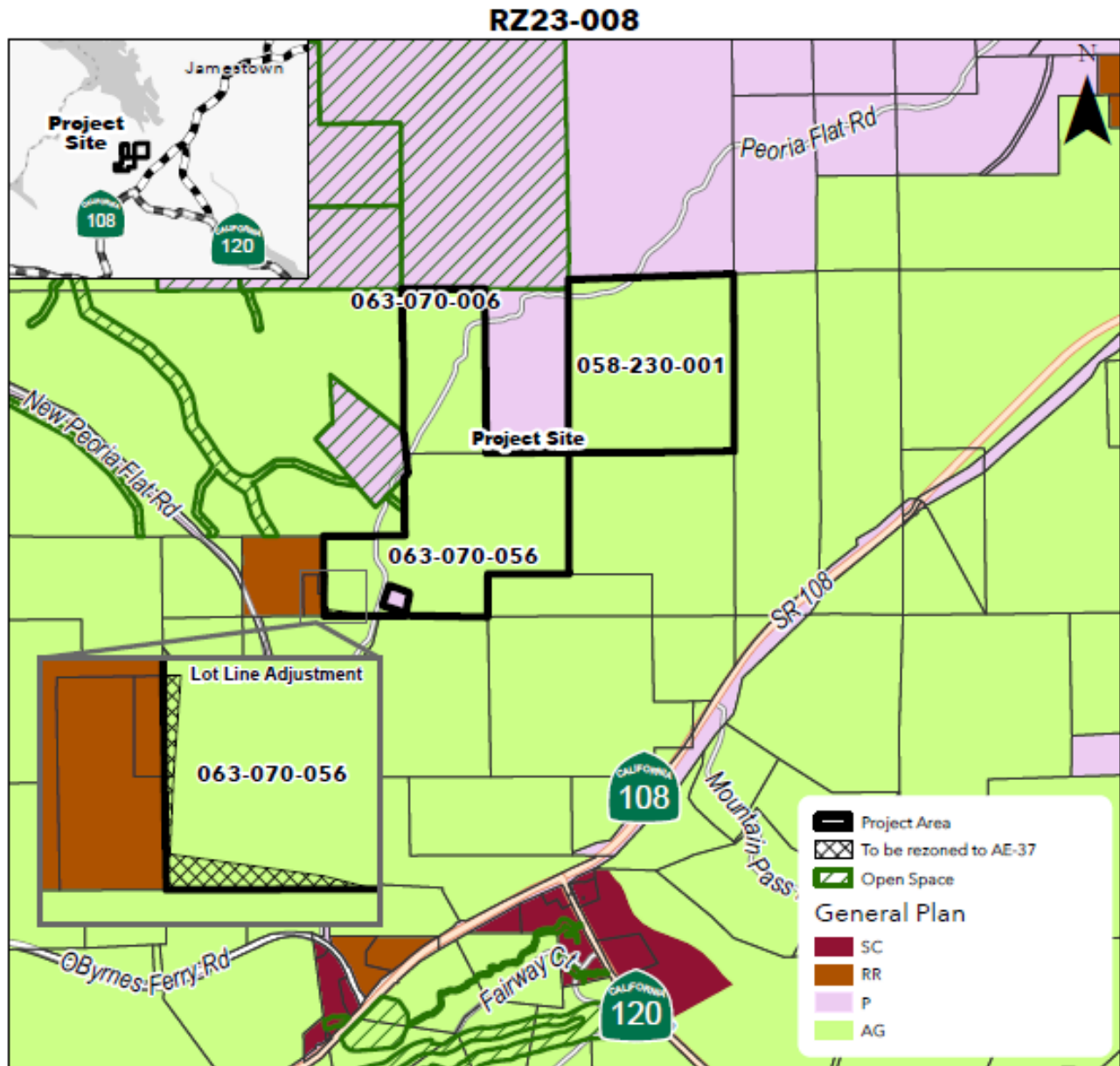
68 adjoining property owners were notified of the project via mail on July 26, 2023. The Community Development Department received one comment with no objection.

Agency Review

The application for Zone Change RZ23-008, Agriculture Preserve Alteration AP23-001 and Williamson Act Contracts WA23-001, WA23-002, WA23-003 and WA23-004 along with the associated management plans has been reviewed by various State and County agencies. No substantial comments were received. Caltrans would like to be notified of any future development and TUD had no objections.

Prepared by: Jennifer Preston, Planner I

Attachment 1: Agenda Map



Project: RZ23-008

Owner: Nathan and Doni Rosasco

Applicant: Nathan and Doni Rosasco

APN: 063-070-006, 058-230-001, & 063-070-056

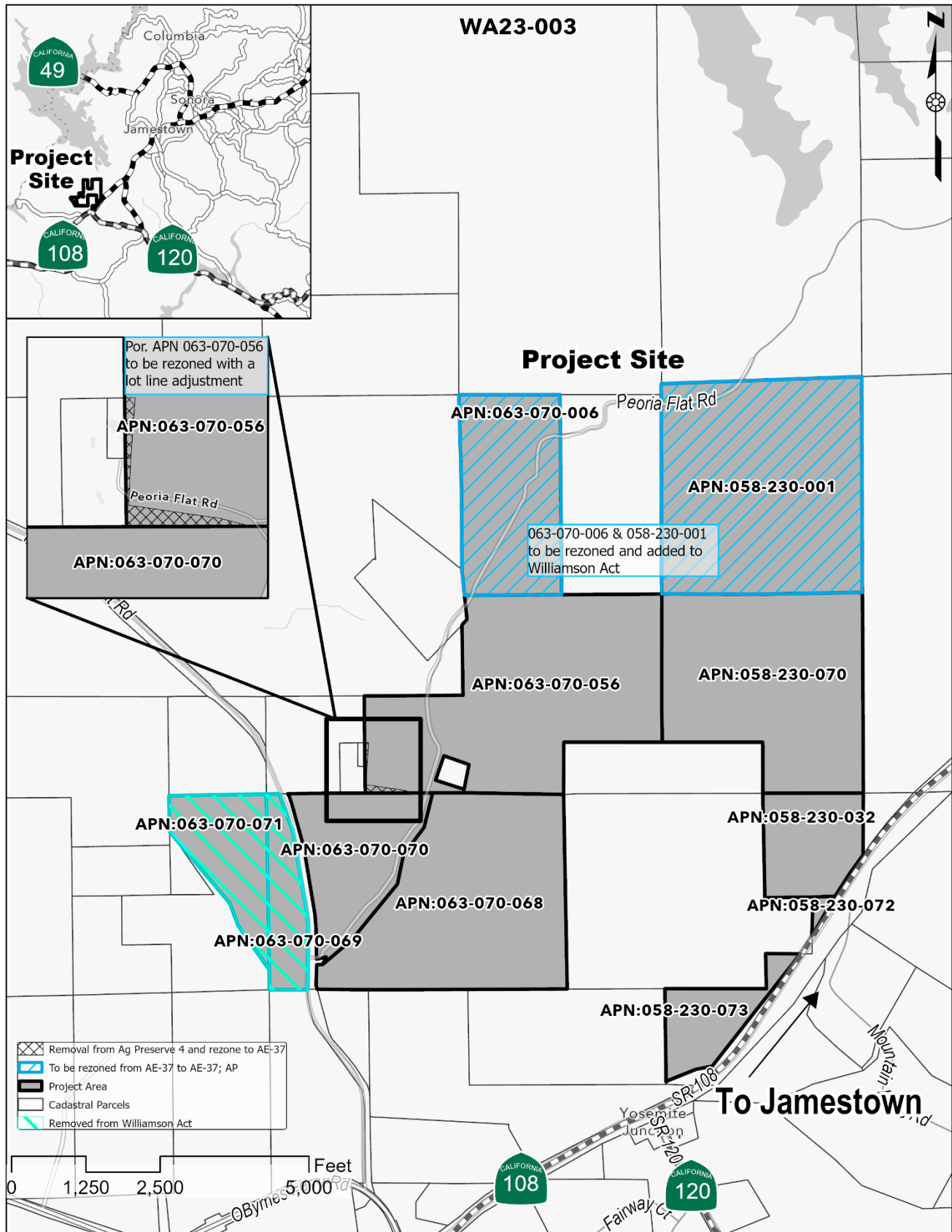
Acres: 241± acres

Current Zoning: AE-37, AE-37:AP

Current General Plan Designation: AG

Project Description: Proposed lot line adjustment into 063-070-056 rezones a 1.28 ± section from zoning AE-37:AP to AE-37. Parcels 063-070-006 and 058-230-001 to be rezoned from AE-37 to AE-37:AP.

Attachment 2: Vicinity Map

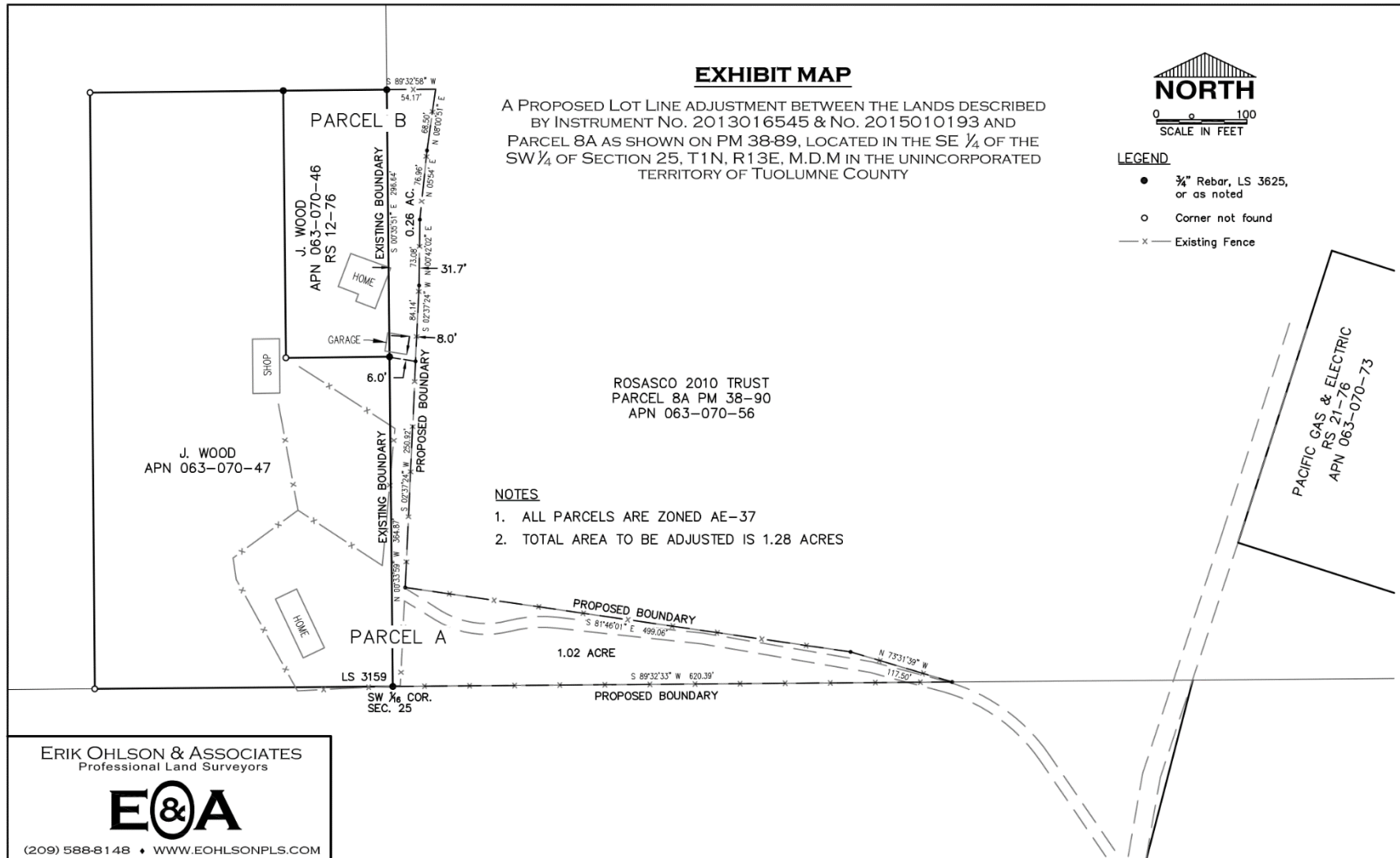


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Date Saved: 3/21/2024 12:23

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Attachment 3: Exhibit Map Lot Line Adjustment T-24-8





COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

July 17, 2024

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TO: Tuolumne County Planning Commissioners

FROM: Quincy Yaley, AICP, Community Development Director
Tamera Blankenship, Housing Development Specialist

RE: Consideration of making a recommendation on the 2024-2029 Housing Element Update and the accompanying General Plan Environmental Impact Report Addendum

BACKGROUND

1. The Housing Element of the General Plan is required by state law to be updated every five years consistent with the priorities determined by the California Department of Housing and Community Development (HCD). The update is an opportunity to assess our housing needs, constraints, and opportunities, and is comprised of the following sections:
 - Housing needs, including existing, projected, and special needs.
 - Site inventory and analysis to ensure adequate sites for housing need.
 - Constraints to housing development including potential and actual governmental constraints
 - Policies and programs, including timeframes for implementation, intended to reduce or remove constraints to housing development.
 - Affirmatively Furthering Fair Housing analysis and programs.
2. The updated document is required to ensure sufficient sites and opportunities to meet our Regional Housing Needs Allocation (RHNA). HCD determines the number of housing units needed in each region to meet the State's housing goals and assigns local jurisdictions a share of the total units at various affordability levels. HCD assigns the RHNA for each jurisdiction based on various factors, including demographic trends, regional housing needs, and existing housing stock. Additionally, HCD considers data on overcrowding, cost burden, vacancy rates, and jobs-housing imbalances when determining the regional housing need. Tuolumne County's assigned allocation for the current Housing Element cycle is four units, with two units assigned to the City of Sonora and two units assigned to the unincorporated area of the County.
3. PlaceWorks was hired by the County, with the approval of the Board, to draft the Housing Element Update and Addendum to the General Plan Environmental Impact Report.
4. On November 3, 2023, this Commission heard a presentation and had an opportunity to comment on the Housing Element Update Public Draft. On December 5, 2023, the Board of Supervisors heard a presentation and had an opportunity to comment on the Public Draft.

PUBLIC DRAFT REVIEW AND COMMENT PERIOD

5. The draft Housing Element document was made available for public review and comments for more than thirty-days prior to submission to HCD for review, as required by law. Revisions in response to public comments can be found in the Public Participation section of the document.
6. The Housing Element Update was submitted to HCD for review on December 19, 2023, and HCD provided written comments on March 18, 2024, including a list of revisions necessary to fully comply with State Housing Element Law. Subsequent revisions were posted to the county's website and sent to stakeholders at least seven days prior to resubmission to HCD.
7. On July 10, 2024, HCD indicated that the Housing Element Update for the 2024-2029 cycle is in substantial compliance and ready for adoption. Upon adoption by the Board of Supervisors, the Housing Element will be submitted to HCD for certification.

ENVIRONMENTAL IMPACTS

8. The proposed 2024-2029 Housing Element does not change any land use designation or approve any development and the General Plan EIR provides a sufficient and adequate analysis of the environmental impacts of the Housing Element Update. The Housing Element Update does not cause any new significant environmental impacts or substantially increase the severity of significant environmental impacts disclosed in the General Plan EIR and, as a result, the appropriate environmental document as determined by California Environmental Act (CEQA) guidelines Section 15164(b) is the July 2024 General Plan EIR Addendum for the 2024-2029 Housing Element Update.

RECOMMENDATION

It is respectfully requested that:

- A. The Tuolumne County Planning Commission review the Housing Element Update and make a recommendation of approval to the Board of Supervisors for a resolution adopting the 2024-2029 Housing Element.
- B. The Tuolumne County Planning Commission recommend Board of Supervisors approval of the General Plan Environmental Impact Report Addendum for the 2024-2029 Housing Element.

ATTACHMENTS

1. Tuolumne County 2024-2029 Housing Element (tracked changes)
https://www.tuolumnecounty.ca.gov/DocumentCenter/View/27637/Tuol-Co-HE_Revised-2nd-HCD-Draft_June-2024_tracked
2. Tuolumne County 2024-2029 Housing Element (clean)
https://www.tuolumnecounty.ca.gov/DocumentCenter/View/27638/Tuol-Co-HE_Revised-2nd-HCD-Draft_June-2024_clean
3. Addendum to the General Plan EIR for the 2024-2029 Housing Element Update
https://www.tuolumnecounty.ca.gov/DocumentCenter/View/27838/Tuolumne-County-HE_Final-Addendum_7-11-24