



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

**TUOLUMNE COUNTY PLANNING COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET
September 18, 2024
6:00 p.m.***

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***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 July 17, 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. LONG GULCH RANCH,

1. **Zone Change RZ20-002** to rezone the 82.2-acre site from Exclusive Agricultural, Thirty-Seven Acre Minimum:Airport Combining (AE-37:AIR) to Residential Estate, Five-Acre Minimum:Airport Combining and Open Space (RE-5:AIR and O) under Title 17 of the Tuolumne county ordinance Code (TCOC).
2. **Tentative Subdivision Map T20-002** to divide the 82.2-acre parcel into 13 residential lots, ranging in size from 5.0 acre to 10.07 acres.
3. **Approval of the Mitigative Negative Declaration** for Zone change RZ20-002 and Tentative Subdivision Map T20-002.

The project site is located east of the intersection of Ferretti Road and Clements Road, in Groveland on the north side of Ferretti Road. The site is identified by Assessor's Parcel Number (APN) 066-160-085. The project site is located within a portion of Section 13, Township 1 South, Range 16 East, Mount Diablo Baseline and Meridian, and within Tuolumne County Supervisorial District 4.

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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LONG GULCH RANCH

SURFACE/MINERAL

RIGHTS OWNER: Long Gulch Ranch, c/o Brian Fitzgerald

APPLICANT: Ron Kopf

DATE: September 9, 2024

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Zone Change RZ20-002 to rezone the 82.2-acre site from Exclusive Agricultural, Thirty-Seven Acre Minimum:Airport Combining (AE-37:AIR) to Residential Estate, Five-Acre Minimum:Airport Combining and Open Space (RE-5:AIR & O) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
2. Tentative Subdivision Map T20-002 to divide the 82.2-acre parcel into 13 residential lots, ranging in size from 5.0 acres to 10.07 acres.
3. Approval of the Mitigative Negative Declaration for Zone Change RZ20-002 and Tentative Subdivision Map T20-002.

LOCATION:

The project site is located east of the intersection of Ferretti Road and Clements Road, in Groveland on the north side of Ferretti Road. The site is identified by Assessor's Parcel Number (APN) 066-160-085. The project site is located within a portion of Section 13, Township 1 South, Range 16 East, Mount Diablo Baseline and Meridian, and within Tuolumne County Supervisorial District 4.

SITE DESCRIPTION:

The project site is currently undeveloped and primarily consists of oak woodland. Clements Road borders the northwestern edge of the project site, beyond which exists the site of a recently approved residential development (Airport Estates Project), the Pine Mountain Lake Airport, and Pine Mountain Lake Subdivision. Ferretti Road borders the site to the south. Single-family residences are located to the north and northwest of the site, along Clements Road and Beaver Court. The nearest residence to the site is approximately 230 feet from the closest point of the project site boundary. The surrounding areas to the northeast, east, and south consist of vacant land. The site is currently designated Rural Residential (RR) by the County's General Plan and is zoned AE-37:AIR under Title 17 of the TCOC.

The site is located within Airport Compatibility Zones B1 and B2 associated with the Pine Mountain Lake Airport. The Pine Mountain Lake Airport runway is located approximately 750 feet from the project site at its closest point. Ferretti Road borders the site to the southwest. The site is located outside of the Groveland Community Services District (GCSD) boundary but is located within the District's Sphere of Influence. GCSD provides water, sewer, fire, and park services within its boundary. Pacific Gas and Electric (PG&E) overhead electrical lines cut through the site from Ferretti Road in a northerly direction. A recorded road easement exists on the site in the northwestern portion originating from Clements Road to provide access to parcels to the north that were created via a recently recorded Tentative Parcel Map.

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A. DETAILED PROJECT DESCRIPTION

The proposed project would require approval of Zone Change RZ20-001 to rezone the site from AE-37:AIR to RE-5:AIR. Tentative Subdivision Map T20-002 would divide the 82.2-acre site into 13 residential lots, ranging in size from 5.0 acres to 10.07 acres. Decisions on Subdivision Maps and Zone Changes are made by the Tuolumne County Board of Supervisors.

The project components, including the requested approvals, are discussed in detail below.

Rezone

The current zoning for the project site is AE-37:AIR. The AE-37:AIR designation allows a maximum residential density of one dwelling unit per 37 acres and requires parcels to be a minimum size of 37 acres. The proposed project would require a rezone to change the site's current zoning from AE-37:AIR to RE-5:AIR to allow for parcels meeting a minimum size of five gross acres. Allowable uses within the RE-5 zoning district are contained in Chapter 17.12 of the TCOC.

Vesting Tentative Map

The proposed project would include a vesting tentative map to subdivide the project site into 13 lots, ranging in size from 5.0 acres to 10.07 acres. While the project does not include a specific development proposal at this time, the project would allow for future development of the site with single-family residences pursuant to the densities allowed by the zoning and the vesting tentative map. Additional site improvements associated with the proposed project would include internal vehicle circulation, stormwater management, and landscaping.

The proposed project would include construction of a new internal roadway that would be constructed to connect with Ferretti Road to the south and provide primary access for the project site. The new internal roadway would then connect to Clements Road by way of an existing roadway easement in the northern portion of the site. From the internal roadway, a common driveway would offer access to the northeastern-most lots of the subdivision. Lots 1 through 13 would be accessed via individual driveways by a new internal roadway and a common driveway.

Electrical and natural gas utilities would be provided by connection to existing infrastructure in the project vicinity. Future on-site residences would include private septic systems and, thus, would not require connection to public sewer infrastructure. Water would be provided via on-site, private wells. Pursuant to Section 16.26.230 of the TCOC, reasonable proof of groundwater availability on-site shall be provided to the environmental health department in a form as specified by their adopted guidelines. For subdivisions with lots of five gross acres or more, groundwater proof shall be provided prior to approval of the final map.

Future residential development within the site would be required to comply with County Code Section 16.26.180, which requires preparation of a drainage study for all new subdivisions. Consistent with Section 16.26.180(B), the drainage study would be required to demonstrate that drainage structures would be installed or improved as necessary to convey stormwater from the project site to the point where the waters enter a natural drainage which can adequately contain and convey the stormwater. With regard to the existing on-site drainages, the drainage study would be required to demonstrate the following, per Section 16.26.180(C):

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way fifteen feet in width along the centerline of ephemeral drainages, thirty feet in width along the centerline of intermittent drainages and fifty feet along the centerline of perennial streams conforming substantially to the lines of such watercourse. Wherever

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safe and feasible, as determined by the director, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. ENVIRONMENTAL REVIEW

The evaluation of environmental impacts involves several key procedures. The County must consider all aspects of the project, including on-site, off-site, cumulative, direct, indirect, construction, and operational impacts. After that analysis, then staff determines if an impact is potentially significant, less than significant with mitigation, or less than significant. If mitigation measures reduce an impact to less than significant, a "Negative Declaration" should describe these measures and how they address the impact.

The environmental review checklist highlights that none of the twenty resource areas analyzed in the CEQA document has the potential to significantly impact the environment. Several resource areas had impacts identified that were reduced to a less than significant level with the incorporation of mitigation measures. This means that while the project might pose an impact in certain areas, comprehensive mitigation strategies could address these concerns. All other factors are not expected to be significantly impacted. This staff report will focus on several resource areas that were raised as concerns by stakeholder agencies and the public:

Aesthetics	Land Use and Planning
Biological Resources	Public Services
Hydrology and Soils	Wildfire

A detailed analysis of all of the resources areas can be found in the Initial Study. Due to the length of the report, including appendices, the Final Initial Study/Mitigated Negative Declaration is posted on the County's website here: <https://www.tuolumnecounty.ca.gov/821/Environmental-Review-Documents>

The Initial Study/Mitigated Negative Declaration was prepared and circulated for 30 days from February 16 to March 18, 2024. A Notice of Intent to Adopt a Mitigated Declaration (Notice) was mailed to 22 organizations including state agencies, county agencies, local Native American tribes and thirty two surroundings properties. Comments received on the project are in the IS/MND and responses are provided to the concerns raised. None of the comments presents substantial evidence of a fair argument that the project may have a significant impact on the environment. All mitigation measures for the proposed project are included in the Mitigation Monitoring and Reporting Program and as project Conditions of Approval. Based on the IS/MND, and the administrative record as a whole, there is no substantial evidence of a fair argument that the Project may have a significant impact on the environment. The IS/MND identifies the potential significant environmental impacts of the Project, in accordance with CEQA, and incorporates mitigation measures to reduce impacts to a level below significant. Therefore, the adoption of IS/MND and the MMRP satisfies the requirements of CEQA for the Project.

Aesthetics

The project site, currently an undeveloped area with hills, slopes, and a meadow covered in dense vegetation, is bordered by Clements Road, Ferretti Road, and nearby residential developments. The site features seasonal drainages, a historical ditch, and a variety of native and non-native plants. This project will transform the site from its current oak woodland and grassland state into a residential subdivision, aligning with the General Plan designation for rural residential use. The project is expected to be visually compatible with nearby developments and will adhere to local regulations, including maintaining much of the mature vegetation and complying with the Hazardous Vegetation Management ordinance.

Regarding scenic resources, the project site is not near officially designated scenic vistas or State Scenic

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Highways and will not significantly impact these scenic resources. While the development will alter the visual character of the site, it is anticipated to have a less-than-significant impact on public views. The introduction of new sources of light and glare from the residential development is expected to incrementally increase compared to existing conditions but will be consistent with nearby residential areas. Mitigation measures will be implemented to manage potential light and glare impacts, ensuring they remain at a less-than-significant level.

Biological Resources

The project site, currently undeveloped, is characterized by oak woodlands, grasslands, and a southwest-facing slope with seasonal drainages and a historical ditch. The vegetation includes species such as foothill pine, ponderosa pine, and blue oak. According to Tuolumne County Wildlife Maps and CalFire FRAP Maps, the site contains habitats like blue oak pine, annual grassland, and montane hardwood. These habitats are classified as third and fourth priority in the Tuolumne County Wildlife Handbook, indicating their varying wildlife value.

Various conservation databases, including the California Natural Diversity Database (CNDDDB), the California Native Plant Society (CNPS), and the US Fish and Wildlife Service (USFWS), were consulted to identify rare, threatened, or endangered species. The Tuolumne County Geotechnical Interpretive System (GIS) Maps indicated the presence of the great gray owl and California spotted owl in nearby areas, though no other special-status species are known to occur on or near the project site.

The project must comply with a range of regulatory frameworks at federal, state, and local levels governing biological resources. Key regulations include the Endangered Species Act (ESA), the Clean Water Act (CWA), and the California Endangered Species Act (CESA). Locally, the Tuolumne County Wildlife Handbook and the 2018 General Plan provide guidelines for evaluating and mitigating impacts on biological resources, particularly oak woodlands. These guidelines emphasize the importance of establishing buffers, replanting, and developing detailed mitigation and monitoring plans to compensate for habitat loss.

The evaluation of the project's potential impact on special-status species, which are protected under federal and state laws like the ESA and CESA, involved consulting the CNDDDB. The search identified 14 species within a five-mile radius, though the site itself does not have the specific habitats needed by many of these species. While no adverse effects on special-status plants are expected, the site's habitat could potentially support special-status wildlife. Mitigation measures are proposed to address potential impacts on riparian habitats and wetlands, including conducting wetland delineations and obtaining necessary permits. The project will also implement strategies to minimize impacts on oak woodlands and comply with local environmental protection standards, including fire safety regulations.

Hydrology and Soils

The project site is situated within the Tuolumne River watershed and features two seasonal drainages and a historical ditch that eventually flow into the Tuolumne River and Lake Don Pedro Reservoir. It will be served by private on-site wells and sewage disposal systems, and it is not regulated by the Sustainable Groundwater Management Act or a Groundwater Sustainability Plan. The area is covered by a Water Quality Plan from 2007 that aims to maintain and improve surface water quality, and it falls under the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB).

Regulatory requirements include adherence to the Federal Water Pollution Control Act and the National Pollutant Discharge Elimination System (NPDES), which mandates stormwater management for land disturbances over one acre through a Stormwater Pollution Prevention Plan (SWPPP). The site is in Flood Zone X, indicating minimal flood hazards, and must comply with Chapter 15.24 of the Tuolumne County Ordinance Code (TCOC) on flood regulation. Chapter 13.20 of the TCOC governs groundwater management, requiring that all wells adhere to specific regulations. A hydrogeologic report by

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GeoResource Management and additional correspondence provide documentation required for the project's approval, including proof of groundwater as stipulated by Section 16.26.230 of the TCOC.

Comments were received regarding concern of improper analysis of septic systems on site, including not analyzing impacts from Accessory Dwelling Unit (ADU). As previously indicated in the IS/MND the proposed project would be served by individual septic systems that will be required to be permitted through the Environmental Health Division. Each septic system must be designed to meet the size of all wastewater generated on a parcel. Furthermore, site and soil information is required for each individual parcel and would be required prior to the approval of the final map. Compliance with the regulations ensures the future systems are constructed to the required standards.

Land Use and Planning

The current land use designation for the project site is RR, which supports country-estate living with significant open spaces for agriculture or natural preservation, and typically allows one single-family dwelling and an Accessory Dwelling Unit (ADU) per parcel, with a minimum size of five acres. The proposed project seeks to rezone the site from AE-37 to RE-5 to develop 13 residential lots, each meeting the minimum parcel size for RE-5 zoning. This rezoning aligns with the Tuolumne County General Plan, which aims to enhance residents' quality of life by facilitating growth and providing additional housing options while protecting cultural resources and promoting affordable housing.

The RE-5 zoning designation, which includes a combining district to mitigate airport-related noise and safety issues, supports low-density residential development and is compatible with nearby parcels. The project must adhere to various regulations, including those related to stormwater management, grading, and compliance with the Tuolumne County Airport Land Use Compatibility Plan. A Cultural Resource Study was conducted, and the project's adherence to General Plan goals and policies indicates that it will not cause significant environmental impacts, ensuring compliance with relevant land use plans and mitigation measures.

Public Services

Fire protection for the site is primarily provided by the County of Tuolumne, with mutual aid from Groveland Community Services District (GCSD), CAL FIRE, and the USFS. The Groveland Fire Station is fully staffed year-round, with five rotating firefighters under a CAL FIRE Schedule A contract. However, funding for the CAL FIRE Schedule B station on Merrell Rd. is paused during the off-season. Previously, the GCSD funded two firefighters at this station under the Amador Plan contract, but since July 2020, Tuolumne County has assumed this financial responsibility. The GCSD Fire Department serves a winter population of about 4,500, increasing to 9,000 during summer weekends, and operates two fire stations equipped with multiple fire engines. Law enforcement services are provided by the Tuolumne County Sheriff's Office, with the nearest station in Sonora. Response times vary from 5 to 35 minutes depending on various factors, and six deputies patrol the county at any time.

The California Environmental Quality Act assesses public service impacts by evaluating whether a project would require new or physically altered governmental facilities, which could lead to significant environmental effects. The key concern is whether the project would necessitate such facilities to maintain acceptable service levels in areas like fire and police protection, schools, parks, and other public services. In the case of this project, the analysis concluded that it would not require new or expanded public facilities, so the impact on public services is considered less than significant.

Emergency services to the project site, located in a rural area, are currently provided by Tuolumne County and the Groveland Community Services District (GCSD), supplemented by other agencies under a mutual aid agreement. Despite concerns about response times due to the remote location, the County has not adopted specific response time standards for these areas. The mutual aid agreement ensures that the closest available emergency resources will respond, regardless of jurisdiction. As such, the

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project does not trigger the need for new or expanded emergency facilities.

To address emergency service funding, the project will be required to pay a County Service Impact Mitigation Fee, which supports fire, ambulance, and police services. Additionally, the County may impose a condition requiring the project to contribute an annual "fair share" fee for emergency services until a formal impact fee program is established. This approach ensures that the project's impact on emergency services remains manageable without necessitating significant new infrastructure.

Wildfire

The CEQA analysis is required to address whether a proposed project in high fire hazard areas could impair emergency response or evacuation plans, increase wildfire risks due to factors like slope and wind, and necessitate infrastructure that might worsen fire risk or environmental impacts. Additionally, CEQA requires an analysis if the project could lead to significant risks such as flooding or landslides due to runoff, drainage changes, or post-fire conditions.

The project site in question is located within a Very High Fire Hazard Severity Zone, according to the CAL FIRE Fire and Resource Assessment Program. The Tuolumne County Fire Prevention Division has set forth several recommendations and conditions to reduce fire risk at the site, including the implementation of a fuel modification program and adherence to various construction standards related to driveways, residential gates, and identification.

Several specific conditions must be met before the Final Map approval, including the completion of a fuel modification plan, ensuring defensible space around structures, and meeting current road requirements for fire apparatus access. Driveways serving the project must be constructed according to precise standards, including width, grade, and clearance requirements. Additionally, all roads accessing the project site must be cleared of flammable vegetation, and residential gates and numbers must meet specific placement and visibility standards.

The project does not pose a significant risk of interfering with the County's Emergency Operations Plan, as it would not substantially modify the existing roadway system or introduce land uses that could hinder emergency responses. The new roadway construction associated with the project would provide internal access without disrupting the broader evacuation routes. The area has a low to moderate risk for landslides, and the project would not expose people or structures to significant risks from natural disasters like flooding or landslides.

The project site's wildfire risk will be mitigated through adherence to various building and safety codes, including the California Building Code and Public Resource Code 4291. Site improvements such as roadways, driveways, and landscaping will reduce the presence of combustible vegetation, further lowering the wildfire risk. Overall, the project is expected to have a less-than-significant impact regarding wildfire risks, and the implementation of the proposed measures will enhance the safety and fire resistance of the development.

C. COMMUNITY CONCERNS

Groveland Community Services District is concerned about its ability to meet emergency response standards for the project. They felt the environmental documents failed to evaluate or document the GCSD's capability to handle emergencies at this location. The CEQA question regarding providing emergency services is limited to if a project requires a new station, would that new station have environmental impacts. A new station is not needed to serve thirteen new lots, and therefore the project does not create a significant impact under CEQA, which is why no further analysis is required in the environmental document.

Additionally, GCSD states that the project is required to annex into their district, in part because the

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proposed individual groundwater wells for the project will lead to “significantly negative results, with possible risks to health and safety”. A project being located in a Sphere of Influence of a special district does not automatically trigger a requirement for annexation. Annexation can be initiated by a property owner, special district, or the Local Agency Formation Commission (LAFCO). If the District would like to have the project within its boundaries, it can initiate an application to do so with LAFCO. Alternatively, annexation could be a condition of approval for the project. However, this would require a tax revenue sharing agreement between the County and the District, which would require approval by the Board of Supervisors.

The District states that they are not involved in County land use decisions. GCSD was notified of the project, sent several comment letters in regarding their concerns, which were responded to in the Response to Comments.

Concerns were also raised regarding water supply, and the timing of the need to show proof of groundwater for the future development. Prior to the approval of a Final Map, the applicant will need to demonstrate that there is adequate groundwater on the property in a study that will meet standards established by the Environmental Health Division. If the project is not able to meet those standards, the Final Map will not be approved and the development will not be allowed to proceed unless an alternative water sources is proposed, analyzed, and approved.

Concerns were also raised regarding the feasibility of septic systems to serve the project, and concerns that an improperly maintained system would fail. Future systems would be reviewed for compliance with applicable design and function standards in the Tuolumne County Ordinance Code. If a system is designed by a qualified professional that meets the required standards, a permit will be issued. This is identical to other County processes that are based on adopted codes – Building Permits, Road encroachment Permits, and permits from the Fire Prevention Bureau. The County adopts code and regulations based on standards and issues ministerial permits when applications comply with those codes. Preventing a project, such as the construction of a septic system, from proceeding because it may fail in the future due to design or operational failures is not practical – it would be similar to not issuing a building permit for a project designed by an engineer that meets the code standards because it may fail. Code and regulations are relied on to design homes and their infrastructure to prevent failure.

D. SUPPORT FOR FINDINGS

The Long Gulch Ranch project is subject to specific findings required for approval under Chapter 17.100 of the Tuolumne County Ordinance Code (TCOC). Below is an analysis of how the report supports the necessary findings.

Finding A: The zoning amendment will not adversely impact the existing community.

The report outlines that the proposed zoning change from AE-37 to RE-5 will allow for smaller lot sizes (minimum 5 acres) while maintaining consistency with surrounding residential developments, including the nearby Pine Mountain Lake subdivision. The site is currently designated for rural residential use under the General Plan, which supports country-estate living and low-density housing. Given that adjacent properties are already developed or designated for similar residential uses, the rezoning and subsequent development of 13 residential lots are unlikely to create adverse impacts on the community. Additionally, the project will mitigate potential concerns related to aesthetics, noise, and traffic through the implementation of zoning controls and mitigation measures, reducing the likelihood of negative community effects.

Finding B: The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.

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The project aligns with the Tuolumne County General Plan, which designates the site for Rural Residential (RR) use. The General Plan supports low-density residential development that preserves open space while providing for single-family homes. The report emphasizes that the project conforms with the General Plan's goals of balancing residential growth with environmental protection. The subdivision design reflects this balance by adhering to minimum lot sizes, allowing open area within the development, and ensuring that future development will be compatible with surrounding rural land uses. The zone change supports the County's vision of enhancing rural residential living while protecting natural resources.

Finding C: The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.

The proposed RE-5 zoning allows for compatible residential use within the context of existing land use regulations in the area, which include residential estates and airport-compatible zoning. The zoning change includes the "Airport Combining" designation, which ensures that future development adheres to safety and noise standards related to the proximity to Pine Mountain Lake Airport. The report also details various development controls, such as minimum parcel sizes, landscaping requirements, and stormwater management, that will guide future construction on the site. These measures help ensure that the development remains consistent with the surrounding land uses and minimizes potential conflicts with adjacent properties, including residential and airport-related uses.

Finding D: The amendment provides for the protection of the general health, safety, and welfare of the community.

The project report includes measures to protect the health, safety, and welfare of the community. These measures cover a range of concerns:

- **Wildfire Risk:** The project is located in a Very High Fire Hazard Severity Zone, and specific fire safety standards are proposed, such as defensible space, fuel modification programs, and compliance with building and fire codes.
- **Septic Systems and Water Supply:** The report ensures that septic systems will be designed to meet environmental health standards, and groundwater availability must be demonstrated before approval of the final map.
- **Public Services:** The project includes a County Service Impact Mitigation Fee to support emergency services, ensuring that fire, police, and ambulance services can adequately serve the new development.
- **Drainage and Stormwater Management:** The project must comply with the county's drainage regulations, including the installation of drainage structures to handle stormwater runoff, preventing flood risks.

By addressing these key areas, the report demonstrates that the project promotes public safety and minimizes risks to community welfare.

Finding E: The Mitigated Negative Declaration reflects the independent judgment of the County of Tuolumne as lead agency and satisfies the requirements of CEQA for the project.

The County prepared an Initial Study/Mitigated Negative Declaration (IS/MND), which was circulated for public review and addresses all potential environmental impacts. The County's analysis found no substantial evidence that the project, with mitigation measures in place, would have a significant impact on the environment. The IS/MND considered various aspects of the project, including aesthetics, biological resources, hydrology, public services, and wildfire risk, and determined that these issues could be mitigated to a level below significance.

The findings demonstrate that the County exercised independent judgment in evaluating the project's impacts and that the CEQA requirements have been satisfied, as outlined in the Final IS/MND.

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The findings for the Subdivision Map are similar to those of the Zone Change described above. None of the mandatory reasons for denial under the Subdivision Map Act Section 66474 apply to the project.

Conclusion

The Long Gulch Ranch project report provides substantial evidence to support the necessary findings for rezoning and subdivision approval. The project meets community compatibility, aligns with the General Plan, and ensures the protection of public health, safety, and environmental resources. The thorough mitigation strategies detailed in the Initial Study further enhance the project's compliance with local and state regulations, including CEQA requirements.

RECOMMENDATION

Staff recommends approval of Zone Change RZ20-002 based upon the following findings pursuant to Chapter 17.100 of the TCOC:

- A. The zoning amendment will not adversely impact the existing community.
- B. The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.
- C. The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.
- D. The amendment provides for the protection of the general health, safety, and welfare of the community.
- E. The Final Mitigated Negative Declaration reflects the independent judgment of the County of Tuolumne as lead agency and satisfies the requirements of CEQA for the project, and adopt a Mitigated Negative Declaration and make the following findings:
 - a) The Mitigated Negative Declaration and comments on the document received during the public review process were considered and the Mitigated Negative Declaration is adequate in addressing the impacts related to the project.
 - b) On the basis of the whole administrative record, there is no substantial evidence that the project, with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program, may have a significant effect on the environment;
 - c) Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074, the Mitigation Monitoring and Reporting Program is adopted for the project; and
 - d) Mitigated Negative Declaration is adequate to satisfy the requirements of CEQA for project.

Staff recommends approval of Tentative Subdivision Map T20-002 based upon the following findings and subject to Conditions 1 through 74:

- A. The proposed land division is consistent with the Tuolumne County General Plan.
- B. The proposed land division is consistent with the Tuolumne County Ordinance Code.
- C. None of the mandatory findings requiring denial of a tentative map in Section 66474 of the State Subdivision Map Act apply to this project.
- D. An IS/MND was prepared for the proposed Tentative Subdivision Map T20-002 in accordance with CEQA and State and County guidelines for the implementation of CEQA.

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Attachments:

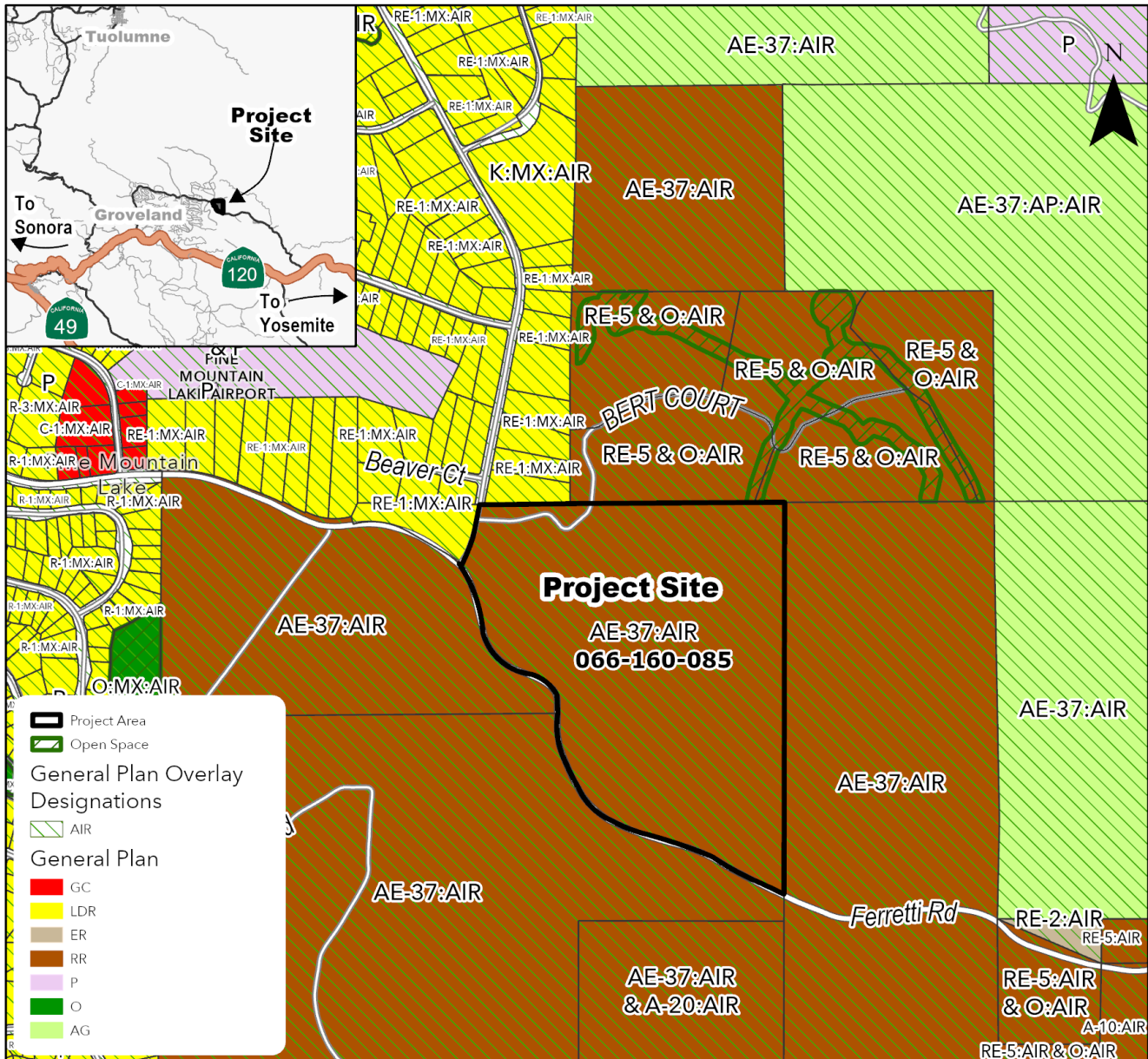
Project Map
Tentative Subdivision Map
Conditions of Approval
Public Comments on ISMND and Response to Comments
Errata to ISMND

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Attachment 1: Project Map

RZ20-002 & TSM20-002



Project: RZ20-002 & TSM20-002

Owner: Long Gulch Ranch, c/o Brian Fitzgerald

Applicant: Ron Kopf

APN: 066-160-085

Acres: 82.2± acres

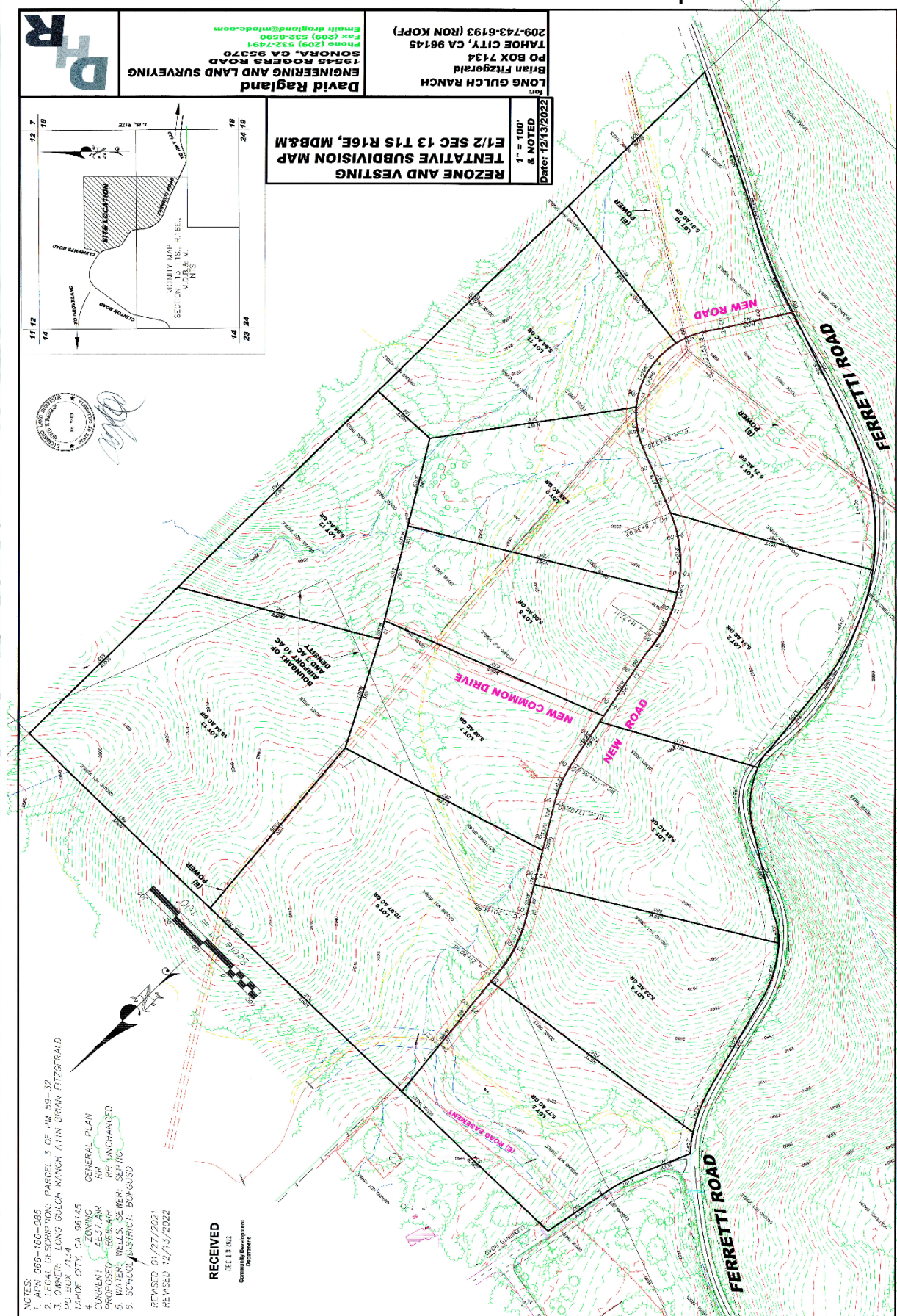
Current Zoning: AE-37:AIR

Current General Plan Designation: Rural Residential (RR)

Project Description: Zone change RZ20-002 to rezone 82.2 acres from AE-37:AIR to RE-5:AIR & O:AIR. Tentative Subdivision Map T20-002 to divide the 82.2 acre parcel into 13 residential lots, ranging in size from 5.0 to 10.07 acres, and approval of the Mitigative Negative Declaration for Zone Change RZ20-002 and Tentative Subdivision Map T20-002.

LONG GULCH RANCH

Attachment 2: Tentative Subdivision Map



LONG GULCH RANCH

Attachment 3: Conditions of Approval

**CONDITIONS OF APPROVAL
Long Gulch Ranch (13 Lots)
TENTATIVE SUBDIVISION MAP TSM20-002**

General Conditions:

1. LU As a condition of the grant of approval of the tentative map, and as a continuing condition of approval of the parcel or final map (as applicable), Subdivider 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 subdivision or arising out of, or in connection with the acts or omissions of Subdivider, its agents, employees, or contractors. With respect to acts or omissions of the Subdivider, its agents, employees, or contractors, its obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. 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 subdivision, including any contention the subdivision or its approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. 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 Subdivider 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. With respect to the County's approval, this obligation applies only to actions or proceedings brought within the time period provided for in Government Code Section 66499.37, and is conditioned on the County promptly notifying the Subdivider of any claim, action, or proceeding and cooperating fully in the defense. 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 16.06.090)

Prior to approval of the Final Map the following conditions shall be met:

2. SUR The Subdivision Map shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 16.02.040)
3. SUR A field survey shall be performed and all property corners and access easement rights-of-way shall be monumented. (TCOC, Section 16.24.120)

4. ED Provide proof of access to the real property by a deeded or dedicated road and public utility easement no less than 40 feet in width and of sufficient width to accommodate an area extending to 5 feet beyond cuts and fills, to the Engineering Division of the Department of Public Works. The existing alignment of Ferretti Road and/or Clements Road appears to enter or partially encumber the lands of proposed Lots 1,2,3,4,5 and 10; sufficient R/W shall be dedicated to accommodate the minimum road easement. (TCOC, Section 16.24.160)
5. ED Drainage easements shall be shown on the final map as required by the Engineering Division of the Department of Public Works. (TCOC, Section 16.24.180)
6. LU/ED Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way fifteen feet in width along the centerline of ephemeral drainages, thirty feet in width along the centerline of intermittent drainages and fifty feet along the centerline of perennial streams conforming substantially to the lines of such watercourse. Wherever safe and feasible, as determined by the director, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.(TCOC, Section 16.24.180)
7. SUR/ED Public utility easements shall be required for each proposed parcel as referenced in Title 16 of the Tuolumne County Ordinance Code. (TCOC, Sections 16.24.160 and 16.24.170)
8. LU/ED The Kanaka ditch and a 10-foot building setback around the ditch shall be rezoned to Open Space zoning as per the attached ordinance. No construction within the Open Space is allowed. Driveways across the ditch may be allowed upon further review by the Planning Department. The Zone Change shall be approved by the Tuolumne County Board of Supervisors in conjunction with Zone Change RZ20-002. The Open Space zoning shall be shown on the Final Map. (CEQA, Section 15041, [Initial Study, "Cultural Resources"])
9. FPD The project site is located in an area that is rated as a very high fire hazard by the California Department of Forestry and Fire Protection (Cal Fire). The fire hazard shall be reduced through a fuel modification program approved by Tuolumne County Planning and Fire Prevention. The fuel modification program shall provide for the reduction of flammable vegetation by the thinning of brush, small trees and the removal of piles of dead brush from the project site. The fuel modification plan shall be completed prior to the approval of the final map. (TCOC Section 15.20.060 & 16.08.030)
10. FPD The following statement shall be recorded on the final map: "Modification to Defensible Space Building Setbacks may be made prior to securing a Building Permit subject to approval of Tuolumne County Fire Prevention." (TCOC Section 15.20.060)

11. FPD/SUR Defensible Space Building Setbacks of 30 feet shall be provided from all property boundaries. All existing parcel boundaries, proposed parcel boundaries and building setbacks shall be recorded and shown on the final map in order to ensure minimum defensible space around future structures on the proposed parcels. (TCOC Section 15.20.060)
12. FPD All proposed access to the project shall be constructed to meet current road requirements. Fire apparatus access roads shall be provided, constructed and maintained as follows: The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. All cul-de-sac roads shall terminate in a 40' radius turn bulb. (CFC Sections 503 TCOC Title 11)
13. FPD All streets shall be signed and identified at intersections to allow for speedy response of emergency equipment. All cul-de-sac roads shall be posted "Not a Through Road". (TCOC Sections 11.12.040 and 11.12.050)
14. FPD A letter shall be submitted by a licensed surveyor or registered civil engineer to the Engineering Development Division containing demonstrated proof that all driveways proposed to serve the project can be constructed from the access road to each building site or parcel to the standards specified in Title 11 of the Tuolumne County Ordinance Code. (TCPC Section 16.24.150(E))
15. FPD All roads accessing the project site shall be cleared of flammable vegetation over 18 inches in height to a distance of 25 feet from the centerline of the road. (TCOC Section 15.20 and CFC Section 503)
16. LU The Board of Supervisors will require either the dedication of land or the payment of fees in lieu of such dedication, or a combination of any of the above, for the purpose of providing park and recreational facilities to serve future residents of the subdivision. Because recreational facilities are not included as part of the proposed project, the project applicant would be required to pay an in-lieu park fee in accordance with Section 16.26.120 of the Tuolumne County Ordinance Code. Section 16.26.120(F) of the Ordinance Code states that all park and recreation fees collected shall be placed in a special fund independent of the general fund and expended only for park and recreation acquisition and development. In addition, any fees collected shall be committed within five years after the payment of such fees or the issuance of building permits on one-half the lots created by a subdivision, whichever occurs first.

The in-lieu park fee is based on the following formula:

Number of units X 0.01 X average assessed market price
= 26 units X 0.01 X \$7,500 (estimated) = \$1,950

(TCOC, Section 16.26.120 and Section 17.100)

17. EH Future development of all parcels will require compliance with Chapters 13.04, 13.08, and 13.16 of TCOC for construction of onsite wastewater treatment and disposal systems and water wells. (TCOC, 13.04,13.08,13.16)
18. EH Environmental Health review of the proposed project shows that the site and soil testing requirements of Chapter 13.04 must be met for each proposed parcel that is 10 gross acres or less prior to approval of the final map. (TCOC 13.04.030).
19. EH All proposed parcels that are 10 gross acres or more are exempt from the site and soil testing requirements of TCOC Chapter 13.04, (TCOC 13.04.030).
20. EH Reasonable proof of adequate groundwater shall be provided to the Environmental Health Division of the Community Development Department (CDD). (TCOC, Section 16.26.230)
21. EH/LU If well capacity is 15 gallons per minute or greater, that well can be used to serve two lots. If well capacity is not more than 15 gallons per minute, shared wells will not be feasible. This condition shall be in accordance with Chapter 13.16 of the TCOC. (TCOC, Chapter 13.16)
22. LU/ALUC All parcels located within or partially within Compatibility Zone B1 shall be a minimum of ten gross acres in size with the exception of proposed parcel 4,7, and 12, consistent with the density policies of the Airport Land Use Compatibility Plan. All parcels located within Compatibility Zone B2 shall be a minimum of three gross acres, consistent with the density policies of the Compatibility Plan. This shall be verified prior to the approval of the Final Map. (TCOC, Sections 16.02.040,17.100,18.24)
23. LU/ALUC A deed restriction shall be recorded for each parcel to acknowledge the proximity of the Pine Mountain Lake Airport and the requirement to comply with the Tuolumne County Airport Land Use Compatibility Plan. The restrictions shall include information that parcels with higher elevations may have height limits imposed on future structures. This would trigger additional review by the ALUC. (TCOC, Sections 16.02.040,17.100,18.24)
24. LU/ALUC All building permits within Compatibility Zone B1 will be subject to review by the Tuolumne County Airport Land Use Commission prior to issuance of a Building Permit. Noise attenuation measures will be required for construction of single-family dwellings within parcels 4,5,6,7,12, and 13. This information shall be included within the deed restriction or on the Final Map. (TCOC, Sections 16.02.040,17.100,18.24)

Prior to the issuance of a grading permit:

25. ED A Road Encroachment Permit shall be obtained from the Engineering Division of the Department of Public Works for access onto or work within any County road right of way. (TCOC, Sections 12.04.010 and 16.24.160(8))
26. ED Submit Road improvement plans to the Engineering Division of the Department of Public Works for review and approval. (TCOC, Section 11.04.010)
27. ED Submit a drainage study and drainage plan to the Engineering Division of the Department of Public Works for review and approval. (CEQA Section 15041, [Initial Study, "Hydrology and Water Quality"])
28. ED Submit utility improvement plans to the Engineering Division of the Department of Public Works for review and approval. (TCOC, Titles 12, 13 and 16)
29. ED A preconstruction meeting will be held prior to issuance of a Grading Permit. The meeting shall be attended by contractors involved in site development and affected County departments. (TCOC, Section 16.06.090)
30. ED All roads constructed to provide access to the parcels created shall be completed in compliance with road improvement plans approved by the Engineering Division of the Department of Public Works. (TCOC, Section 16.24.150(D))
31. ED All grading, both on and off site, shall be completed in compliance with the Grading Permit issued by and the grading plans approved by the Engineering Division of the Department of Public Works. (TCOC, Chapter 12.20)
32. ED Drainage improvements shall be installed in accordance with the plans approved by the Engineering Division of the Department of Public Works. (TCOC, Section 16.24.180).
33. ED All water, sewer and other utility improvements shall be installed in accordance with the plans approved by the Engineering Division of the Department of Public Works. Work performed within a County roadway or right-of-way will require an Encroachment Permit. (TCOC, Titles 12, 13 and 16)
34. ED Road encroachments shall be installed in accordance with the plans approved by the Engineering Division of the Department of Public Works and Encroachment Permit provision. (TCOC, Section 12.04.020)
35. ED The property owner 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. (CEQA, Section 15041, [Initial Study, "Air Quality"]; TCOC Section 12.20.370)

36. ED An Erosion Control Plan shall be submitted to the Engineering Division of the Department of Public Works for approval and shall be implemented for any construction to take place. In the absence of such plan, all construction shall cease, except that necessary to implement erosion control measures. (TCOC, Chapter 12.20)
37. ED No cul-de-sac roads shall be constructed which exceed 1,320 feet in length. (TCOC, Section 11.12.040)
38. ED All corners shall be monumented as required. (TCOC, Section 16.26.100)
39. ED/LU Prior to issuance of grading permit, if wetland habitat cannot be avoided, a wetland delineation shall be prepared in accordance with the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Arid West Region (Arid West Region Supplement). The wetland delineation shall be submitted to the USACE for review. If the existing drainages within the site are found to be jurisdictional under the USACE, RWQCB, or CDFW, then Mitigation Measure IV-4 shall be implemented. If the existing drainage features are not jurisdictional, then additional mitigation is not required. (CEQA, Section 15041, [Initial Study, "Biological Resources"])
40. LU If any prehistoric artifacts or other indications of archaeological resources are found during grading and construction activities, all work within 100 feet of the find shall cease and the applicant shall retain a qualified archaeologist to evaluate the find(s). If the resource is determined to be eligible for inclusion in the California Register of Historical Resources and project impacts cannot be avoided, data recovery shall be undertaken. Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation. The language of this mitigation measure shall be included on any future grading plans and/or utility plans approved by the County for future development on the project site. (CEQA, Section 15041, [Initial Study, "Cultural Resources"])
41. LU If human remains are discovered during grading and construction activities occurring on the project site, further disturbance shall not occur within 100 feet of the vicinity of the find(s) until the Tuolumne County Coroner has made the necessary findings as to origin. (California Health and Safety Code Section 7050.5) Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Tuolumne County Coroner determines the remains to be Native American, the NAHC

must be contacted within 24 hours. The NAHC must then identify the “most likely descendant(s)” (MLD). The landowner shall engage in consultations with the MLD. The MLD shall make recommendations concerning the treatment of the remains within 48 hours, as provided in Public Resources Code 5097.98. This language of this mitigation measure shall be included on any future grading plans approved by the County for future development on the project site. (CEQA, Section 15041, [Initial Study, “Cultural Resources”])

42. ED/LU

To the extent feasible, the future residential development shall be designed to avoid and minimize adverse effects to the existing drainage features within the project site. If impacts to the existing drainage features would occur as a result of implementation of the future residential development, then prior to issuance of any grading permits for lots on which construction could affect the seasonal drainages, the project applicant shall acquire a Section 404 permit for fill of jurisdictional wetlands, if applicable, and mitigation for impacts to jurisdictional waters that cannot be avoided shall be provided in conformance with the USACE “no-net-loss” policy.

If a Section 404 permit is required, the applicant must also obtain a water quality certification from the Regional Water Quality Control Board (RWQCB) under Section 401 of the Clean Water Act (CWA) prior to issuance of any grading permits for lots on which construction could impact the seasonal drainages.

In addition, prior to issuance of any grading permits for lots on which construction would affect the existing drainage features, the applicant shall enter into a 1602 Streambed Alteration Agreement with CDFW, if applicable. To avoid or minimize adverse impacts to downstream fish and wildlife resources, the applicant shall implement avoidance and minimization measures, which may include but not necessarily be limited to:

- Prior to construction, the authorized construction limits shall be marked in coordination with a qualified biologist. Vegetation shall not be removed outside of this marked area and construction debris, equipment, or soils shall not be placed outside of the marked area.
- Throughout construction, all equipment storage, equipment maintenance, lighting, and staging, shall occur outside of CDFW jurisdictional habitat except for any work authorized through a 1602 Agreement.
- Debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil or other petroleum products or any other substances which could be hazardous to aquatic life, or other organic or earthen material from any logging, construction, or other associated project-related activity shall not be allowed to contaminate the soil and/or enter into or placed where it may be washed by rainfall or runoff into, waters of the State. (CEQA, Section 15041, [Initial Study, “Biological Resources”])

43. LU Prior to approval of a grading permit, and subject to the review and approval of the Engineering Division of the Department of Public Works and Land Use and Natural Resources Division of the Community Development Department, construction plans shall require a notation limiting construction activities to the following:
- Construction activities shall be restricted to the hours between 7:00 AM and 7:00 PM Monday through Saturday.
 - Construction activities shall be prohibited on Sundays and County holidays.
 - All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
 - All mobile or fixed noise-producing equipment used in the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity and must be located as far as is feasible from sensitive receptors.
 - Sound attenuation devices shall be required on construction vehicles and equipment. (CEQA, Section 15041, [Initial Study, "Noise"])
44. LU Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor will comply with the following requirements, to the maximum extent feasible determined by the County:
- To the maximum extent feasible, off-road heavy-duty diesel-powered equipment (e.g., rubber-tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet CARB Tier 3 emissions standards or cleaner.
 - To the maximum extent feasible, temporary power necessary for construction activities shall be supplied by the existing power grid, as opposed to portable generators.
 - Alternatively fueled construction equipment and renewable diesel shall be used for on-site construction, if such equipment is commercially available.
(CEQA, Section 15041, [Initial Study, "Greenhouse Gas Emissions"])
45. LU In order to avoid impacts to maternity roosting bats, tree and snag trimming or removal on-site shall be avoided during the maternity roosting season (April 15 – August 31). If tree and snag removal or trimming must occur during the maternity roosting season (April 15 – August 31) within the site, a qualified biologist shall conduct a pre-construction survey for maternity roosting bats within 14 days of the onset of these activities. Maternity roosting bat surveys shall include all trees and snags proposed to be impacted. Survey results shall be submitted to the Tuolumne County Community Development Department. If active maternity bat roosts are not found within the survey area, further mitigation is not required. Should any active maternity bat roosts be discovered during the pre-construction survey in trees or snags proposed to be impacted, the biologist shall identify a suitable construction-free buffer around the maternity roost. An example of a suitable construction free buffer is 50 feet;

however, each buffer distance should be determined on a case-by-case basis by the qualified biologist. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

46. LU For construction activities expected to occur during the nesting season of raptors (February 1 to August 31) and migratory birds, a pre-construction survey by a qualified biologist shall be conducted to determine if active nests are present on or within 0.5 mile of the project site where feasible. Areas that are inaccessible due to private property restrictions shall be surveyed using binoculars from the nearest vantage point. The survey shall be conducted by a qualified biologist no more than seven days prior to the onset of construction. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If construction activities begin prior to February 1, it is assumed that no birds will nest in the project site during active construction activities and no pre-construction surveys are required. If at any time during the nesting season construction stops for a period of two weeks or longer, pre-construction surveys shall be conducted prior to construction resuming.

If active nests are found on or within 0.5 mile of the project site, the applicant shall notify CDFW and explain any additional measures that a qualified biologist plans to implement to prevent or minimize disturbance to the nest while it is still active. Depending on the conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the 500-foot buffer without impacting the breeding effort. Appropriate measures may include restricting construction activities within 500 feet of active raptor nests and having a qualified biologist with stop work authority monitor the nest for evidence that the behavior of the parents have changed during construction. Nests that are inaccessible due to private property restrictions shall be monitored using binoculars from the nearest vantage point. Appropriate measures would be implemented until the young have fledged or until a qualified biologist determines that the nest is no longer active. Construction activities may be halted at any time if, in the professional opinion of the biologist, construction activities are affecting the breeding effort. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

Prior to the issuance of a building permit:

47. BD Building Permits are required for all non-exempt structures being constructed on the project site, pursuant to Section 105 of the California Building Code. (CBC, Section 105)
48. LU/ALUC File a *Notice of Proposed Construction or Alteration* (Form 7460-1) with the Federal Aviation Administration (FAA) in accordance with 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718, at least forty five (45) days prior to the start of construction of any new structures on the project

site, if necessary. A copy of the form shall be submitted to the Community Development Department. Alternatively, the form may be completed on-line at the following link: <https://www.faa.gov/airports/resources/forms/?sect=airspace> (TCOC, Sections 16.02.040,17.100,18.24)

49. LU Prior to issuance of a building permit with the addition of exterior lighting to the site, and subject to the review and approval of the Land Use and Natural Resources Division (LUNR) of the Tuolumne County Community Development Department (CDD), construction plans shall show that all lighting of roads, driveways, and the exterior of structures shall be designed to provide adequate illumination without a glaring effect (aimed down and towards the site). Exterior lighting shall have the International Dark Sky fixture seal of approval. Fixtures shall have bulbs that are fully recessed and shielded and shall not emit light above the horizontal plane of the shielding. (CEQA, Section 15041, [Initial Study, "Aesthetics"])
50. FPD Driveway means a vehicular pathway that serves no more than four (4) Residential Units and any number of non-commercial or non-industrial Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses at any size or scale. (TCOC 11.02.110, PRC 4290 1270.01i)
51. FPD Driveways shall be at least 12 feet in width with an all-weather surface. Have fifteen (15) feet of unobstructed vertical clearance and fourteen (14) feet of unobstructed horizontal clearance with a maximum grade of 16%.(TCOC Section 11.12.060A)
52. FPD Where residential dwellings are less than 150 feet from the roadway, the driveway grade may exceed 16% to a maximum 20%, but the driveway shall be paved with asphalt concrete or concrete. In addition, a parking bay at least 10 feet wide and 40 feet long and surfaced in the same manner as the adjacent road shall be provided at road grade. (TCOC Section 11.12.060(B))
53. FPD Driveways over 300 feet in length shall have a turning bulb, hammerhead/T or a circular driveway with minimum outside radius of 40 feet, not including parking, within 50 feet of all building sites. (TCOC, Section 11.12.060 (C))
54. FPD Turnouts shall be provided at midpoint for driveways between 150 feet and 800 feet in length and at 400-foot intervals for driveways over 800 feet in length. Turnouts are a minimum of 10 feet wide and 30 feet long with 25-foot tapers at each end. (TCOC Section 11.12.06A)
55. FPD All residential gates providing access from a road to a driveway shall be located at least 30 feet from the roadway edge, the gate entrance shall be two feet wider than the width of the traveled way and shall open away from the roadway. (TCOC Section 11.12.062)

56. FPD Residential numbers must be displayed horizontally on the new building. If the building is over 50 feet from the main roadway the numbers shall be posted at the beginning of the driveway and be readable from both directions. Numbers shall be no less than 4 inches in height, at least 1/2-inch stroke width and be of a color that contrasts with the background. (TCOC Section 12.12.080(A)1)
57. LU/ALUC No new structure constructed or new vegetation, such as trees, located on the project site shall exceed a height of 40'. The height of a structure includes any antenna, chimney, or other attachments. The landowner will implement any conditions or recommendations identified by the FAA as a result of submission of form 7460-1. (TCOC, Sections 16.02.040,17.100,18.24)
58. LU/ALUC The Airport Land Use Commission grants a Variance for Parcels 4, 7 and 12 and require structures to be built outside of the B1 compatibility zone on each parcel. (TCOC, Sections 16.02.040,17.100,18.24)
59. LU/ALUC The Airport Land Use Commission grants a Variance for Parcel 5 to exceed density requirements in the B1 Compatibility Zone consistent with findings listed in 2.2.4.3(e) of the Airport Land Use Compatibility Plan. (TCOC, Sections 16.02.040,17.100,18.24)
60. LU/ALUC Any new structure, development, or use on the project site shall be constructed, painted, designed, or operated in such a way as to avoid:
 - a. Glare or distracting lights which could be mistaken for airport lights;
 - b. Sources of dust, steam, or smoke which may impair pilot visibility;
 - c. Sources of electrical interference with aircraft communications or navigation; and
 - d. Any use which may attract large flocks of birds(TCOC, Sections 16.02.040,17.100,18.24)

The following conditions also apply to this project and subsequent improvements of the lots created:

61. LU Prior to issuance of a building permit or addition of exterior lighting to the site, and subject to the review and approval of the Land Use and Natural Resources Division (LUNR) of the Tuolumne County Community Development Department (CDD), construction plans shall show that all lighting of roads, driveways, and the exterior of structures shall be designed to provide adequate illumination without a glaring effect (aimed down and towards the site). Exterior lighting shall have the International Dark Sky fixture seal of approval. Fixtures shall have bulbs that are fully recessed and shielded and shall not emit light above the horizontal plane of the shielding. (CEQA, Section 15041, [Initial Study, "Aesthetics"])
62. LU All oak trees subject to Implementation Program 16.B.j.1 located within the proposed lots shall be retained appropriately except when removal of said oaks is necessary pursuant to the requirements under California Public Resources

Code Section 4291, Chapter 8.14.040(D) of the Hazardous Vegetation Management Ordinance and when needed for additional fuel reduction purposes on a case-by-case basis authorized by the Community Development Department Director. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

63. LU

If a cultural resource is discovered during the activities authorized by this Map, the person in possession of the real property for which the map was approved and all persons conducting any activity authorized by this map shall comply with the following provisions:

- A. The person discovering the cultural resource shall notify the Community Resources Agency by telephone within 4 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 Resources Agency shall be allowed to photodocument 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 Resources Agency 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 Resources Agency shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Resources Agency.
- 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 photodocument and record the resource. Construction activities may resume after authorization from the Community Resources Agency. All

further activity authorized by this permit shall comply with the cultural resources management plan.

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. (CEQA, Section 15041, [Initial Study, "Cultural Resources"])

64. LU Fuel oil shall not be utilized as a heating source. (CEQA, Section 15041, [Initial Study, "Greenhouse Gas Emissions"])
65. ED Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit (California's National Pollutant Discharge Elimination System (NPDES) General Permit for construction related storm water 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. (TCOC, Section 16.06.090, Federal Water Pollution Control Act, State Water Resources Control Board)
66. BD The applicable Traffic Impact Mitigation Fee shall be paid to Tuolumne County prior to issuance of a Blue Tag or prior to close of escrow if an escrow account has been established prior to issuance of a Building Permit for any new residential construction. (TCOC, Chapter 3.54)
67. BD/LU/ED 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 made by the Community Development Department Director (CEQA, Section 15041, [Initial Study, "Noise"], (TCOC, Section 16.06.090))
68. BD All applicable aspects of this project shall comply with the Model Water Efficiency Landscape Ordinance (MWELO) water standards of the California Green Building Code. (TCOC, Chapter 15.28, CBC Section 105)
69. APCD/FPD Secure burning permits from the Tuolumne County Air Pollution Control District and the California Department of Forestry and Fire Protection (CalFire) prior to burning vegetation on the site. (TCAPCD Rules and Regulations, Regulation III)

70. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

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

¹L_{eq}. 1 hour refers to the average noise level measured over a one hour period. (CEQA, Section 15041, [Initial Study, "Noise"])

71. AG All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control or landscaping on the project site shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
72. AG All equipment brought to the project site for construction shall be thoroughly cleaned of all dirt and vegetation prior to entering the site, in order to prevent importing noxious weeds. (Food and Agriculture Code, Section 5401)
73. AG All material brought to the site, including rock, gravel, road base, sand, and top soil, shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
74. AG The property owner shall maintain and implement an effective program for the monitoring and control of noxious weeds. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy – Weeds. (Food and Agriculture Code, Sections 5401 and 5402)

A Notice of Action shall be recorded for Conditions 1 through 74 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Resources Agency 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)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT: Cheydi Gonzales, Planner II

S:\Planning\PROJECTS\Rezone\2020\RZ20-002 Long Gulch (TSM20-002)\Application Review\CONDITIONS.doc

LONG GULCH RANCH

Attachment 4: Comments and Response to Comments



Department of Public Works

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

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SOLID WASTE
Solid Waste Director
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SURVEYING
County Surveyor
Warren Smith, L.S.
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Date: March 4, 2024

To: Cheydi Gonzales, Planner II

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

Re: Initial Study/Mitigated Negative Declaration, T20-002 and RZ20-002
Long Gulch Ranch, 13 Lot Subdivision
Ferretti Road and Clements Road, Groveland, California
APN 066-160-085

The Engineering Division of the Public Works Department has reviewed the draft Initial Study/Mitigated Negative Declaration dated February 16, 2024, for the Long Gulch Ranch 13 lot subdivision project, and has the following comments:

Detailed Project Description, Project Components, Vesting Tentative Map (page 6) makes reference to natural gas utility being provided by a connection to existing infrastructure in the vicinity. There is no natural gas utility existing in this region of Tuolumne County, as explained elsewhere in the IS/MND (page 122 states, "Tuolumne County does not have natural gas consumption").

Energy Section

Discussion item a,b), "Operational Energy Use" subheading:

The third paragraph of this subheading (on page 57) states that "...the proximity of the project site to commercial and employment opportunities would further reduce VMT, thereby reducing transportation energy use." In actuality, the site isn't really near any commercial and employment opportunities, being at least three miles from the center of Groveland where any services for potential residents exist. Please re-run the VMT screening for this location. I have run the project's APN in the County's VMT screening tool, and it indicated that a residential development project at this location does not decrease VMT but rather would induce more. Please see attached VMT Sketch Tool printout. It may be necessary to review this in greater detail, and either change the CEQA checklist answers for questions a) and/or b) to "Potentially Significant Impact," or develop and quantify Mitigation Measures sufficient to level out said VMT impact.

Greenhouse Gas Emissions Section

Discussion Analysis, items a, b):

Table 6, "Project Consistency with the 2017 Scoping Plan," Operations section: this portion of the table, on Page 69, identifies that the project would result in a less-than-significant impact related to VMT. Our review of the project's VMT estimate (attached) indicates that the project would actually have a significant impact, per the County's VMT sketch tool and the adopted VMT threshold for residential projects. Thus, it may be necessary to review this in greater detail, and either change the CEQA checklist answers for questions a) and/or b) to "Potentially Significant Impact," or develop and quantify Mitigation Measures sufficient to level out said VMT impact.

Hydrology and Water Quality Section

Discussion item ci-ciii (pages 90-91):

Reference is made to “the County’s Phase II MS4 permit,” along with requirements driven by this permit, such as LID standards, and stormwater treatment. Tuolumne County does in fact not have a Phase II or other MS4 permit with the State Water Resources Control Board (SWRCB), and therefore cannot mandate or enforce the requirements of such a permit at this time. LID and stormwater treatment is encouraged on a voluntary basis, but cannot be mandated as an imperative. Please remove any references to a Phase II MS4 permit or any requirements attached to a Phase II MS4 permit to this section, as it is not applicable to the project.

Land Use and Planning Section

Discussion item b):

The last paragraph on page 94 of the Initial Study cites Section 16.26.180 of the TCOC, stating it “...requires preparation of a drainage study to ensure the treatment of stormwater...” This section of the TCOC addresses the conveyance of stormwater, but not its treatment. Stormwater treatment is encouraged on a voluntary basis, but since the County is not subject to a SWRCB MS4 permit, the Drainage Study required for the project by Section 16.26.180 does not need to address stormwater treatment.

Transportation Section

Discussion item b) (page 116):

The project site is located 3.5 miles from the downtown or commercial center of the community of Groveland, which contains the nearest public services and employment opportunities. A seven-mile round trip for each of the residents of the proposed development to get services or go to a potential workplace is not considered close, and VMT analysis provided in the report is not accurate. Public Works staff re-ran the project location in the County’s VMT Sketch tool to estimate its VMT impacts. Running APN 066-160-085 as a Residential Project, 2024 project year (attached), it returned a VMT per capita of 47.8 vehicle miles traveled, which far exceeds the County’s adopted threshold of 32.9 VMT per capita, and is considered a Significant Impact. This would affect the answer given on CEQA Checklist question b) for this section, and an analysis of potential mitigation measures would be appropriate to guide the resultant selection of this checklist response.

Utilities and Service Systems Section

Discussion items a, c):

Stormwater subsection: currently erroneously states “the drainage study would be required to meet the County’s Phase II MS4 Permit standards.” The County is not under a Phase II MS4 Permit and thus not subject to standards attributed thereto.

Other Utilities subsection: Erroneously states that “electrical and natural gas utilities would be provided by PG&E by way of connections to existing infrastructure located within the immediate project vicinity.” PG&E does not provide natural gas service anywhere in Tuolumne County, nor is there any other provider of natural gas via a distributed pipeline system in the project vicinity.

Wildfire Section

Discussion item a-d):

Page 126 identifies various required project conditions, to be reviewed by the Fire Prevention Division. Among them, the Initial Study states, “Six parcels may share a common driveway provided that the common portion of the driveway shall be a minimum of

18 feet in width and does not provide access to more than six (6) dwelling units and any number of accessory buildings, and for which easements have been established for use of the driveway by all parcels.” As of April 1, 2023 and the statewide adoption of the Board of Forestry and Fire Protection Minimum Fire Safe Regulations, a common driveway may not serve more than four residential units. If it serves greater than four residential units (also bearing in mind that a single lot may potentially permit multiple residential units), road width standards (20-foot minimum width with two 10-foot traffic lanes) would be required. The text of the Initial Study should be updated to reflect these new statewide standards.

Residential Project VMT Estimator

Input	
Project Name Long Gulch Ranch - 13 Lots	Project Information
Project Location APN 1: 066-160-085 APN 2: APN 3: APN 4: APN 5: APN 6: APN 7: APN 8: APN 9: APN 10:	Notes APN Format = ###-###-#### (9 digits, with dashes). Will be able to type in the Project APN #s or select the Project parcels from a map in the GIS Web App. Can enter up to 10 APNs that make up a single Project. Note the Project Jurisdiction and Subarea are based on the location of APN 1. If Project parcels are located in multiple subareas, selection of a Project subarea will be based on input from County/City engineers. Project Jurisdiction and Subarea can be changed by changing which parcel is in the APN 1 field. The Project Study Year is based on date of NOP and determines the VMT threshold. Values = 2020 to 2040.

Results	
Project VMT Project APNs: 066-160-085 Jurisdiction: Unincorporated County Subarea: Groveland Project VMT per Capita: 47.8 Threshold: 32.8 Percent Difference: 45.7% Impact: Significant Impact	Notes All of the values in the blue cells will show in a popup for the selected Project parcel in the GIS Web App. If there are Project parcels in multiple Subareas, the Project subarea will be assumed to be the subarea that contains the most Project parcels. Identifies City vs. Unincorporated County parcels. VMT Subareas defined in the Tuolumne County and City of Sonora SB 743 VMT Thresholds Memo. VMT based on Home-Based Trips. VMT = weighted average of each APN's VMT per Capita by parcel area. Subarea thresholds defined in the Tuolumne County and City of Sonora SB 743 VMT Thresholds Memo. Percent Difference = ((Project VMT per Capita / Threshold) - 1) * 100% A significant impact is projected for any Project VMT per Capita value that exceeds the Threshold.



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March 18, 2024

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

RE: Mitigated Negative Declaration, Long Gulch Ranch, Tentative Subdivision Map T20-002

Dear Mrs. Gonzales,

The Groveland Community Services District has reviewed the Mitigated Negative Declaration for the above referenced project in detail and has provided its comments surrounding the project and document below.

HAZARDS AND HAZARDOUS MATERIALS Section:

Q: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

District Response:

The document failed to evaluate and document the ability of the Groveland Community Services District Fire Department (GCSd or District) to meet its adopted emergency response standards for emergency calls occurring within the District boundaries when an emergency call occurs at the project location. If the District Fire Department were to respond to an emergency call at the project site, the ability to implement its own emergency response plan standard would be impaired and creates a hazard to life and property.

There is no fire station, other than GCSd Station 78, within 45 minutes travel time of the project location, with a guaranteed fire engine, staffed full time, year round and able to respond to emergency calls at the project site. The Tuolumne County Fire engine currently collocated at the GCSd Station 78 is only contracted to be in that location until August 2024. The preparer of the environmental documents never contacted the District to discuss the availability of the Groveland Fire Department or its ability to respond to the project site.

Q: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

District Response:

The document failed to evaluate and document the ability of the Groveland Community Services District Fire Department (GCSd or District) to meet its adopted emergency response standards for wildland fire calls occurring within the District boundaries when an emergency call occurs at the project location. If the District Fire Department were to respond to an emergency call at the project site located outside the District boundaries, the ability of the District would be impeded to respond to an evolving wildfire scenario within the District boundaries, indirectly exposing people to a

significant risk of loss, injury or death while the fire burns unchecked until the single District engine and crew can respond back from the project location to the incident scene.

The County Policy 9.A.1 **was not followed:** *Actively involve fire protection agencies within Tuolumne County in land use planning decisions.*

The District, who is listed as a fire department that would respond to emergency calls on the project site, was never consulted to discuss the availability of the Groveland Fire Department or its ability to respond to the project site.

The County Policy 9.E.3 **was not followed:** *Require new development to be consistent with State and County regulations and policies regarding fire protection.*

The District, who is listed as a fire department that would respond to emergency calls on the project site, was never consulted to discuss the need for emergency responses to the project site and their potential impact on the emergency call response times of the Groveland Fire Department or its ability to even respond to the project site.

The project is proposing to receive water supply from individual, or mutual groundwater wells and not connect to the GCSD public water system located 250 feet away from the project. The recommendation to share wells is irresponsible and will lead to significantly negative results, with possible risks to health and safety. Are the properties required to meter their consumption to determine who pays what percent of the power bill? How about well maintenance and replacement costs, how are those split? If the well fails, you now have two structures without fire sprinklers, fire hydrants or drinking water rather than one.

The developers for the above parcel map adjacent to the project site, applied to connect to the GCSD water system and has done so out of concern for the long term performance of wells and interest to have adequate, reliable water consistent with rural residential water uses on large parcels.

There is currently no water tender located within the project location or Groveland fire station. It will take at least ½ hour for a water tender to arrive, and in a fire situation, the water tender will be drained within 5 minutes. In addition, the water tender will take 20-30 minutes to refill using fire hydrants located within the District boundaries at least five minutes away.

Although the groundwater well is reported to produce an adequate supply of water using a two hour pump test, there is no analysis to show the ability of the well to continue to pump the required amount of water beyond the two hours, when it will run continuously, around the clock at that rate throughout the summer.

PUBLIC SERVICES Section:

Q: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of these public services?

The document states “Fire and emergency response is provided to this site by the County of Tuolumne, with support from regional partners including Groveland Community Services District (GCSD)”.

District Response:

The County of Tuolumne does not operate a fire station in the Groveland area, nor does it currently fund the CAL FIRE Amador Plan in Groveland, which provided a non-fire season staffed engine to respond to 911 calls. The County currently funds the cost to collocate a staffed fire engine at the Groveland CSD Fire Station 78, under an agreement through August 2024. Without a county fire station in the area and lacking a perpetual agreement for the staffed county

fire engine to remain in Groveland, there is no assurance that the project will be provided fire protection services by the County. Without a County staffed engine within 45 minutes of the project site, they cannot provide effective mutual aid, and the District is left as the only responding fire department unless a staffed CAL FIRE engine is located in its Merrell Road Station. The GCSD fire department will respond to the project site under the Mutual Aid Agreement, so long as a staffed County fire engine is located permanently in Groveland. The project must annex to the boundaries of GCSD for the District fire department to respond to emergency calls on the project site as the first-in, or only engine.

As stated above, the analysis did not contact or review the impact on services provided by GCSD, or its ability to meet its adopted emergency response time standards should it respond to that “one” estimated call at the project site. While on that “one” call to the project site and with no County engine, a simultaneous call for a cardiac arrest in Big Oak Flat would render the District department unable to meet its service commitments and obligations to its taxpayers, unfairly risking the lives and property of our citizens, and those who pay for this service.

The project is located directly adjacent to the GCSD boundaries, but expected to provide services. The project site is not served by the Groveland CSD. The Tuolumne County LAFCo and the California Government Code have responsibility to determine the appropriate service provider when a project requiring services is located outside the boundaries of the local service provider.

The following conditions would be required and reviewed by the Fire Prevention Division for future development of single family dwellings on each parcel:

Require a road maintenance agreement recorded with each parcel, to ensure snow removal for emergency access.

The Project analysis states: *“The project is not required to receive fire protection services from GCSD since they are not located within their district.”*

This statement is not consistent with LAFCo law and the District is not required to provide services to the site BECAUSE the project is located outside its boundaries.

The project evaluation goes on to state: *“Fire protection will be provided to the site as it currently receives services under either agreement, and annexation is not required for the site to receive fire protection response.”*

This statement is only correct if a County funded engine and crew is permanently located in Groveland; in a new staffed County fire station or collocated with GCSD permanently (with station improvements). Otherwise, this is a false and inaccurate statement.

Just as the Terra Vi and Under Canvas resort projects, approval of this project must be conditioned on the payment of its fair share of the cost of providing emergency response services. As the services exist today, without a permanent staffed County Fire engine in Groveland, the project will result in potentially significant impacts to the fire and emergency response services in Groveland. The placement of a permanent staffed County Fire Engine in Groveland will mitigate those impacts to a less than significant level.

Again, directly reaching out to and consulting with GCSD would be the cooperative and efficient way to ensure that service impacts could be agreed upon, for land development projects to which GCSD is expected to provide service.

Sincerely,



Peter Kampa
General Manager
Groveland Community Services District



Central Sierra Environmental Resource Center

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

VIA EMAIL AND MAIL

March 18, 2024

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

CSERC COMMENTS FOR THE LONG GULCH RANCH PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

The project applicant seeks:

- [1] a zone change from AE-37:AIR to RE-5:AIR (RZ20-002) and
- [2] approval for a Tentative Subdivision Map (T20-002) to divide the parcel into 13 residential lots.

Our Center's staff has carefully reviewed the proposed Initial Study/Mitigated Negative Declaration ("Proposed MND") and submits the following comments. The 13 proposed lots range in size from 5 acres to approximately 10 acres ("Proposed Project"). The parcel is approximately 82 acres ("Site"). The Site is located within the Identified Community of Groveland. The Site is not located within the boundaries of the Groveland Community Services District ("GCSD"); however, it is adjacent to the GCSD water system and within the GCSD Sphere of Influence.

A. Groundwater Availability is Not Properly Analyzed.

Private wells and septic systems are planned for the Proposed Project. As the Proposed MND recognizes, each parcel can have at least one accessory dwelling unit ("ADU") in addition to the primary dwelling. This, in turn, means that the Proposed Project may consist of up to 26 dwellings.

The Proposed MND relies on a Hydrogeologic Report ("Report") to reach the conclusion that the Proposed Project's water usage will not result in well failures. Our Center raises the following concerns regarding the Report and the Proposed MND's analysis of it:

1. The Proposed MND states (a) the Report was prepared in **February 2021**, (b) supplemental correspondence was provided in May 2021, and (c) precipitation data was reviewed between the years 2001 through **2022**. How the Report could have reviewed data from a year in the future is of concern. This appears to be an error.

2. The Proposed MND also states that the Report did not utilize data for the years 2013 and 2021. Since the Report was drafted in February 2021, it is reasonable that data from 2021 was not used as it was not yet available. However, why was data from 2013 not used and instead considered “missing?”
3. The Report itself, however, states that “[a]nnual precipitation for the period of **1980 to 2010** averaged 38.02 inches...” Report, page 1. Why didn’t the Report include more recent data to obtain a potentially more accurate estimate of annual rainfall?
4. The Report notes the spring in the Pine Mountain Lake Subdivision and another spring situated on Indian Creek are both at the elevation of 2,750 feet. From these two facts, the Report concludes “The elevation of these springs **probably** represents the minimum ground water table elevation in the fracture aquifer of the Calaveras Complex since the water table **most likely** slopes from the Long Gulch site toward the location of these springs.” Report, page 3 (emphasis added). While our Center appreciates the speculations made in the Report; they are simply speculations and have no accurate basis for this Site.
5. The Proposed MND states that “the hydrological report showed that even in utilizing the lowest precipitation amounts . . .” Proposed MND, page 122. The Report, however, only used one estimated precipitation amount (38 inches). Report, page 8.

These discrepancies highlight the disconnect between what the Report actually states and what the Proposed MND says the Report states. It appears that a complete review of the Report was not made when drafting the Proposed MND.

The Proposed MND’s reliance on the Report is misplaced. The Proposed MND relies on the Report for the conclusion that groundwater infiltration (recharge) will exceed the Proposed Project’s estimated water usage. The Report, however, acknowledges that **“[t]he calculation of rainfall infiltration can be a complex exercise. . . This calculation is beyond the scope of this study.”** Report, page 8 (emphasis added). Nevertheless, the Report then goes on to provide an **“estimate”** of recharge and water usage.

The Report fails to provide any rationale for the recharge rate it utilized or why the outdated estimated annual rainfall amount was used. Of note, the Report uses annual rainfall and recharge rate estimates that are significantly different from a recently completed Hydrogeologic Analysis for another nearby proposed project: Tiny House Village. The differences in the estimates result in a recharge per acre difference between the two reports, for a ‘normal water year,’ of almost 30%. A summary of the differences is provided below:

	Long Gulch	Tiny House Village Normal Water Year	Tiny House Village Drought Year
Annual Rainfall	38 inches	36 inches	18 inches
Recharge Rate	20%	15%	15%
Recharge volume/acre	0.63 acre feet	0.45 acre feet	0.22 acre feet

Further, unlike the Long Gulch Report, the report for the Tiny House Village project also considered the impacts of a drought year on groundwater recharge. A drought year reduced the estimated groundwater recharge by half for the Tiny House Village project and would reduce the estimated groundwater recharge for the Proposed Project by two-thirds. Using the Tiny House Village's recharge per acre rate of 0.22 acre feet, this equates to 358,463 gallons for a 5 acre parcel annually or 982 gallons per day estimated to recharge the groundwater. Using the estimated daily consumption per household stated in the Long Gulch Report (377 gallons), if a primary dwelling and an ADU were sited on a parcel, then 754 gallons per day would be utilized. **This equates groundwater recharge exceeding usage by only 30% - far less than the 4.5 times the Report claims groundwater recharge would exceed usage.**

The Proposed MND, among other requirements, should take account of the whole action involved, including off-site effects as well as on-site effects, cumulative effects as well as project-level effects, indirect effects as well as direct effects, and construction impacts as well as operational impacts. Here, there is no analysis of the cumulative effects to the groundwater table of potentially 13 new wells servicing potentially 26 new homes and the long term impacts, with demands from all the already existing nearby wells, particularly in back to back drought years.

If the Proposed Project is allowed to proceed without connecting to public water, then our Center does support the applicant's proposal of shared wells. Reducing the number of wells allows for the strategic placement of fewer wells amidst the septic systems, lessening the likelihood of groundwater contamination. However, it is unclear as to why only two parcels can share one well. Without having Reasonable Proof of Groundwater tests performed yet, it seems premature to limit the number of parcels that can share a single well.

B. Potential Septic System Impacts Are Not Properly Analyzed.

The Proposed MND does not analyze in any way the potential impacts of siting septic systems with sufficient capacity for potentially 26 dwellings. Instead, the Proposed MND simply states "[s]ite and soil information is required for each individual parcel and would be required prior to the approval of the Final Map." Proposed MND, page 64.

Further, the conclusion that simply because the "systems would be constructed **and maintained** in accordance with Title 13 of the [TCOC]" and that "the septic systems would be constructed **and maintained** in a way to not impact surface or ground water" is not realistic or reasonable. Proposed MND, page 89 (emphasis added). **There is no credible way to guarantee proper maintenance of a private septic system. Moreover, when both wells and septic systems are being proposed, the potential negative impacts of septic system failure resulting in groundwater contamination increases significantly.**

Finally, in the Utilities and Service Systems section regarding wastewater, it appears that the Proposed MND is only considering one single-family residence and is not providing for the potential of all 13 parcels to also have an ADU. Clarity should be provided for accurate analysis and understanding.

C. Impacts to Fire and Emergency Services Are Not Fully Analyzed.

The Site is located within a State Responsibility Area (SRA) and is rated a very high fire hazard severity zone. Our Center fully supports the planned fuels reduction work on the Site so long as it is completed in a manner that protects special-status plant and wildlife species potentially occurring on the Site.

The Proposed MND found “[b]ecause the project would allow future development, approval of the proposed project could create a significant adverse impact on the Tuolumne County Fire Department’s ability to provide service.” Proposed MND, page 86 (emphasis added). But, then, the Proposed MND summarily concludes that if the proposed project simply follows all the standards and rules set out in the TCOC and both the California Building and Fire Codes, then the impact is reduced to a less-than-significant impact. The specific conditions required prior to the approval of the Final Map and prior to the future development of the Site are listed on pages 125-6 of the Proposed MND. However, of note, the required fire flow is not included in this section - despite the Proposed MND stating earlier “. . . the required fire flow would be required to be on-site, tested, and approved by the TCFD prior to approval of the final subdivision map.” Proposed MND, page 109.

The Proposed MND’s assertion that the “project is not required to receive fire protection services from GCSD since they are not located within their district” is simply unrealistic and fails to acknowledge that during an emergency, the closest emergency responder provides services. Proposed MND, page 110 (emphasis added). **The Proposed Project’s impacts to the GCSD needs to be fully recognized and evaluated.**

Our Center does note that the requirement for payment of the County Services Impact Mitigation Fee at the time each lot is improved may offset some of the financial impact to GCSD. However, it is difficult to see how payment of a one time fee will offset the potential financial impacts for all emergency services generated by this Proposed Project over the course of time.

The County has a duty to protect its residents. If the Proposed Project is annexed by GCSD, not only will the residents be provided public water, but they will also have fire hydrants installed with adequate fire flow and the potential negative impacts to the GCSD will be mitigated.

D. Biological Resources Are Not Fully Analyzed or Protected.

There is a historic ditch and at least two seasonal drainages that run through the “valley”¹ on the Site. 7 special-status wildlife species and 7 special-status plants have been recorded or are known to occur in the area. The Proposed MND, however, makes absolutely no provision for the protection of potential special-species plants. The Proposed MND’s conclusion that no special-status plants will be adversely affected is without basis:

“Habitat requirements of the 7 special-status plant species known to occur in the region include . . . meadow, woodland, and grassland. For the majority of the 7 special-status species known to occur in the project region, the project site does not contain suitable habitat for the species. . . In addition, according to the CNDDDB search results, special-status plants have not been recorded on the

¹ The Report describes the Site as containing a meadow. Our Center assumes the Proposed MND use of the term “valley” is referring to this “meadow.”

project site. Therefore, because special-status plants have not been recorded on the project site, the proposed project would not result in adverse effects to special-status plant species.” Proposed MND page 39.

As discussed above, the Site contains at least two seasonal drainages, an historic ditch, as well as a meadow/valley. The Site contains the habitats listed as being needed for at least some of the special-status plants. Further, just because the CNDDDB has not recorded any special-status plants on the Site does not mean that none occur there. The CNDDDB’s own website states:

“However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our users.” <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>

For special-status aquatic wildlife species, the Proposed MND only requires that prior to the issuance of a grading permit, if wetland habitat cannot be avoided, then a wetland delineation shall be prepared and if the drainages are found to be jurisdictional, then avoidance measures may be implemented. A wetland delineation does absolutely nothing to protect any special-status wildlife. Animals move. Many routinely move to and from wetlands and upland areas outside of a wetland delineation boundary. Simply delineating where a wetland is located does not adequately protect potentially occurring special-status wildlife species.

Stronger mitigation measures are needed. A pre-construction survey of the drainages and the valley/meadow for potentially occurring special-status plants and wildlife species should be required to reduce the Proposed Project’s impacts to a less-than-significant level.

As further evidence that ground-truthing is needed for the Project Project, the Proposed MND describes the Site’s vegetation including: interior live oak and blue oak. However, the Report notes that black oak and canyon live oak are also present on the Site. Report, page 1. An accurate understanding of the Site’s biological resources is needed.

E. The Proposed Project Appears to be Inconsistent with the General Plan.

To not require the Proposed Project to be connected to GCSO water and sewer appears to be directly counter to the County’s General Plan. The Proposed Project is inconsistent with the following Goals and Policies of the General Plan:

Policy 1.A.5: Promote infill and clustered patterns of development that facilitate the efficient and timely provision of infrastructure and services.

GOAL 3D: Promote the logical extension or expansion of sewer system infrastructure as development occurs in areas where the expansion of public sewer systems is feasible.

Policy 3.E.4: Require development to connect to a public sewer system if it is reasonably available.

Policy 6.B.3: Support the efforts of the utility providers to maintain, improve, enhance reliability, and expand where appropriate their infrastructure and service within the County.

GOAL 17F: Plan, prepare for, and adapt to significant drought impacts on the water supply.

Policy 17.F.2: Minimize the impacts of drought on residents by developing short-term and long-term approaches to drought preparedness, response and recovery.

To allow the Proposed Project to proceed with both private water and septic systems is contrary to the General Plan's goals and policies and increases the potential of the Proposed Project to create significant negative impacts. Our Center understands that the GCSD is ready and able to add this Proposed Project to the district. CSERC strongly supports such action.

F. Inappropriate Reliance on the General Plan's EIR.

Finally, the Proposed MND incorrectly asserts the General Plan's EIR "already considered impacts associated with development of the site with non-agricultural uses as part of the General Plan EIR analysis. The proposed project would not result in any impacts in excess of what has already been considered by the County." Proposed MND, page 22. Further, "... per the County's General Plan, the site is designated for buildout with residential uses; thus, buildout of the site and associated effects related to migratory corridors have been anticipated by the County." Id., page 43. **The General Plan's EIR did not evaluate any site specific impacts to the Site itself.** The General Plan's EIR was a high level, programmatic evaluation that considered theoretical impacts on a broad, County-wide level. The Proposed MND's reliance on General Plan's EIR is inappropriate and results in an incomplete analysis of the Proposed Project's true impacts to the Site.

CONCLUSION

While CSERC has concerns regarding the accuracy and scope of the Proposed MND's analysis and the strength of its mitigation measures - particularly for the Site's potential biological resources, the primary concern for our Center is the failure to require the Proposed Project to be connected to public water. An agreement between GCSD and the project applicant should be required to ensure adequate water supply and equitable payment for fire and emergency services.

Chelsea Lewandowski
Chelsea Lewandowski
Conservation Coordinator

California Department of Transportation

AERONAUTICS PROGRAM
DIVISION OF TRANSPORTATION PLANNING
P.O. BOX 942873, MS-40 | SACRAMENTO, CA 94273-0001
(916) 654-4959
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March 18, 2024

Ms. Cheydi Gonzales

Electronically Sent: cgonzales@co.tuolumne.ca.us

Planner II
County of Tuolumne
2 South Green Street
Sonora, CA 95370

**Re: SCH #2024020479 -
Long Gulch Ranch - Tentative Subdivision Map (T20-002) and Zone Change (RZ20-002)**

Dear Ms. Gonzales

The California Department of Transportation, Caltrans Aeronautics has reviewed the Mitigated Negative Declaration & Long Gulch Ranch - Tentative Subdivision Map (T20-002) and Zone Change (RZ20-002). One of the goals of the California Department of Transportation, Aeronautics Program, is to assist cities, counties, and Airport Land Use Commissions (ALUC) or their equivalent, to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Aeronautics Program in the review of the Mitigative Negative Declaration.

The proposal is for:

- 1) Zone Change RZ20-002 to rezone the 82.2-acre site from Exclusive Agricultural, Thirty-Seven Acre Minimum:Airport Combining (AE-37:AIR) to Residential Estate, Five-Acre Minimum:Airport Combining (RE-5:AIR) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
- 2) Tentative Subdivision Map T20-002 to divide the 82.2-acre parcel into 13 residential lots, ranging in size from 5.0 acres to 10.07 acres.

The project site is located approximately 750 feet of the Pine Mountain Lake Airport at its nearest point.

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries, or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource for all public use airports and is available online at: <https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-ally.pdf>

Safety Compatibility Policies

The proposed Project site is in Compatibility Zones B1 and B2 of the Pine Mountain Lake Airport and therefore must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan (ALUCP) adopted by the ALUC pursuant to the PUC, Section 21674. The County of Tuolumne should consider Compatibility Zones B1 and B2 policies stipulated in the ALUCP or Handbook.

Amending a General Plan / General Plans

Per the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act, Section 21676(b) prior to the amendment of a general plan...within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development in the defined safety zones, therefore, must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan(s) adopted by the ALUC pursuant to the PUC, Section 21674.

Housing

Caltrans Aeronautics stresses the importance of considering the compatibility policies in the ALUCP, with references in the Caltrans Aeronautics Handbook for supplemental guidance. Additionally, as an unfortunate commonality in California, Caltrans Aeronautics understands that the City/County is facing affordable housing supply shortages and is looking for new areas to accommodate residential developments. Consequently, environmental justice and equity concerns should also be reviewed for consistency with goals identified in the California Transportation Plan 2050 (CTP 2050) and the California Aviation System Plan 2020 (CASP 2020). Caltrans Aeronautics notes that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which require

Ms. Gonzales, Planner II
March 18, 2024
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counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare.

Closing Statements

An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development in the vicinity of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport.

These comments reflect the areas of review by Caltrans Aeronautics with respect to airport-related noise, safety, and land use planning issues. Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 907-2219 or by email at vincent.ray@dot.ca.gov.

Sincerely,

Vincent Ray
Aviation Planner

c: Matt Friedman, Senior Planner, Caltrans Aeronautics Program

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
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February 13, 2024

Cheydi Gonzales
Planner II
Tuolumne Community
Development Department
2 S. Green Street
Sonora, CA 95370

TUO-120-PM 35.76
Zone Change RZ20-002
Long Gulch - Fitzgerald

Dear Ms. Gonzales,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Zone Change RZ20-002 to rezone a 82.2-acre site located at the intersection of Ferretti Road and Clements Road, in the community of Groveland.

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.

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>

Cheydi Gonzales
February 13, 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



TUOLUMNE ME-WUK TRIBAL COUNCIL

Post Office Box 699

TUOLUMNE, CALIFORNIA 95379

Telephone (209) 928-5300

Fax (209) 928-1677

March 1, 2024

Cheydi Gonzales

Tuolumne County Community Development Department

2 South Green Street

Sonora, California 95370

RE: Tentative Subdivision Map T20-002 And Zone Change RZ20-002

Dear Ms. Gonzales,

The Tribe is in receipt of your communication dated February 12, 2024, regarding the above referenced projects. Upon reviewing said documentation the Tribe agrees with the proposed zone changes for the above referenced parcels. We would ask to be notified of any inadvertent discoveries during the construction. We have no further concerns or comments currently.

Thank you for keeping us updated.

Best regards,

Kyle Cox

Cultural Resource Manager / Tribal Vice-Chair

Tuolumne Me-Wuk Tribal Council

kyle@mewuk.com

(209) 928-5300

15589 Wards Ferry Road Sonora, California 95370

March 14, 2024

BY EMAIL & U. S. MAIL
nrizzi@co.tuolumne.ca.us

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

Re: Long Gulch Ranch
Change to Tentative Subdivision Map T20-002
APN: 066-160-085

Dear Ms Rizzi:

I am writing again about the proposed subdivision of the above parcel, this time into 13 residential lots with similar comments to my letter to your Department dated February 25, 2023. Your notice states that the lots will be served by private wells and private septic system on each lot.

Reliance on wells and a septic system for development will only result in future failures and problems of contamination of natural resources. As you are aware, there is no underground aquifer in Tuolumne County, only fractured rock and fissures containing water which can easily be drained and only slowly recharged, if ever, when overdrawn. I am aware of at least one residential well failure for a residence off of Ferretti Road.

Given the frequency of well failures in the past several years, individual wells should not be allowed for development on small lots or even five acre parcels, especially where public water service can be provided. It is my understanding that public water and sewer service is being extended to lots on the northwest side of Ferretti Road and Clements Road. Perhaps such service can be extended if the developer will work with the Groveland Community Service District.

Although your Code section 16.26.230 requires proof of ground water availability to be provided prior to approval of a final map, such proof is at a time before any wells have been drilled for residential use and or drawn following development of all 13 lots which could have up to a total of 26 residential lots, all trying to pull water from a fractured rock area. Last year had exceptional rainfall and this year has been average so far which may provide false assurance of adequate water for that number of wells.. Memories of the last drought fade fast but it should be remembered that many homes had to have water delivered by truck and stored in tanks due to failing wells.

Community Resources Agency

Attention: Natalie Rizzi
March 14, 2024
Page 2

Combining septic systems and private wells on lots even as large as 5 acres creates a future possible health problem especially if the septic system is not properly maintained as has been the case in many of the older developments within the County. If GCSD water service is extended to serve the 13 lots then septic system failure will not create such a health problem for residents but still can impact nearby streams and even Pine Mountain Lake.

Thank you for your consideration of these comments.

Sincerely,

Tom Parrington

TEP:co

cc: Groveland Community Service District



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

September 9, 2024

To: Tuolumne County Planning Commission
From: Cheydi Gonzales, Planner II
Subject: Response to Comments
Initial Study/Mitigative Negative Declaration (IS/MND) Comments
Long Gulch 13 Lots - Assessor's Parcel Number: 066-160-085

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
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Response to Comments

This document includes a reproduction of, and response to, compiled similar topic points from each comment letter received during the public review period on the IS/MND referenced above. Responses are also provided for specific topics. Comments are presented in their original format attached to this report.

The responses to the comments on the Initial Study/Mitigated Negative Declaration represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the State CEQA Guidelines, the County is not required to respond to all comments on the IS/MND, but only those comments that raise environmental issues regarding the adequacy of the CEQA document. In accordance with CEQA Guidelines 15088 and 15204, the County has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised. CEQA does not require the County to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. Rather, CEQA requires the County to provide a good faith, reasoned analysis supported by factual information.

SPECULATION WITHOUT SUBSTANTIAL EVIDENCE

Some comments assert or request that impacts should be considered significant or that significance conclusions in the IS/MND should be revised based on opinion without providing substantial evidence in support of their assertion. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines Section 15064[b]). Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence (CEQA Guidelines Section 15064[a]). Trying to forecast the proposed project's physical impacts on the environment based upon opinion without substantial evidence supporting the assertion would require a level of speculation that is inappropriate for an EIR. Under CEQA Guidelines Section 15145, if, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation; the agency should note its conclusion and terminate discussion of the impact.

Determining whether a project may have a significant effect on the environment is "based on substantial evidence in light of the whole record" (CEQA Section 21082.2[a]). As noted above, CEQA Guidelines Section 15064 defines substantial evidence as facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence. Where a commenter provides no facts or other substantial evidence to support an assertion that the physical environment could ultimately be significantly impacted as a result of the proposed project, the Final IS/MND is not required to analyze or mitigate for the asserted but unsubstantiated impact. Section 15204(c) of the CEQA Guidelines further advises reviewers that comments should be accompanied by factual support. Reviewers should explain the basis for their comments, and should

submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Letters were received from the following entities:

- Governmental Agencies/Tribal Entities :Tuolumne County Public Works, Groveland Community Services Agency, Caltrans, Tuolumne Me-Wuk Tribal Council
- Non-Governmental Organizations: Central Sierra Environmental Resource Center
- Members of the Public: Tom Parrington

Where the same comment has been made more than once, the response may direct the reader to another part of the Response to Comments.

Master Response 1: Public Services

CEQA's evaluation of Public Services impacts is defined to include only those impacts that would arise from the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental effects. The precise significance criteria used in CEQA Guidelines Appendix G (XV)(a) states:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: 1) Fire protection; 2) Police protection; 3) Schools; 4) Parks; and 5) Other public facilities?

CEQA regulations and applicable case law on this issue demonstrate the threshold concerns only the environmental effects associated with the provision of new or altered physical public service facilities. CEQA treats residential projects in a similar manner. Response times, service ratios, and other performance objectives are relevant to the analysis only within the context of whether or not new or expanded facilities would be required to meet defined objectives related to those service objectives, and what the environmental effects would be of providing those facilities.

Regarding emergency response times, service ratios, and other performance criteria, the rural nature of the County creates difficulties in defining what is acceptable and what is not. For instance, according to the Tuolumne County General Plan EIR (SCH#2015082027) and as stated on page 110 of the IS/MND, the Tuolumne County Fire Department (TCFD) does not use the National Fire Protection Association standard for fire protection services that requires 1-2 firefighters per 1,000 residents because this standard does not work with TCFD's personnel resources and service population. TCFD's acceptable response time for urban areas is nine minutes, for suburban areas is 10 minutes, for rural areas is 14 minutes, and for remote areas the acceptable response time depends directly on travel distance.

The category of "rural" would apply to the Project site. The nearest all-hazard emergency services resources (structural and wildland firefighters and paramedics) are located in Groveland. The amount of time required for these resources to arrive at the project site would be dependent upon travel time and availability of the resource. The same constraints would also apply to law enforcement and ambulance services in this area of the County.

Based upon the realities imposed by distance and availability of resources, the County has not adopted a specific emergency response time standard for the remote areas of the County. This reality is articulated in both the General Plan and in the operational plans of the relevant service providers. Accordingly, there is no impact to a specified response time or staffing ratio requirement that would be triggered by the

Project, and the Project would not trigger a requirement for the construction of new or expanded public services facilities that could cause a significant environmental effect. Based on the established significance criteria in CEQA, the Project's impacts related to public services would be less than significant.

All-hazard emergency response service to the Project site and the surrounding area is currently provided by Tuolumne County and supplemented by Groveland Community Services District (GCSD), though resources from other providers (CALFIRE, USFS, NPS) also could be dispatched to the site depending on the type of incident and resource availability. In the Highway 120 corridor, GCSD responds to emergencies within its district, and also to out-of-district areas like the Project site and the surrounding area through its mutual aid agreement with the County.

Commenters expressed concern regarding funding and maintaining the Mutual Aid Agreement. GCSD states that the fire station will respond to the Project site under the mutual aid agreement so long as a County staffed fire engine is located permanently in Groveland. However, this is an opinion of the commentor and compliance with the Mutual Aid Agreement is not contingent on the presence of a County engine in Groveland. The agreement relays that departments shall respond into the areas identified by their specific color on the maps identified in the agreement (agreement is available for review at the Community Development Department at the address above, Monday through Thursday 8AM to 3PM). The concept and practice of dispatching the closest, most appropriate resource to any and all emergencies would be utilized without regard to jurisdiction or statutory responsibility of either the resource dispatched or the agency wherein the incident occurs. The Mutual Aid Agreement is set to be renewed in 2024 prior to the expiration of the existing Agreement. If the agreement is not renewed the next available resource would respond such as CALFIRE located off Merrell Road in Groveland. If CALFIRE was unavailable to respond the next available resource would be dispatched so on so forth. This strategy is also referred to as "move up and cover" and is how emergency response services are dispatched throughout the County.

Commenters also suggest that the Project must annex to the boundaries of GCSD for the District fire department to respond to emergency calls on the site. However, because GCSD is a party to the Mutual Aid Agreement, fire response will be provided to the site as described above-failure to do so would be a violation of said agreement. Annexation is not a requirement to receive fire response. Emergency services would be provided by Tuolumne County and GCSD, or other providers, as dictated under the Mutual Aid Agreement.

New construction for the first single family dwelling on each parcel is required to pay a County Service Impact Mitigation Fee. This fee is paid prior to the issuance of a Certificate of Occupancy by the Building and Safety Division of the CDD. The fee can be used towards emergency services such as fire, ambulance and police, as determined by the County Board of Supervisors.

Commenters also reference the Terra Vi and Under Canvas resort projects on the Highway 120 corridor. The District references that the project should be conditioned to require a "Fair Share" payment to offset the cost of providing emergency response services. CEQA's evaluation of Public Services impacts is defined to include only those impacts that would arise from the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental effects. In general, response times, service ratios, and other performance objectives are relevant to a CEQA analysis only within the context of whether or not new or expanded facilities would be required to meet defined objectives related to those service objectives, and what the environmental effects would be of providing those facilities. As the project will not trigger new or expanded facilities the impacts are less than significant and no mitigation is needed regarding the payment of a fair share fee.

However, to assist with providing emergency response services to the Project, County could add a condition of approval for the Project to pay a fair share fee of its need for emergency response efforts on the Highway 120 corridor, if substantial evidence demonstrated an disproportionate impact from the project on emergency services. Because the funding of emergency response is outside the scope of CEQA, this contribution would need to be considered as a Condition of Approval. Proceeds from the fee would be utilized to offset the cost of providing emergency services to the project, and to assist the County with equipment and staffing needs.

Currently, the County is conducting a study evaluating the potential for a commercial County Services Impact Fee to be adopted, which would collect funds at the time of a Building Permit for a development's fair share draw on County services. Additional efforts by County staff are underway to increase emergency response availability on the Highway 120 corridor. Until a County program is adopted, the applicant will be required to pay an annual fair share contribution to Tuolumne County for their need of emergency services, if such a Condition of Approval is required of the Project. This fair share fee would be collected for the life of the project, or until another substantially similar funding mechanism is in place.

Example Potential Condition of Approval:

The Applicant, at the time of the issuance of the first building permit for the Project ("Anniversary Date"), shall pay an annual fee per unit to the Tuolumne County ("Annual Fee"). The payment of the Annual Fee shall represent the Project's fair share of costs associated with the provision of emergency services to the Project. The payment of the Annual Fee shall continue until such time as the County develops its own alternative fee or program for fire and emergency services or until the County develops an alternative fee program for the area, inclusive of the Project site, at which time the Annual Fee shall cease and the Applicant shall pay the County's alternative fee or participate in the County's program for fire and emergency services. Payment of the Annual Fee shall be deemed due and payable on the Anniversary Date each year until an alternative program is instituted by the County.

Master Response 2: Groundwater/Water Supply

Comments were received regarding if the proposed project will have adequate water for the Project demand. As previously stated in the IS/MND, the project site would be served via individual wells. The site is not located within a groundwater basin that is subject to the Sustainable Groundwater Management Act or subject to a Groundwater Sustainability Plan.

Tuolumne County does not have one continuous aquifer for water storage, as individual wells utilize water stored in fractured rock formations. Future wells on the project site may be located in a rock formation separate from neighboring wells therefore, the project site is not expected to deplete the groundwater in the project area.

Chapter 13.20 of the TCOC provides guidance on management of groundwater within Tuolumne County. The purpose of Chapter 13.20 is to establish an effective county policy that will assure that the overall economy and environment of Tuolumne County are protected from the impacts of the exportation of groundwater out of the county. All wells within Tuolumne County must be constructed and maintained in accordance with Chapter 13.16 and 13.20 of the TCOC. Pursuant to Section 16.26.230 of the TCOC, Reasonable Proof of Groundwater must be provided to the Environmental Health Division prior to the approval of the Final Map. If proof of groundwater cannot be achieved, the project will not go forward. Relying on adopted codes for compliance, such as building codes, is routine for ensuring safe and orderly development. No information is provided that the existing regulatory framework for the location and construction of wells across the County will result in an impact on groundwater.

As stated in the IS/MND, to reduce the use of groundwater in the area, the applicant is proposing that if feasible, shared wells be drilled to serve the future residences. If wells can be established with adequate capacity to share among more than one residence, less groundwater will be extracted for domestic use. This requirement will be a Condition of Approval for the project.

The proposed wells are not anticipated to affect surrounding groundwater sources or result in cumulative groundwater impacts, as each proposed well is required to comply with the Tuolumne County Ordinance Code (TCOC). The County regulates water wells via TCOC Chapter 13.16 and groundwater via Chapter 13.20. Section 13.16.060 states:

It shall be the responsibility of the permit holder to maintain a copy of the permit on the work site during all stages of work on a well. A permit for work on a well shall not be issued if the proposed well:

- A. Will prohibit the use of surrounding property for any of the purposes for which it is zoned;
- B. Will be subject to contamination;
- C. Will create a risk of contamination of usable groundwater;
- D. Will be in violation of this chapter;
- E. Will constitute a public health hazard.

The prohibition against affecting the use of surrounding property provides a mechanism for the County to ensure the actions associated with using well water for the Project does not affect adjacent properties. If on-site wells are not feasible and Proof of Groundwater is not approved by the County, the project proponent would be required to explore alternative water sources, and this change to the project description would necessitate further environmental and CEQA review and additional project approvals.

Comments were made regarding the hydrogeologic report. The report provided the necessary information to addresses the questions within the Appendix G Checklist of the State CEQA Guidelines and was submitted by a licensed hydrologist. Further documentation can be found in the IS/MND.

Master Response 3: Septic Systems

Comments received regarding concern of improper analysis of septic systems on site, including not analyzing impacts from Accessory Dwelling Unit (ADU). As previously indicated in the IS/MND the proposed project would be served by individual septic systems what will be required to be permitted through the Environmental Health Division. Each septic system must be designed to meet the size of all wastewater generated on a parcel. Information pertaining to septic systems can be found on pages 64, 89, 122, 123 of the IS/MND. Furthermore, site and soil information is required for each individual parcel and would be required prior to the approval of the final map. Compliance with the regulations ensures the future systems are constructed to the required standards. If systems cannot be designed to meet the required adopted standards, the project, or future dwellings or accessory dwellings, will not go forward. Relying on adopted codes for compliance, such as building codes, is routine for ensuring safe and orderly development. No information is provided that the existing regulatory framework for the location and construction of septic system across the County will result in a negative impact.

Section 13.08.150.A.2 of the Tuolumne County Ordinance Code states that buildings must connect to public sewer when it is “available”, with further clarification that available means when the public sewer is located three hundred feet or less from the proposed building as measured over an existing public right-of-way or public utility easement, and if the public connection is at a higher elevation, the distance is reduced to one hundred feet or less via public easement.

The nearest existing public sewer connection for Groveland Community Services District is at the intersection of Clements Road and Beaver Court. This location is over 100 feet from the northwest corner of the project site, measured via the public right of way. Because the nearest line is at a higher elevation than the project site, the “available” threshold is 100 feet, and given the distance to the sewer line is beyond 100 feet, a connection is not required.

GCSD’s ordinance also uses the same thresholds for determining “availability” of sewer service. The project site being within the District’s Sphere of Influence boundaries does not compel or require the project to connect to the sewer (or water) system. If the District desires to have this project site within its boundaries, an application can be filed with the Local Agency Formation Commission for processing.

Comment	Comment	Response
Comment Letter A- Tuolumne County Public Works		
A-1	Project Components, Vesting Tentative Map (page 6) makes reference to natural gas utility being provided by a connection to existing infrastructure in the vicinity. There is no natural gas utility existing in this region of Tuolumne County, as explained elsewhere in the IS/MND (page 122 states, "Tuolumne County does not have natural gas consumption").	The IS/MND has been changed to reflect the word change from "natural gas" to "propane".
A-2	subheading: The third paragraph of this subheading (on page 57) states that "...the proximity of the project site to commercial and employment opportunities would further reduce VMT, thereby reducing transportation energy use." In actuality, the site isn't really near any commercial and employment opportunities, being at least three miles from the center of Groveland where any services for potential residents exist. Please re-run the VMT screening for this location. I have run the project's APN in the County's VMT screening tool, and it indicated that a residential development project at this location does not decrease VMT but rather would induce more. Please see attached VMT Sketch Tool printout. It may be necessary to review this in greater detail, and either change the CEQA checklist answers for questions a) and/or b) to "Potentially Significant Impact," or develop and quantify Mitigation Measures sufficient to level out said VMT impact.	VMT was recalculated and results are addressed on page 117 of the IS/MND.
A-3	Table 6, "Project Consistency with the 2017 Scoping Plan," Operations section: this portion of the table, on Page 69, identifies that the project would result in a less-than-significant impact related to VMT. Our review of the project's VMT estimate (attached) indicates that the project would actually have a significant impact, per the County's VMT sketch tool and the adopted VMT threshold for residential projects. Thus, it may be necessary to review this in greater detail, and either change the CEQA checklist answers for questions a) and/or b) to "Potentially Significant Impact," or develop and quantify Mitigation Measures sufficient to level out said VMT impact.	See response A-2.
A-4	Reference is made to "the County's Phase II MS4 permit," along with requirements driven by this permit, such as LID standards, and stormwater treatment. Tuolumne County does in fact not have a Phase II or other MS4 permit with the State Water Resources Control Board (SWRCB), and therefore cannot mandate or enforce the requirements of such a permit at this time. LID and stormwater treatment is encouraged on a voluntary basis, but cannot be mandated as an imperative. Please remove any references to a Phase II MS4 permit or any requirements attached to a Phase II MS4 permit to this section, as it is not applicable to the project.	Discussion item ci-ciii of the Hydrology and Water Quality Section of the IS/MND has been changed to remove any reference to a Phase II MS4 permit. The updated language reflects the standard conditions of approval requirements from the Public Works Department.

A-5	The last paragraph on page 94 of the Initial Study cites Section 16.26.180 of the TCOC, stating it "...requires preparation of a drainage study to ensure the treatment of stormwater..." This section of the TCOC addresses the conveyance of stormwater, but not its treatment. Stormwater treatment is encouraged on a voluntary basis, but since the County is not subject to a SWRCB MS4 permit, the Drainage Study required for the project by Section 16.26.180 does not need to address stormwater treatment.	The IS/MND has been changed to reflect this comment.
A-6	The project site is located 3.5 miles from the downtown or commercial center of the community of Groveland, which contains the nearest public services and employment opportunities. A seven-mile round trip for each of the residents of the proposed development to get services or go to a potential workplace is not considered close, and VMT analysis provided in the report is not accurate. Public Works staff re-ran the project location in the County's VMT Sketch tool to estimate its VMT impacts. Running APN 066-160-085 as a Residential Project, 2024 project year (attached), it returned a VMT per capita of 47.8 vehicle miles traveled, which far exceeds the County's adopted threshold of 32.9 VMT per capita, and is considered a Significant Impact. This would affect the answer given on CEQA Checklist question b) for this section, and an analysis of potential mitigation measures would be appropriate to guide the resultant selection of this checklist response.	See comment A-2
A-7	Stormwater subsection: currently erroneously states "the drainage study would be required to meet the County's Phase II MS4 Permit standards." The County is not under a Phase II MS4 Permit and thus not subject to standards attributed thereto. Other Utilities subsection: Erroneously states that "electrical and natural gas utilities would be provided by PG&E by way of connections to existing infrastructure located within the immediate project vicinity." PG&E does not provide natural gas service anywhere in Tuolumne County, nor is there any other provider of natural gas via a distributed pipeline system in the project vicinity.	See response A-1 and A-4.
A-8	Page 126 identifies various required project conditions, to be reviewed by the Fire Prevention Division. Among them, the Initial Study states, "Six parcels may share a common driveway provided that the common portion of the driveway shall be a minimum of 18 feet in width and does not provide access to more than six (6) dwelling units and any number of accessory buildings, and for which easements have been established for use of the driveway by all parcels." As of April 1, 2023 and the statewide adoption of the Board of Forestry and Fire Protection Minimum Fire Safe Regulations, a common driveway may not serve more than four residential units. If it serves greater than four residential units (also bearing in mind that a single lot may potentially permit multiple residential units), road width standards (20-foot minimum width with two 10-foot traffic lanes) would be required. The text of the Initial Study should be updated to reflect these new statewide standards.	The project will comply with applicable regulations. The project will be conditioned to demonstrate compliance with the Fire Safe Regulations.

Comment	Comment	Response
Comment Letter B - Groveland Community Services District (GCSD)		
B-1	The document failed to evaluate and document the ability of the Groveland Community Services District Fire Department (GCSD or District) to meet its adopted emergency response standards for emergency calls occurring within the District boundaries when an emergency call occurs at the project location. If the District Fire Department were to respond to an emergency call at the project site, the ability to implement its own emergency response plan standard would be impaired and creates a hazard to life and property.	Under the IS/MND Hazards and Hazardous Materials Section, County and State adopted wildfire policies are analyzed. This comment references the Groveland Community Services District's Emergency Response Standards which are not County adopted policies.
B-2	There is no fire station, other than GCSD Station 78, within 45 minutes travel time of the project location, with a guaranteed fire engine, staffed full time, year round and able to respond to emergency calls at the project site. The Tuolumne County Fire engine currently collocated at the GCSD Station 78 is only contracted to be in that location until August 2024. The preparer of the environmental documents never contacted the District to discuss the availability of the Groveland Fire Department or its ability to respond to the project site.	The comment does not discuss the adequacy of the IS/MND. The project was noticed in accordance with County Ordinance Code and State CEQA requirements. GCSD was notified of the project as a stakeholder agency on five various occasions. Six instances of comments/correspondence were received from GCSD regarding the project. Refer to Master Response 1.
B-3	The document failed to evaluate and document the ability of the Groveland Community Services District Fire Department (GCSD or District) to meet its adopted emergency response standards for wildland fire calls occurring within the District boundaries when an emergency call occurs at the project location. If the District Fire Department were to respond to an emergency call at the project site located outside the District boundaries, the ability of the District would be impeded to respond to an evolving wildfire scenario within the District boundaries, indirectly exposing people to a significant risk of loss, injury or death while the fire burns unchecked until the single District engine and crew can respond back from the project location to the incident scene.	The project is not located within the District boundaries. The District currently responds outside the district boundaries per the Mutual Aid Agreement. Mutual aid agreements Refer to response B-1 and Master Response -1 Public Services.
B-4	The County Policy 9.A.1 was not followed: Actively involve fire protection agencies within Tuolumne County in land use planning decisions.	Comment is noted and does not discuss the adequacy of the IS/MND. County records indicate that feedback was solicited from the District no less than four times. Three comment letters were received from the district. Additionally, the District was included on all required noticing for the project.
B-5	The District, who is listed as a fire department that would respond to emergency calls on the project site, was never consulted to discuss the availability of the Groveland Fire Department or its ability to respond to the project site.	See response B-2. The District would respond to the site under the existing mutual aid agreement between the County and the District.

B-6	The County Policy 9.E.3 was not followed: Require new development to be consistent with State and County regulations and policies regarding fire protection.	Refer to Master Response 1 - Public Services.
B-7	The District, who is listed as a fire department that would respond to emergency calls on the project site, was never consulted to discuss the need for emergency responses to the project site and their potential impact on the emergency call response times of the Groveland Fire Department or its ability to even respond to the project site.	Refer to response B-2 and B-4.
B-8	The project is proposing to receive water supply from individual, or mutual groundwater wells and not connect to the GCSD public water system located 250 feet away from the project. The recommendation to share wells is irresponsible and will lead to significantly negative results, with possible risks to health and safety. Are the properties required to meter their consumption to determine who pays what percent of the power bill? How about well maintenance and replacement costs, how are those split? If the well fails, you now have two structures without fire sprinklers, fire hydrants or drinking water rather than one.	In the IS/MND Public Services, Part (A) Discussion section, the report indicates that the project falls within GCSD's Sphere of Influence however, due to the County ordinance code, and GCSD ordinance code, the project is not required to connect to public water and sewer. Payment of power bills and maintenance of future wells is outside the scope of the environmental document. Refer to Master Response 2 and 3.
B-9	The developers for the above parcel map adjacent to the project site, applied to connect to the GCSD water system and has done so out of concern for the long term performance of wells and interest to have adequate, reliable water consistent with rural residential water uses on large parcels.	The comment does not address the adequacy of the IS/MND.
B-10	There is currently no water tender located within the project location or Groveland fire station. It will take at least ½ hour for a water tender to arrive, and in a fire situation, the water tender will be drained within 5 minutes. In addition, the water tender will take 20-30 minutes to refill using fire hydrants located within the District boundaries at least five minutes away.	There is a fire hydrant located approximately 235 feet away from the parcel boundary. The hydrant is located at the corner of Beaver Court and Clements Road. Master Response 1 outlines the process for emergency response. The availability of fire apparatus would be determined by dispatch and incident command at the time of the emergency. The comment does not address the adequacy of the IS/MND.
B-11	Although the groundwater well is reported to produce an adequate supply of water using a two hour pump test, there is no analysis to show the ability of the well to continue to pump the required amount of water beyond the two hours, when it will run continuously, around the clock at that rate throughout the summer.	Refer to Master Response 2.

B-12	District Response: The County of Tuolumne does not operate a fire station in the Groveland area, nor does it currently fund the CAL FIRE Amador Plan in Groveland, which provided a non-fire season staffed engine to respond to 911 calls. The County currently funds the cost to collocate a staffed fire engine at the Groveland CSD Fire Station 78, under an agreement through August 2024. Without a county fire station in the area and lacking a perpetual agreement for the staffed county fire engine to remain in Groveland, there is no assurance that the project will be provided fire protection services by the County. Without a County staffed engine within 45 minutes of the project site, they cannot provide effective mutual aid, and the District is left as the only responding fire department unless a staffed CAL FIRE engine is located in its Merrell Road Station. The GCSD fire department will respond to the project site under the Mutual Aid Agreement, so long as a staffed County fire engine is located permanently in Groveland. The project must annex to the boundaries of GCSD for the District fire department to respond to emergency calls on the project site as the first-in, or only engine.	Refer to Master Response 1.
B-13	As stated above, the analysis did not contact or review the impact on services provided by GCSD, or its ability to meet its adopted emergency response time standards should it respond to that “one” estimated call at the project site. While on that “one” call to the project site and with no County engine, a simultaneous call for a cardiac arrest in Big Oak Flat would render the District department unable to meet its service commitments and obligations to its taxpayers, unfairly risking the lives and property of our citizens, and those who pay for this service.	Refer to Master Response 1.
B-14	The project is located directly adjacent to the GCSD boundaries, but expected to provide services. The project site is not served by the Groveland CSD. The Tuolumne County LAFCo and the California Government Code have responsibility to determine the appropriate service provider when a project requiring services is located outside the boundaries of the local service provider.	Refer to Master Response 1.
B-15	The following conditions would be required and reviewed by the Fire Prevention Division for future development of single family dwellings on each parcel: Require a road maintenance agreement recorded with each parcel, to ensure snow removal for emergency access.	Comment does not address the adequacy of the IS/MND.
B-16	The Project analysis states: “The project is not required to receive fire protection services from GCSD since they are not located within their district.” This statement is not consistent with LAFCo law and the District is not required to provide services to the site BECAUSE the project is located outside its boundaries.	Comment Noted. Refer to Master Response 1.

B-17	The project evaluation goes on to state: “Fire protection will be provided to the site as it currently receives services under either agreement, and annexation is not required for the site to receive fire protection response.” This statement is only correct if a County funded engine and crew is permanently located in Groveland; in a new staffed County fire station or collocated with GCSD permanently (with station improvements). Otherwise, this is a false and inaccurate statement.	Refer to Master Response 1.
B-18	Just as the Terra Vi and Under Canvas resort projects, approval of this project must be conditioned on the payment of its fair share of the cost of providing emergency response services. As the services exist today, without a permanent staffed County Fire engine in Groveland, the project will result in potentially significant impacts to the fire and emergency response services in Groveland. The placement of a permanent staffed County Fire Engine in Groveland will mitigate those impacts to a less than significant level. Again, directly reaching out to and consulting with GCSD would be the cooperative and efficient way to ensure that service impacts could be agreed upon, for land development projects to which GCSD is expected to provide service.	Refer to Master Response 1.

Comment #	Comment	Response
Comment Letter C- Central Sierra Environmental Resources Center (CSERC)		
C-1	Our Center's staff has carefully reviewed the proposed Initial Study/Mitigated Negative Declaration ("Proposed MND") and submits the following comments. The 13 proposed lots range in size from 5 acres to approximately 10 acres ("Proposed Project"). The parcel is approximately 82 acres ("Site"). The Site is located within the Identified Community of Groveland. The Site is not located within the boundaries of the Groveland Community Services District ("GCSD"); however, it is adjacent to the GCSD water system and within the GCSD Sphere of Influence.	Comment does not address the adequacy of the ISMND.
C-2	A. Groundwater Availability is Not Properly Analyzed. Private wells and septic systems are planned for the Proposed Project. As the Proposed MND recognizes, each parcel can have at least one accessory dwelling unit ("ADU") in addition to the primary dwelling. This, in turn, means that the Proposed Project may consist of up to 26 dwellings. The Proposed MND relies on a Hydrogeologic Report ("Report") to reach the conclusion that the Proposed Project's water usage will not result in well failures. Our Center raises the following concerns regarding the Report and the Proposed MND's analysis of it:	Refer to Master Response 2.
C-3	The Proposed MND states (a) the Report was prepared in February 2021, (b) supplemental correspondence was provided in May 2021, and (c) precipitation data was reviewed between the years 2001 through 2022. How the Report could have reviewed data from a year in the future is of concern. This appears to be an error.	Refer to Master Response 2.
C-4	The Proposed MND also states that the Report did not utilize data for the years 2013 and 2021. Since the Report was drafted in February 2021, it is reasonable that data from 2021 was not used as it was not yet available. However, why was data from 2013 not used and instead considered "missing?"	Refer to Master Response 2.
C-5	The Report itself, however, states that "[a]nnual precipitation for the period of 1980 to 2010 averaged 38.02 inches..." Report, page 1. Why didn't the Report include more recent data to obtain a potentially more accurate estimate of annual rainfall?	Refer to Master Response 2.

C-6	The Report notes the spring in the Pine Mountain Lake Subdivision and another spring situated on Indian Creek are both at the elevation of 2,750 feet. From these two facts, the Report concludes “The elevation of these springs probably represents the minimum ground water table elevation in the fracture aquifer of the Calaveras Complex since the water table most likely slopes from the Long Gulch site toward the location of these springs.” Report, page 3 (emphasis added). While our Center appreciates the speculations made in the Report; they are simply speculations and have no accurate basis for this Site.	Refer to Master Response 2.
C-7	The Proposed MND states that “the hydrological report showed that even in utilizing the lowest precipitation amounts . . .” Proposed MND, page 122. The Report, however, only used one estimated precipitation amount (38 inches). Report, page 8.	Refer to Master Response 2.
C-8	These discrepancies highlight the disconnect between what the Report actually states and what the Proposed MND says the Report states. It appears that a complete review of the Report was not made when drafting the Proposed MND.	Refer to Master Response 2.
C-9	The Proposed MND’s reliance on the Report is misplaced. The Proposed MND relies on the Report for the conclusion that groundwater infiltration (recharge) will exceed the Proposed Project’s estimated water usage. The Report, however, acknowledges that “[t]he calculation of rainfall infiltration can be a complex exercise. . . This calculation is beyond the scope of this study.” Report, page 8 (emphasis added). Nevertheless, the Report then goes on to provide an “estimate” of recharge and water usage.	Refer to Master Response 2.
C-10	The Report fails to provide any rationale for the recharge rate it utilized or why the outdated estimated annual rainfall amount was used. Of note, the Report uses annual rainfall and recharge rate estimates that are significantly different from a recently completed Hydrogeologic Analysis for another nearby proposed project: Tiny House Village. The differences in the estimates result in a recharge per acre difference between the two reports, for a ‘normal water year,’ of almost 30%. A summary of the differences is provided below:	Refer to Master Response 2.

C-11	Further, unlike the Long Gulch Report, the report for the Tiny House Village project also considered the impacts of a drought year on groundwater recharge. A drought year reduced the estimated groundwater recharge by half for the Tiny House Village project and would reduce the estimated groundwater recharge for the Proposed Project by two-thirds. Using the Tiny House Village's recharge per acre rate of 0.22 acre feet, this equates to 358,463 gallons for a 5 acre parcel annually or 982 gallons per day estimated to recharge the groundwater. Using the estimated daily consumption per household stated in the Long Gulch Report (377 gallons), if a primary dwelling and an ADU were sited on a parcel, then 754 gallons per day would be utilized. This equates groundwater recharge exceeding usage by only 30% - far less than the 4.5 times the Report claims groundwater recharge would exceed usage.	Refer to Master Response 2.
C-12	The Proposed MND, among other requirements, should take account of the whole action involved, including off-site effects as well as on-site effects, cumulative effects as well as project-level effects, indirect effects as well as direct effects, and construction impacts as well as operational impacts. Here, there is no analysis of the cumulative effects to the groundwater table of potentially 13 new wells servicing potentially 26 new homes and the long term impacts, with demands from all the already existing nearby wells, particularly in back to back drought years.	Refer to Master Response 2. If the project is not able to provide the required Proof of Groundwater the Final Map will not be approved and the development will not be allowed to proceed. If the project proposes at that time an alternative water supply, additional environmental review and approvals will be required, as it would be considered a change in the approved project description.
C-13	If the Proposed Project is allowed to proceed without connecting to public water, then our Center does support the applicant's proposal of shared wells. Reducing the number of wells allows for the strategic placement of fewer wells amidst the septic systems, lessening the likelihood of groundwater contamination. However, it is unclear as to why only two parcels can share one well. Without having Reasonable Proof of Groundwater tests performed yet, it seems premature to limit the number of parcels that can share a single well.	The IS/MND has clarified compliance with Environmental Health and Ordinance Code requirements in Title 14. Refer to Master Response 3.

C-14	B. Potential Septic System Impacts Are Not Properly Analyzed. The Proposed MND does not analyze in any way the potential impacts of siting septic systems with sufficient capacity for potentially 26 dwellings. Instead, the Proposed MND simply states “[s]item and soil information is required for each individual parcel and would be required prior to the approval of the Final Map.” Proposed MND, page 64.	Refer to Master Response 3. If the project is not able to provide the required site and soils information, the Final Map will not be approved and the development will not be allowed to proceed. If the project proposes at that time an alternative waste discharge system, additional environmental review and approvals will be required, as it would be considered a change in the approved project description.
C-15	Further, the conclusion that simply because the “systems would be constructed and maintained in accordance with Title 13 of the [TCOC]” and that “the septic systems would be constructed and maintained in a way to not impact surface or ground water” is not realistic or reasonable. Proposed MND, page 89 (emphasis added). There is no credible way to guarantee proper maintenance of a private septic system. Moreover, when both wells and septic systems are being proposed, the potential negative impacts of septic system failure resulting in groundwater contamination increases significantly.	Refer to Master Response 3. No evidence is submitted to support that meeting the required codes will result in failing systems.
C-16	Finally, in the Utilities and Service Systems section regarding wastewater, it appears that the Proposed MND is only considering one single-family residence and is not providing for the potential of all 13 parcels to also have an ADU. Clarity should be provided for accurate analysis and understanding.	Refer to Master Response 3.
C-17	C. Impacts to Fire and Emergency Services Are Not Fully Analyzed. The Site is located within a State Responsibility Area (SRA) and is rated a very high fire hazard severity zone. Our Center fully supports the planned fuels reduction work on the Site so long as it is completed in a manner that protects special-status plant and wildlife species potentially occurring on the Site.	Comment does not address the adequacy of the IS/MND. Refer to Master Response 1.

C-18	The Proposed MND found “[b]ecause the project would allow future development, approval of the proposed project could create a significant adverse impact on the Tuolumne County Fire Department’s ability to provide service.” Proposed MND, page 86 (emphasis added). But, then, the Proposed MND summarily concludes that if the proposed project simply follows all the standards and rules set out in the TCOC and both the California Building and Fire Codes, then the impact is reduced to a less-than-significant impact. The specific conditions required prior to the approval of the Final Map and prior to the future development of the Site are listed on pages 125-6 of the Proposed MND. However, of note, the required fire flow is not included in this section - despite the Proposed MND stating earlier “. . . the required fire flow would be required to be on-site, tested, and approved by the TCFD prior to approval of the final subdivision map.” Proposed MND, page 109.	Refer to Master Response 1.
C-19	The Proposed MND’s assertion that the “project is not required to receive fire protection services from GCSD since they are not located within their district” is simply unrealistic and fails to acknowledge that during an emergency, the closest emergency responder provides services. Proposed MND, page 110 (emphasis added). The Proposed Project’s impacts to the GCSD needs to be fully recognized and evaluated.	Refer to Master Response 3.
C-20	Our Center does note that the requirement for payment of the County Services Impact Mitigation Fee at the time each lot is improved may offset some of the financial impact to GCSD. However, it is difficult to see how payment of a one time fee will offset the potential financial impacts for all emergency services generated by this Proposed Project over the course of time.	Refer to Master Response 1.
C-21	The County has a duty to protect its residents. If the Proposed Project is annexed by GCSD, not only will the residents be provided public water, but they will also have fire hydrants installed with adequate fire flow and the potential negative impacts to GCSD will be mitigated.	Comment does not address the adequacy of the IS/MND. Refer to Master Response 1.

C-22	There is a historic ditch and at least two seasonal drainages that run through the “valley”¹ on the Site. 7 special-status wildlife species and 7 special-status plants have been recorded or are known to occur in the area. The Proposed MND, however, makes absolutely no provision for the protection of potential special-species plants. The Proposed MND’s conclusion that no special-status plants will be adversely affected is without basis: “Habitat requirements of the 7 special-status plant species known to occur in the region include . . . meadow, woodland, and grassland. For the majority of the 7 special-status species known to occur in the project region, the project site does not contain suitable habitat for the species. . . In addition, according to the CNDDDB search results, special-status plants have not been recorded on the project site. Therefore, because special-status plants have not been recorded on the project site, the proposed project would not result in adverse effects to special-status plant species.” Proposed MND page 39.	Refer to Mitigation Measure V-1 in the IS/MND.
C-23	As discussed above, the Site contains at least two seasonal drainages, an historic ditch, as well as a meadow/valley. The Site contains the habitats listed as being needed for at least some of the special-status plants. Further, just because the CNDDDB has not recorded any special-status plants on the Site does not mean that none occur there. The CNDDDB’s own website states: “However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our users.” https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data For special-status aquatic wildlife species, the Proposed MND only requires that prior to the issuance of a grading permit, if wetland habitat cannot be avoided, then a wetland delineation shall be prepared and if the drainages are found to be jurisdictional, then avoidance measures may be implemented. A wetland delineation does absolutely nothing to protect any special-status wildlife. Animals move. Many routinely move to and from wetlands and upland areas outside of a wetland delineation boundary. Simply delineating where a wetland is located does not adequately protect potentially occurring special-status wildlife species.	Refer to C-22 and C-24 response.

C-24	Stronger mitigation measures are needed. A pre-construction survey of the drainages and the valley/meadow for potentially occurring special-status plants and wildlife species should be required to reduce the Proposed Project's impacts to a less-than-significant level.	Comment noted. Please refer to the Biological Resource section of the IS/MND. Mitigation measure IV-3 and V-1.
C-25	As further evidence that ground-truthing is needed for the Project, the Proposed MND describes the Site's vegetation including: interior live oak and blue oak. However, the Report notes that black oak and canyon live oak are also present on the Site. Report, page 1. An accurate understanding of the Site's biological resources is needed.	Comment noted. The report contains descriptions of the habitat both in the County's Wildlife Mapping database as well as what was observed on the project site.
C-26	E. The Proposed Project Appears to be Inconsistent with the General Plan. To not require the Proposed Project to be connected to GCSD water and sewer appears to be directly counter to the County's General Plan. The Proposed Project is inconsistent with the following Goals and Policies of the General Plan: Policy 1.A.5: Promote infill and clustered patterns of development that facilitate the efficient and timely provision of infrastructure and services. GOAL 3D: Promote the logical extension or expansion of sewer system infrastructure as development occurs in areas where the expansion of public sewer systems is feasible. Policy 3.E.4: Require development to connect to a public sewer system if it is reasonably available. Policy 6.B.3: Support the efforts of the utility providers to maintain, improve, enhance reliability, and expand where appropriate their infrastructure and service within the County. GOAL 17F: Plan, prepare for, and adapt to significant drought impacts on the water supply. Policy 17.F.2: Minimize the impacts of drought on residents by developing short-term and long-term approaches to drought preparedness, response and recovery.	Refer to Master Response 1.
C-27	To allow the Proposed Project to proceed with both private water and septic systems is contrary to the General Plan's goals and policies and increases the potential of the Proposed Project to create significant negative impacts. Our Center understands that the GCSD is ready and able to add this Proposed Project to the district. CSERC strongly supports such action.	Refer to Master Response 3.

C-28	F. Inappropriate Reliance on the General Plan's EIR. Finally, the Proposed MND incorrectly asserts the General Plan's EIR "already considered impacts associated with development of the site with non-agricultural uses as part of the General Plan EIR analysis. The proposed project would not result in any impacts in excess of what has already been considered by the County." Proposed MND, page 22. Further, "... per the County's General Plan, the site is designated for buildout with residential uses; thus, buildout of the site and associated effects related to migratory corridors have been anticipated by the County." Id., page 43. The General Plan's EIR did not evaluate any site specific impacts to the Site itself. The General Plan's EIR was a high level, programmatic evaluation that considered theoretical impacts on a broad, County-wide level. The Proposed MND's reliance on General Plan's EIR is inappropriate and results in an incomplete analysis of the Proposed Project's true impacts to the Site.	The language on Page 22 is communicating that because the project is consistent with the general plan land use designation, developing the project in a manner consistent with that land use will not result in any general impacts in excess of the General Plan EIR scope. The scope of the General Plan EIR does not provide a project specific analysis which is why the County has prepared a subsequent environmental document.
C-29	While CSERC has concerns regarding the accuracy and scope of the Proposed MND's analysis and the strength of its mitigation measures - particularly for the Site's potential biological resources, the primary concern for our Center is the failure to require the Proposed Project to be connected to public water. An agreement between GCSD and the project applicant should be required to ensure adequate water supply and equitable payment for fire and emergency services.	Comment noted.

Comment	Comment	Response
Comment Letter D - Caltrans: Aeronautics DOT Comments		
D-1	The proposed Project site is in Compatibility Zones B1 and B2 of the Pine Mountain Lake Airport and therefore must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan (ALUCP) adopted by the ALUC pursuant to the PUC, Section 21674. The County of Tuolumne should consider Compatibility Zones B1 and B2 polices stipulated in the ALUCP or Handbook.	Comment noted and is addressed in the Noise section of the IS/MND.
D-2	Per the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act, Section 21676(b) prior to the amendment of a general plan...within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development in the defined safety zones, therefore, must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan(s) adopted by the ALUC pursuant to the PUC, Section 21674.	Comment noted. The Tuolumne County Airport Land Use Commission considered the project and provided Conditions of Approval.
D-3	Caltrans Aeronautics stresses the importance of considering the compatibility policies in the ALUCP, with references in the Caltrans Aeronautics Handbook for supplemental guidance. Additionally, as an unfortunate commonality in California, Caltrans Aeronautics understands that the City/County is facing affordable housing supply shortages and is looking for new areas to accommodate residential developments. Consequently, environmental justice and equity concerns should also be reviewed for consistency with goals identified in the California Transportation Plan 2050 (CTP 2050) and the California Aviation System Plan 2020 (CASP 2020). Caltrans Aeronautics notes that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which require counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare.	Comment noted. Tuolumne County has an adopted ALUC Plan.
D-5	An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development in the vicinity of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport.	Comment noted.

Comment #	Comment	Response
Comment Letter E - Caltrans DOT		
E-1	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.	Comment noted.
E-2	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	Comment noted.

Comment #	Comment	Response
Comment Letter F - Tuolumne Me-Wuk Tribal Council		
F-1	The Tribe is in receipt of your communication dated February 12 , 2024, regarding the above referenced projects. Upon reviewing said documentation the Tribe agrees with the proposed zone changes for the above referenced parcels. We would ask to be notified of any inadvertent discoveries during the construction. We have no further concerns or comments currently. Thank you for keeping us updated.	Comment noted.

Comment	Comment	Response
Comment Letter G - Mr. Tom Parrington		
G-1	Reliance on wells and a septic system for development will only result in future failures and problems of contamination of natural resources. As you are aware, there is no underground aquifer in Tuolumne County, only fractured rock and fissures containing water which can easily be drained and only slowly recharged, if ever, when overdrawn. I am aware of at least one residential well failure for a residence off of Ferretti Road. Given the frequency of well failures in the past several years, individual wells should not be allowed for development on small lots or even five acre parcels, especially where public water service can be provided. It is my understanding that public water and sewer service is being extended to lots on the northwest side of Ferretti Road and Clements Road. Perhaps such service can be extended if the developer will work with the Groveland Community Service District.	Comment does not address the adequacy of the IS/MND. Please refer to Master Response 2.
G-2	Although your Code section 16.26.230 requires proof of ground water availability to be provided prior to approval of a final map, such proof is at a time before any wells have been drilled for residential use and or drawn following development of all 13 lots which could have up to a total of 26 residential lots, all trying to pull water from a fractured rock area . Last year had exceptional rainfall and this year has been average so far which may provide false assurance of adequate water for that number of wells. Memories of the last drought fade fast but it should be remembered that many homes had to have water delivered by truck and stored in tanks due to failing wells. Community Resources Agency	If the project is not able to provide the required Proof of Groundwater the Final Map will not be approved and the development will not be allowed to proceed. If the project proposes at that time an alternative water supply, additional environmental review and approvals will be required, as it would be considered a change in the approved project description.
G-3	Combining septic systems and private wells on lots even as large as 5 acres creates a future possible health problem especially if the septic system is not properly maintained as has been the case in many of the older developments within the County. If GCSD water service is extended to serve the 13 lots then septic system failure will not create such a health problem for residents but still can impact nearby steams and even Pine Mountain Lake.	See comment G-2. If the project is not able to meet the required site and soils testing, then the development will not be allowed to proceed. If the project proposes at that time an alternative waste discharge system, additional environmental review and approvals will be required, as it would be considered a change in the approved project description.

LONG GULCH RANCH

Attachment 5: Errata to ISMND

Errata to the Long Gulch Ranch (13 Lots) RZ20-002 and TSM20-002

Initial Study/Mitigated Negative Declaration

Page of IS/MND and location	Changes (RED is added text, strike-through is deleted text.)
Page 3, Project Description	1. Zone Change RZ20-002 to rezone the 82.2-acre site from Exclusive Agricultural, Thirty-Seven Acre Minimum:Airport Combining (AE-37:AIR) to Residential Estate, Five-Acre Minimum:Airport Combining and Open Space (RE-5:AIR and O) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
Page 3, Paragraph 1 - Site Description Section	The project site is currently undeveloped and primarily consists of oak woodland, mixed conifers , annual grassland, and ruderal vegetation.
Page 3, Paragraph 2 - Site Description Section	GCSD provides water, sewer, fire, and park services within its boundary, and services outside of its boundary through agreements with agency partners.
Page 5, Paragraph 1 – Project Components	The site primarily consists of hills and slopes with a long meadow , partly covered in dense vegetation. The eastern portion of the site consists of a valley where at At least two seasonal drainages run through the valley area , as well as a historical ditch.
Page 5, Paragraph 4 – Project Location and Setting	While the project does not include a specific development proposal at this time, the The project would allow for future development of the site with single-family residences pursuant to the densities allowed by the zoning and the vesting tentative map.
Page 6, Paragraph 2	Electrical and propane natural gas utilities would be provided by connection to existing infrastructure in the project vicinity.
Page 6, Paragraph 4	Wherever safe and feasible, as determined by the director, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. This will be made a condition of approval prior to the final map as required by section 16.24.180 of the TCOC.
Page 6, Required Approvals	Zone Change RZ20-001 to rezone to change the site from AE-37:AIR to RE-5:AIR and O, under Title 17 of the Tuolumne County Ordinance Code; and
Page 16-17, Paragraph 1 - Discussion	The project site is currently undeveloped and primarily consists of hills and slopes and a long valley meadow , partly covered in dense vegetation.

Table 1 Annual Maximum Unmitigated Construction Emissions					
Pollutant	Proposed Project Emissions		Threshold of Significance		Exceeds Threshold?
	lbs/day	tons/yr	lbs/day	tons/yr	
ROG	5.74 7.45	0.71 1.36	1,000	100	NO
NO _x	46.64 47.3	2.69 8.63	1,000	100	NO
PM ₁₀	20.34 21.5	0.61 3.92	1,000	100	NO
CO	32.97 53.9	2.58 9.83	1,000	100	NO
Source: CalEEMod, <i>May 2024</i> September 2020 .					
Table 2 Annual Maximum Unmitigated Operational Emissions					
Pollutant	Proposed Project Emissions		Threshold of Significance		Exceeds Threshold?
	lbs/day	tons/yr	lbs/day	tons/yr	
ROG	61.63 6.34	2.97 1.16	1,000	100	NO
NO _x	5.41 1.62	0.76 0.30	1,000	100	NO
PM ₁₀	12.99 1.85	0.90 0.34	1,000	100	NO
CO	89.01 14.4	5.59 2.62	1,000	100	NO
Source: CalEEMod, <i>May 2024</i> September 2020 .					

To ensure that future construction or occupancy of the site would not impact the ditch, **a 10-foot building setback around the ditch shall be rezoned to Open Space zoning** will be required, as indicated by Mitigation Measure V-1.

~~The Kanaka Ditch shall be identified on the Final Map and a 10-foot building setback from the edges of the ditch shall also be shown on the Final Map.~~

The Kanaka ditch and a 10-foot building setback around the ditch shall be rezoned to Open Space zoning. No construction within the Open Space is allowed. Driveways across the ditch may be allowed upon further review by the Planning Department. The Zone Change shall be approved by the Tuolumne County Board of Supervisors in conjunction with Zone Change RZ20-002. The Open Space zoning shall be shown on the Final Map.

Page 49, Paragraph 2 – Environmental Setting	There is no natural gas consumption in Tuolumne County. However, there is natural propane consumption for residential uses.
Page 83, Paragraph 3 – Hazards and Hazardous Materials	All parcels located within Compatibility Zone B2 shall be a minimum of three gross acres , consistent with the density policies of the Compatibility Plan. This shall be verified prior to the approval of the Final Map.
Page 90, Paragraph 1 – Hydrology and Water Quality	The results of those tests are included within Table 1 of Appendix B of this report. The results showed adequate ground water yields and surpassed the Reasonable Proof of Groundwater requirements

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

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

Compliance with the above conditions would result in a ***less-than-significant*** impact.

~~Per the County's Phase II MS4 permit, new development is required to reduce pollutant and runoff flows using BMPs to the maximum extent practicable. MS4 Permittees must also comply with Low Impact Development (LID) standards. Development projects are typically required to demonstrate hydromodification management of stormwater such that post-project runoff is maintained equal to or below pre-project flow rates for the 2-year, 24-hour storm event, generally by way of infiltration, rooftop, and impervious area disconnection, bio-retention, or other LID measures that result in post-project flows that mimic pre-project conditions.~~

~~As stated above, future residential development within the site would be required to submit a drainage study to the Engineering Division of the Department of Public Works for review and approval. Drainage structures would be installed or improved as necessary to treat and convey stormwater from the site to the natural drainage points that can adequately contain the stormwater. Such specifications would ensure that the drainage study meets the County's Phase II MS4 Permit standards and that the project would not increase the rate or amount of runoff leaving the site.~~

~~Given that the proposed project would be required to comply with the County's Phase II MS4 permit to ensure that post-project runoff resulting from future residential development would remain unchanged from pre-project conditions, the proposed project would result in a ***less-than-significant*** impact.~~

Page 95 , Paragraph 5 - Land Use and Planning	The project would also comply with Chapter 16.26 of the TCOC regarding Subdivision Maps. Section 16.26.180 of the County's Ordinance Code requires preparation of a drainage study to ensure the treatment conveyance of stormwater and to ensure that stormwater infrastructure can be accommodated stormwater within the project site.
Page 108, Paragraph 1 – Public Services	Fire and emergency response is provided to this site by the County of Tuolumne. , with support from regional partners including Groveland Community Services District (GCSD). The Groveland Community Services District provides mutual aid to the Tuolumne County Fire Department, CAL FIRE and the USFS under its CAL FIRE Schedule A contract, including mutual aid as needed from the CAL FIRE Groveland Station when staffed during the summer fire season and under the Amador Plan Agreement.
Page 109, Paragraph 5, Discussion a.) – Public Services	Fire protection services are currently provided to the site by the Tuolumne County Fire Department (TCFD), which is a cooperative fire department with the California Department of Forestry and Fire Protection (CAL FIRE). Per the General Plan EIR, TCFD does not use the National Fire Protection Association standard for fire protection services that requires 1-2 firefighters per 1,000 residents because this standard does not fit TCFD's personnel resources and service population. Fire services within the County are provided by a mix of professional and volunteer firefighters and mutual aid agreements among the fire service agencies. The populations of the City of Sonora and the communities of Columbia, Twain Harte, Strawberry/Pinecrest, Mi-Wuk/Sugar Pine and Tuolumne are serviced by fire departments separate from TCFD. For urban areas, the TCFD response time is an average of 9 minutes; suburban areas have a response time of 10 minutes; rural areas have a response time of 14 minutes; and remote areas have response times dependent directly on travel distance.
Page 109 - 110, Paragraph 7	. In addition, the required fire flow would be required to be on-site, tested, and approved by the TCFD prior to approval of the final subdivision map.

Page 116 – 117, Paragraphs 6- 8 – Transportation	Tuolumne County has adopted local thresholds of significance for VMT. For residential projects in this area, the VMT threshold is 32.90 per capita. The County utilizes a VMT screening tool to determine a project significance. The tool was created by Wood Rogers, Inc.,. The tool identified that the project would not screen out of VMT's if using the above calculation. Planning staff met with a project engineer from Wood Rogers, Inc. who provided the Tuolumne County Regional Travel Demand Model daily trip generation rates for residential land uses (refer to Appendix C). The rates are in terms of daily trips per dwelling unit and vary by area of the County. The rates and maps provided as shown in Appendix C, are directly from the materials prepared for the Tuolumne County VMT Study and therefore are an acceptable reference to use to analyze project trips and VMT. Furthermore, Planning staff confirmed with the traffic consultant that ADU's are not counted towards a project's VMT. Using the chart in Appendix C, 13 (dwelling units) x 4.81 (trips/day) = 62.53 (trips/day) which meets one of the screening criteria as indicated in the adopted VMT thresholds. Project that would generate less than 110 trips per day and are consistent with the County General Plan are considered less than significant. Based on the above, the proposed project would not conflict or be inconsistent with CEQA guidelines Section 15064.3(b), and a less-than-significant impact would occur. Tuolumne County has adopted local thresholds of significance for VMT. For residential projects in this area, the VMT threshold is 32.90 per capita. The County has a VMT screening tool to determine a project's significance that was created by Wood Rogers, Inc.,. The project is proposing a subdivision of an 82.2-acre site into 13 lots, ranging in size from 5.0 acres to 10.07 acres. Each lot would allow for development of one residence and, pursuant to Government Code Section 65852.2, an accessory dwelling unit (ADU). There potentially could be 38 single family dwelling residential units on 82.2 acres of land considering that only 13 units would be potential ADU's. The VMT tool was run with this information and returned a less than significant determination. This project has been determined to not exceed the County of Tuolumne established VMT threshold of 32.90 VMT per capita for residential projects. Based on the above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a less-than-significant impact would occur.
Page 117, Paragraph 1- Transportation	The proposed project would include construction of a new internal roadway that would be constructed to connect with Bert Court Tuolumne Road to the Ferretti Road and provide primary access for the project site
Page 122, Paragraph 1 – Utilities and Service Systems	The drainage study would be required to meet the standards set forth in Chapter 16.26.180 of the TCOC. the County's Phase II MS4 Permit standards and ensure that the rate or amount of runoff leaving the site does not increase..

Page 122, Paragraph 4 – Utilities and Service Systems	Electrical and natural gas utilities propane utilities would be provided by PG&E and local propane companies by way of connections to existing and new infrastructure located within the immediate project vicinity.
Page 122, Paragraph 5 – Utilities and Service Systems	Based on the above, the proposed project would result in a <i>less-than-significant</i> impact related to the relocation or construction of new or expanded wastewater treatment, stormwater drainage, electric power, natural gas propane , or telecommunications infrastructure, the construction or relocation of which could cause significant environmental effects.

Driveway means a vehicular pathway that serves no more than four (4) Residential Units and any number of non-commercial or non-industrial Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses at any size or scale. (TCOC 11.02.110, PRC 4290 1270.01)

Driveways shall be at least 12 feet in width with an all-weather surface. Have fifteen (15) feet of unobstructed vertical clearance and fourteen (14) feet of unobstructed horizontal clearance with a maximum grade of 16%. (TCOC Section 11.12.060A)

~~Driveways to the proposed home sites shall be at least 12 feet in width, with a minimum surface of 4 inches of compacted Class II aggregate. Maximum gradient shall be 16%. (TCOC Section 11.12.060.)~~

~~Six parcels may share a common driveway provided that the common portion of the driveway shall be a minimum of 18 feet in width and does not provide access to more than six (6) dwelling units and any number of accessory buildings, and for which easements have been established for use of the driveway by all parcels. (TCOC Sections 11.02.120, 11.12.060, 15.20.005 (D) and 15.20.050)~~

Driveways over 300 feet in length shall have a turning bulb, hammerhead/T or a circular driveway with minimum outside radius of 40 feet, not including parking, within 50 feet of all building sites. (TCOC, Section 11.12.060 (C))

~~For any driveway that exceeds 300 feet in length, a turning bulb or a circular driveway with a minimum outside radius of 40 feet shall be provided within 50 feet of all building sites. (TCOC Section 11.12.060 (C))~~

Turnouts shall be provided at midpoint for driveways between 150 feet and 800 feet in length and at 400-foot intervals for driveways over 800 feet in length. Turnouts are a minimum of 10 feet wide and 30 feet long with 25-foot tapers at each end. (TCOC Section 11.12.06A)

~~For any driveway that exceeds 150 feet, turnouts shall be provided at the midpoint for driveways between 150 feet and 800 feet in length, or at 400-foot intervals for driveways over 800 feet in length. Turnouts shall be a minimum of 10 feet in width and 30 feet in length with 25-foot tapers at each end. (TCOC Section 11.12.060)~~

Residential numbers must be displayed horizontally on the new building. If the building is over 50 feet from the main roadway the numbers shall be posted at the beginning of the driveway and be readable from both directions. Numbers shall be no less than 4 inches in height, at least 1/2-inch stroke width and be of a color that contrasts with the background. (TCOC Section 12.12.080(A)1)

	Address numbers shall be displayed on a building or land in such a manner as to be visible from the street or road on which the building or land fronts. Where the building is located more than 50 feet from the main roadway, the number shall be displayed at the entrance of the driveway and be readable from both directions. The size of letters, numbers, or symbols for addresses shall be a minimum four-inch letter height but shall not exceed twelve inches in height, one-half inch stroke, reflectorized, and contrasting with the background color of the sign or structure on which it is displayed. All numbers or signs shall be maintained in a neat and orderly manner so as to remain readable. (TCOC Sections 12.12.080(A)(1) and 12.12.080(A)(4), CFC 901.4.4)
Page 131-132 Table 12: Mitigation Monitoring and Reporting Program Measure IV-3	Prior to issuance of grading permit, if wetland habitat cannot be avoided, a wetland delineation shall be prepared in accordance with the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Arid West Region (Arid West Region Supplement). The wetland delineation shall be submitted to the USACE for review. If the existing drainages within the site are found to be jurisdictional under the USACE, RWQCB, or CDFW, then Mitigation Measure IV-4 shall be implemented. If the existing drainage features are not jurisdictional, then additional mitigation is not required.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

UNAPPROVED

MINUTES OF THE TUOLUMNE COUNTY PLANNING COMMISSION

July 17, 2024, 6:00 PM

Board of Supervisors Chambers County Administration Center

4th Floor 2 S. Green St. Sonora, CA 95370

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PRESENT: Chair Catherine Santa Maria; Vice-Chair Jim Jordan; Commissioners Jerry Morrow, Wesley Brinegar, Jim Cherry

ABSENT: None

STAFF: Natalie Rizzi, Supervising Senior Planner; Clark Sintek, Planner II; Jennifer Preston, Planner I; Tamera Blankenship, Housing Development Specialist; Taryn Vanderpan, Administrative Technician II

CALL TO ORDER/WELCOME:

Chair Catherine Santa Maria called the meeting of July 17, 2024, to order at 6:00 p.m. and led the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

Natalie Rizzi, Supervising Senior Planner discussed the upcoming California County Planning Commissioners' Association Conference.

2. Report from the Agricultural Advisory Committee Representative

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

2. Meeting Minutes of June 18, 2024

Ms. Rizzi noted that the minutes of June 18, 2024, would be reviewed at the next scheduled meeting.

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 for public comment.

PUBLIC HEARING:

- 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.

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

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

The project proponent spoke in favor of the project.

Chair Santa Maria closed the public comment period and referred the item back to the Commission.

Chair Santa Maria closed the public comment period and referred the item back to the Commission.

MOTION: Recommend approval of Zone Change LUNR-23-12 based on Findings A through D.

RESULT: Approved

MOVED: Commissioner Morrow

SECONDED: Commissioner Cherry

AYES: Chair Santa Maria; Vice-Chair Jordan; Commissioners Cherry, Brinegar and Morrow

NOES: None

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.

Jennifer Preston, Planner I, gave a PowerPoint presentation on the proposed project location and description.

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

MOTION: Recommend approval of Zone Change RZ23-008 based on Findings A through D.

RESULT: Approved

MOVED: Vice-Chair Jordan

SECONDED: Commissioner Morrow

AYES: Chair Santa Maria; Vice-Chair Jordan; Commissioners Cherry, Brinegar and Morrow

NOES: None

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.

Tamera Blankenship, Housing Development Special, gave a PowerPoint presentation on the Housing Element Update.

The Commission asked questions of staff regarding the changes to the Housing Element Update.

Chair Santa Maria opened the public comment period and asked if there was anyone who wished to speak on the item. Seeing no one, she closed the public comment period and referred the item back to the Commission.

MOTION: Recommend approval of Zone Change LUNR-23-12 based on Findings A through D.

RESULT: Approved

MOVED: Commissioner Morrow

SECONDED: Commissioner Cherry

AYES: Chair Santa Maria; Commissioners Cherry, Brinegar and Morrow

NOES: Vice-Chair Jordan

Chair Santa Maria adjourned the meeting at 7:41 p.m.

APPROVED:

Quincy Yaley, AICP
Community Development Department Director

QY: tv

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