COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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SPECIAL TUOLUMNE COUNTY PLANNING COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET
June 11th, 2025
6:00 p.m.*

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

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

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

** Reports are brief oral reports from a Commission member and/or County staff, and no 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 February 19th, 2025

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:

1. 2 MEDEIROS ENTERPRISES, LLC,

1. Resolution for a General Plan Amendment to amend the General Plan land use designation of a 0.77± acre parcel from Public (P) to Light Industrial (LI).

2. Site Development Permit to allow the construction of a two story, two building mini storage facility totaling 24,600± square feet on a 0.77± acre parcel zoned M-1 (Light Industrial) under the Tuolumne County Ordinance Code (TCOC).

The project site is located at 20311 and 20319 South Sunshine Road, 370± ft southwest of the intersection of South Sunshine Road and Green Acres Road. The project is also adjacent to State Highway 108, and approximately 5.63± miles east of the City of Sonora, outside of the city limits. Within a portion of Section 36, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 2. Assessor's Parcel Number 038-091-009.

2. OLA RANCH PROPERTIES, LLC,

1. Resolution for a General Plan Amendment LUNR-24-30 to amend the land use designation of a 1.13± acre parcel from Low Density Residential (LDR) to High Density Residential (HDR).

2. Ordinance for a Zone Change LUNR-24-30 to rezone a 1.13± acre parcel from Residential Estate, One Acre minimum (RE-1) to Multiple Family Residential (R-3) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located approximately 500 feet southeast of the intersection of Jamestown Road and Golf Links Road. The project is adjacent to Golf Links road, and approximately .82± miles northeast of Down Jamestown. Within a portion of Section 3, Township 1 North, Range 14 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 5. Assessor's Parcel Number 059-020-042.

3. Review and Recommendation on ordinance amending Tuolumne County Ordinance Code Title 17 – Zoning to add a new small Single-Family Residential District (R-0) and amending the Tuolumne County General Plan Technical Background Report.

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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MEDEIROS

SURFACE/MINERAL RIGHTS OWNER: 2 Medeiros Enterprises LLC

APPLICANT: James Medeiros
Phone: (510) 299-3086

DATE: June 11, 2025

PROJECT AND LOCATION

PROJECT DESCRIPTION: LUNR-24-1 for the following:

1. Resolution for a General Plan Amendment to amend the General Plan land use designation of a 0.77± acre parcel from Public (P) to Light Industrial (LI).

2. Site Development Permit to allow the construction of a two story, two building mini storage facility totaling 24,600± square feet on a 0.77± acre parcel zoned M-1 (Light Industrial) under the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 20311 and 20319 South Sunshine Road, 370± ft southwest of the intersection of South Sunshine Road and Green Acres Road. The project is also adjacent to State Highway 108, and approximately 5.63± miles east of the City of Sonora, outside of the city limits. Within a portion of Section 36, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 2. Assessor's Parcel Number 038-091-009.

GENERAL PLAN: The project site is designated Public (P) by the Tuolumne County General Plan land use diagrams (see Attachment #1 – Agenda Map). Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the P designation is consistent with the public zoning district. The project proposes to amend the general plan land use on site to the LI designation, which is consistent with the existing Light Industrial (M-1) zoning, pursuant to Table 1.3.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that General Plan Amendment and Site Development Permit are exempt from review under the California Environmental Quality Act, pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

The General Plan Amendment to LI is being requested to facilitate the request for a Site Development Permit to allow construction of a two-story 24,600 square foot indoor mini-storage facility on a light industrial (M-1) zoned parcel. The parcel is currently developed with two structures pending demolition. The project would be developed within the existing footprint of the buildings and

onsite storage lot. The project would not increase the developed footprint of the site or disturb any previously undisturbed areas. Therefore, there would be no impact to wildlife habitat. There would be no impact to cultural resources as the Historic Preservation Review Commission reviewed the proposed demolition of a structure over the age of 50 years and the Tuolumne County Database of Cultural Resources and the cultural study did not identify any significant resources eligible for listing on the register. The site utilizes public water and sewer and would continue to do so with the proposed conversion. The utility provider indicated that there is adequate capacity, and the applicant is responsible for any fees regarding any upgrades to their system.

RECOMMENDATION

1. Community Development Department staff recommends approval of General Plan Amendment LUNR-24-1 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

    A. The general plan and ordinance amendment are consistent in principle with the general plan, zoning code, and any applicable specific plan.

    B. The proposed amendments would not be detrimental to the public health, safety, or welfare of the community.

    C. The project site is suited to the uses permitted under the proposed general plan land use designation and zoning district.

    D. The anticipated land uses on the subject site would be compatible with the existing and surrounding uses.

    E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines.*

2. Community Development Department Staff recommends approval of Site Development Permit LUNR-24-1 based upon the following findings pursuant to Chapter 17.100 of the TCOC, and subject to attached conditions 1 through 61.

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

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

    C. Under the circumstances of the particular case; the proposed development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

    D. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 153061(b)(3) of the *State CEQA Guidelines*.

GENERAL INFORMATION

Site Description

1. The project site is located at 20311 and 20319 South Sunshine Road, 370± ft southwest of the intersection of South Sunshine Road and Green Acres Road. The site is currently developed with a garage (BE-24-95), a residence (BP-24-38) and a fenced in parking area

which consists of personal storage. The site is relatively flat, and while the proposed mini-storage facility will introduce new construction, the design and scale of the buildings are consistent with the industrial nature of nearby development. The parcel is located between State Route 108 and South Sunshine Road which is a County – maintained, functional class 7 (local) road.

2. Most of the site is developed, graveled and disturbed; however, there is natural vegetation along the southern portion of the site between the parcel and the highway. Vegetation consists of annual grasses, live oak, black oak, bull pine trees and brush. Majority of the onsite vegetation is within the State Highway road right of way adjacent to an existing drainage swale south of the site. The drainage moves storm runoff from the highway and directs it westerly past the subject parcel and across the parcel to the south. Pacific Gas and Electric (PG&E) provides electricity to the site, and water and sanitary sewer services are provided by the Tuolumne Utilities District (TUD). The TUD water system also includes a fire hydrant along the project frontage.

Project Description

3. An application for General Plan Amendment and Site Development Permit (LUNR-24-1) was submitted on February 22, 2024. The General Plan Amendment consist of changing the existing general plan from P to LI. The Site Development Permit will allow for the development of a two-story 24,600 square foot indoor mini-storage facility comprised of two separate buildings. The site currently has a residence and commercial garage which are proposed to be demolished. Demolition Review (LUNR-23-1/BP-24-38) for the demolition of a 864 square foot single family residence was reviewed and approved by the Historic Preservation Commission Demolition Committee and the permit was issued on April 8th.

4. The site plan, elevations, floor plans, preliminary landscape plan and renderings are identified within this report (Attachment 2). The site is proposed to have a six-foot-high fence with landscaping fronting South Sunshine Road. Two standard parking and one ADA space is proposed. An office building is also proposed on the northeastern portion of the site consisting of approximately 22 square feet. Typical business hours will be Monday through Friday 10am to 6pm and Saturday and Sunday from 9am to 5pm and there will be surveillance cameras on each building. Signage of approximately 3 feet by 16 feet on three sides of each storage building is proposed.

General Plan

5. The project site is designated Public (P) by the Tuolumne County General Plan land use diagrams. The application proposed to amend the General Plan land use designation to LI (Light Industrial). Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the existing light industrial zoning district is compatible with the LI General Plan land use designation.

6. The LI designation provides for industrial land uses with an emphasis on manufacturing, processing, assembly, storage, distribution, and research and development activities. This designation is applied to areas with good access to major truck transportation routes and rail lines, located near concentrated residential areas so that employee commute times and distances are minimized. This project consists of mini storage therefore, the project would be consistent with the purpose of the LI General Plan land use designation.

7. While the parcel is currently designated as Public (P) under the General Plan, this designation was enacted in the 1996 General Plan Update to accommodate the potential future expansion of Phase III of the East Sonora Bypass Project. Prior to 1996, the parcel

had a Light Industrial land use designation. During the review of this project, the property owner, Planning Department and the Tuolumne County Transportation Council (TCTC) engaged in a coordination process with Caltrans to determine whether the parcel was still needed for transportation infrastructure and if acquisition was planned in the future. On December 17th, an email from Caltrans (Attachment 3) identified that the agency had no plan for acquiring the parcel for the East Sonora Bypass Phase III project.

On February 21, 2025, TCTC (Attachment 3) confirmed that the 2024 Regional Transportation Plan (RTP) re-evaluated alternative alignments for the East Sonora Bypass and that acquisition of the Medeiros property is no longer necessary. The letter also states that TCTC does not object to the approval of the proposed project.

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

Goal 1.A

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

Approval of the General Plan Amendment and Site Development Permit LUNR-24-1 will allow the development of the project site with a new mini-storage facility to aid the residents of Tuolumne County.

Policy1.A.5

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

LUNR-24-1 would allow development on a parcel where public water and sewer services are readily available.

Implementation Program 3.B.b

Encourage new industrial development to locate in areas which have the capability of being served by a public water system.

The project site is adjacent to a light industrial designated parcel which has public water and sewer service. Public water and sewer are both readily available to serve the proposed mini-storage facility.

Tuolumne County Ordinance Code

9. The project site is zoned Light Industrial (M-1) under Title 17 of the Tuolumne County Ordinance Code. The purpose of the M-1 district is to provide an area primarily for light industry. The minimum parcel size of any M-1 District is 7,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line. Within any M-1 district, the maximum residential building intensity shall be one dwelling unit per 7,500 square feet. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR) shall be 1.0.

10. The site is 0.77± acres (33,541.2 square feet) and located adjacent to State Highway 108. There is a concentration of commercial and industrial uses that are located along this corridor. The land uses on the site have historically been consistent with the zoning and general plan. The proposed development consists of a total of 24,600 square feet and current M-1 zoning allows mini-storage facilities as a permitted use. The applicant has applied for a Site Development Permit in accordance with Section 17.100.030 of the TCOC. Therefore, the proposed development is consistent with the existing M-1 zoning and the ordinance code.

11. Pursuant to Section 17.90.080 of the TCOC, self-storage facilities must meet additional regulations which have been incorporated into conditions of approval.

Landscaping

12. Section 15.28.030 of the TCOC states that the minimum area required to be landscaped for commercial, industrial and multiple-family residential development projects that are subject to a Site Development Use Permit, on land zoned C, M, BP, M-U, R-3, or R-2 is ten percent (10%). Existing trees and other vegetation are encouraged to be retained and count toward meeting these requirements. For the 0.77± acre parcel, a minimum of 3,354± square feet of landscaped area is required. The site plan indicates approximately 3,490 square feet landscaping proposed along South Sunshine Road and the northeast corner of the parcel. The area of existing vegetation will be required to be shown on the site plan submitted in conjunction with the building permit application. The project will be conditioned to require a landscaping plan to identify that the 10% requirement has been met prior to the issuance of a Building Permit.

Traffic

13. The proposed project will be accessed off South Sunshine Road, which is a County, maintained road. The project site is located adjacent to State Route 108, a major east-west transportation corridor in Tuolumne County. The Tuolumne County General Plan – Transportation Element and its accompanying Technical Background Report (TBR) identify SR 108 as part of the County's roadway system and recognize its function as a primary route for the movement of goods and services. However, it is not identified as a scenic route in County plans, nor is the project site located along any of the County's designated scenic corridors. The project does not obstruct any scenic vistas or degrade views from the public right-of-way. Additionally, there are no significant rock outcroppings, heritage trees, or other scenic features located on the property that would be affected by the project.

14. Chapter 3.54 of the Ordinance Code states that an estimated 2 vehicle trips per day (dvt) occurs per each 1,000 square feet of a mini-storage facility. The mini-storage building addition is proposed to be 24,600 square feet in size. The estimated number of daily vehicle trips (dvt) is as follows:

    Mini-storage facility: 24,600 ft² x 2 dvt/1,000 ft² = 49.2 daily vehicle trips

15. The Engineering Division of Public Works determined that a traffic study was not required for this project, as the anticipated traffic volume did not meet the threshold necessitating such a study. According to County guidelines, a traffic impact study is triggered when a project is expected to generate more than 50 peak-hour vehicle trips or over 500 vehicle trips per day. With a proposed building size of 24,600 square feet, the project is estimated to generate roughly 60 vehicle trips per day—well below the 500-trip threshold. As a result, no traffic study was required.

16. The Tuolumne County Board of Supervisors has determined that projects of this type contribute cumulatively to the significant adverse impacts on the County's circulation system. To mitigate this impact, the project proponent or subsequent developer shall pay an appropriate Traffic Impact Mitigation Fee (TIMF) prior to issuance of a Certificate of Occupancy pursuant to Section 3.54.040 of the Tuolumne County Ordinance Code. Based on the usage of a mini-storage facility, the current fee is $1,237 per 1,000 square feet. ***This fee is adjusted annually, and final traffic fees will be calculated and due prior to the issuance of a Certificate of Occupancy by the Building and Safety Division***. Pursuant to Chapter 3.54 of the TCOC a credit can be applied as the current use of the existing garage was for an auto repair shop. Staff has calculated both uses below to show the anticipated fee due.

    Mini Storage Facility: 24,600 sq.ft. / 1,000 sq.ft. = 24.6 x $1,237 =$30,430.20

    Auto Repair Shop: 1,279 sq.ft / 1,000 sq.ft = 1.27875 x $8,038 = $10,278.59

    $30,430.20- $10,278.59 = $20,151.61

    The total TIMF that is anticipated to be due based on the current fee schedule is **$20,151.61.**

Vehicle Miles Traveled (VMT)

17. A VMT is a measure of total vehicular travel that accounts for the number and length of vehicle trips to the project site. The *Institute of Traffic Engineers Trip Generation Manual, 11th Edition* (2021) was used to model VMT trip generation for mini storage facilities (code 151). The results proposed an estimate of 33 VMT which screens out due to the project generating less than 110 trips per day and being consistent with the proposed General Plan.

Off-Street Parking

18. The required parking for mini-storage facilities is one and one-half (1 ½) per employee per largest shift. The applicant has indicated that one employee will be present on site. Therefore, the amount of parking spaces required is as follows:

    Parking Space Formula: 1 employee x 1.5 spaces = 1.5 Parking Spaces

    Section 17.60.060 of the TCOC indicates that uses requiring 0.5 or more shall be deemed to require one full space. Therefore, 2 parking spaces will be required. The project will be conditioned to require submittal of a parking area plan for review and approval prior to the issuance of a Grading Permit.

Utilities

19. The project site is located within the water and sewer service area of the Tuolumne Utilities District (TUD). The property owner will coordinate with TUD to determine whether any additional capacity fees or infrastructure upgrades are required.

20. The project site is connected to Pacific Gas and Electric (PG&E) for electrical services. It is not expected that the proposed project would overburden the electrical services. Solid waste generated by the project can be hauled to the Cal Sierra Transfer Station located at 19309 Industrial Drive in East Sonora. The three franchise waste haulers in Tuolumne County offer residential and commercial recycling programs. Cal Sierra Disposal, Inc. and

Burns Refuse Service offer residential curbside recycling in conjunction with refuse service, as well as commercial commingled recycling service. There is capacity to serve the proposed project.

Cultural Resources

21. Pursuant to Section 14.10.070 of the Tuolumne County Ordinance Code, a Cultural Resource Study is required to determine if a proposed project will have potential impacts on historic and/or pre-historic resources and identify appropriate mitigation for those impacts.

22. The project site contains two existing structures, including a mid-20th-century residence located at 20311 South Sunshine Road and an associated commercial garage. On March 13, 2024, County planning staff confirmed with the Tuolumne County Assessor's Office that the structures date back to at least 1958. In response to the presence of structures over 50 years old and a mapped cultural point identified by the Central California Information Center (CCIC), the applicant retained Solano Archaeological Services, LLC (SAS) to prepare a Cultural Resources Technical Memorandum in August 2024. That study included a records search, archival research, and a pedestrian field survey. SAS identified the residence as a potential historical resource (P-55-004697) and recommended further evaluation by a qualified architectural historian. Subsequently, an addendum to the cultural memorandum was prepared by Foothill Resources, Ltd., and submitted on January 8, 2025. This evaluation, conducted by Terry Brejla and Judith Marvin, concluded that the structure does not meet the criteria for listing on the California Register of Historical Resources, nor does it qualify as a historical resource under CEQA, based on its lack of architectural integrity and historic significance. The Tuolumne County Historic Preservation Review Commission Demolition Committee reviewed the findings and voted to approve the demolition of the residence.

23. Section 65352.3 of the Government Code requires city and county governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places during the processing of a General Plan Amendment. The intent of this law is to provide local tribes with an opportunity to participate in local land use decisions at an early planning stage in order to protect, or mitigate impacts to, cultural places. The county is required to notify tribes with traditional cultural places in the vicinity of the project site of the opportunity to consult regarding the proposed General Plan Amendment. Letters offering the opportunity to consult were sent to each of the Tribes indicated by the Native American Heritage Commission on May 7, 2024. A second letter was mailed on April 1, 2025 approximately 45 days prior to consideration of the application by the Board of Supervisors. No requests for consultation were received. The Tuolumne Band of Me-Wuk Indian Tribe responded to the May 7, 2024, Stakeholder Notification and indicated that they would like to be present during the staff site visit. On March 5, 2025, with representatives from the Tuolumne Band of Me-Wuk and Chicken Ranch Rancheria. Both tribes agreed that the County's standard condition of approval related to inadvertent discovery would be sufficient for this project. Based on the cultural review, agency consultation, and demolition review, the project will not affect any historical resources as defined by CEQA. There will be no impact under item (f) of the CEQA exceptions to the categorical exemptions. Future construction, grading, and excavation could potentially unearth subsurface cultural resources; therefore LUNR-24-1 will be conditioned to require investigation of any such discovered resources by a qualified archaeologist prior to any further construction, in accordance with Section 14.10.150 of the TCOC.

Biological Resources

24. The Tuolumne County Wildlife Maps indicate that the residential park (rsp) habitat are present. The rsp habitat is considered fourth priority habitat. Fourth priority habitats are areas of relatively low value to wildlife. The California Department of Forestry and Fire Protection's Fire Resource Assessment Program (FRAP) identified that the Montane Hardwood-Conifer (MHC) habitat is present. MHC is a natural community typically found in upland forested areas and is broadly distributed in the Sierra Nevada. While MHC provides habitat value for various wildlife species, it is not classified as sensitive or protected. Staff has conducted a site visit and identified that the parcel where most disturbance will occur is within the rsp habitat type. The MHC habitat is more prevalent in the Caltrans right of way where ground disturbance will not occur.

25. The California Department of Fish and Wildlife Natural Diversity Database (CNDDB) identified two special-status plant species with documented occurrences in the region: *Eryngium pinnatisectum* (Button Celery) and *Diplacus pulchellus* (Yellow Lip Monkeyflower). *Eryngium pinnatisectum* is typically found in vernal pools, seasonal wetlands, and moist grasslands with clay soils, while *Diplacus pulchellus* generally occurs in wet meadows, ephemeral seeps, and other seasonally moist habitats, often with volcanic or clay substrates. These habitat types are not present on the project site, which is already disturbed and does not support vernal pools, wetlands, or other sensitive plant communities. Therefore, it is unlikely that these species occur on-site, and impacts to special-status biological resources are not anticipated.

Community Outreach

26. Property owners within 300 feet were notified of the proposed project via mail on March 4th, 2024. Three letters were received in opposition. The letters have been attached to this report. Concern was raised regarding increased population, aesthetics from the highway and traffic at the stop sign at North and South Sunshine Road. Below you can find a response to each.

Population

One letter of opposition expressed concern regarding a potential increase in residential population as a result of the project. However, the subject parcel is zoned Light Industrial (M-1), which allows for a range of residential uses, including single-family dwellings, accessory dwelling units, and various forms of group housing, as outlined in Table 17.16.1 of the Tuolumne County Ordinance Code. The proposed project, however, is for a mini-storage facility and does not include any residential component. As such, the project will not contribute to an increase in residential population and is consistent with the allowed uses for the site under the M-1 zoning designation.

Increased Traffic

One comment requested that the South/North Sunshine Road intersection be studied due to potential traffic impacts. However, based on County thresholds and trip generation estimates for mini-storage uses, the project is expected to generate only 60 daily trips—well below the level requiring a traffic study (refer to the traffic section above). As a result, no study was required.

Aesthetics from Hwy 108 Bypass

The Tuolumne Heritage Committee responded in opposition. Concern was raised in regard to visual impacts to Highway 108. The project site is adjacent to State Route 108, a major transportation corridor, but this segment is not designated as scenic by Caltrans or the County. SR 108 is not part of any scenic corridor, and no scenic resource overlays or

designated view corridors apply to the site.

Advisory Agency Responses

27. The proposed project has been reviewed by several State and County agencies. The responses from advisory agencies are addressed in this report below and the project Conditions of Approval. The California Department of Transportation (Caltrans), Chicken Ranch Rancheria, Tuolumne County Air Pollution Control District (TCAPCD), Tuolumne County Environmental Health, Tuolumne County Fire Prevention Division, Tuolumne County Building and Safety Division, Engineering Division of the Tuolumne County Public Works, Tuolumne Utilities District, State Water Regional Control Board, and Tuolumne County Transportation Council. All comment letters have been attached to this report. Below is a summary of the correspondence between Caltrans and TCTC.

TCTC / Caltrans Correspondence:
TCTC and Caltrans reviewed the proposed project in March of 2024. The Caltrans letter addressed encroachment permits, nesting birds near the Caltrans road right of way, review of drainage calculations and potential outdoor advertising permits. Tuolumne County Public Works Department and TCTC indicated that this parcel may be needed for the expansion of the East Sonora Phase III Bypass project. An almost yearlong correspondence between Caltrans, TCTC and the property owner ensued to determine whether Caltrans had any interest in acquiring the parcel. Once staff received an email from Caltrans stating they had no interest in acquiring the property owners parcel for the East Sonora Bypass expansion, staff solicited additional comments from TCTC. TCTC relayed the following, “TCTC is currently evaluating alternative alignments for the East Sonora Bypass Phase III that would no longer necessitate the acquisition of the Medeiros property. As outlined in the 2024 Regional Transportation Plan, which is anticipated for approval in March 2025, the East Sonora Bypass Phase II is classified as a Tier 2 project. We understand that Caltrans, at this time, has no plans to acquire the Medeiros property…as confirmed in recent correspondence. TCTC does not object to the approval of the currently proposed project”. A copy of the correspondence can be found attached to this report.

General Plan Amendment Findings:

28. Chapter 17.100 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for amendments to the General Plan and Zoning Ordinance. Below are the required findings and information to support Staff’s recommendation to approve the proposed project.

A. ***The general plan and ordinance amendment are consistent in principle with the general plan, zoning code, and any applicable specific plan.***

The proposed General Plan Amendment from Public (P) to Light Industrial (LI) restores the parcel’s pre-1996 designation and aligns with the existing M-1 zoning, which permits mini-storage uses. The LI designation is consistent with Table 1.3 of the General Plan Technical Background Report and supports infill development with access to public services.

B. ***The proposed amendments would not be detrimental to the public health, safety, or welfare of the community.***

The site is served by public water, sewer, and emergency services. The project will not increase population, generate excessive traffic, or impact sensitive resources. Conditions of approval and development standards will ensure ongoing protection of public health and safety.

C. ***The project site is suited to the uses permitted under the proposed general plan land use designation and zoning district.***

The parcel is already zoned M-1 and located along a major transportation corridor. The site is previously developed, generally flat, and has existing infrastructure, making it suitable for the proposed mini-storage use under the LI designation.

D. ***The anticipated land uses on the subject site would be compatible with the existing and surrounding uses.***

The surrounding corridor includes commercial and industrial uses. The mini-storage facility is consistent with the scale and intensity of nearby development and will not create conflicts with surrounding uses.

E. ***Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.***

It can be seen with certainty that there is no possibility the activity may have a significant effect on the environment. The project will not impact sensitive biological, cultural, or scenic resources, and all proposed improvements occur within already disturbed areas.

Site Development Permit Findings

29. Community Development Department Staff recommends approval of Site Development Permit LUNR-24-1 based upon the following findings pursuant to Chapter 17.100 of the TCOC, and subject to attached conditions 1 through 61.

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

The project supports General Plan goals to promote infill development and provide industrial uses near major transportation routes. The proposed mini-storage use is consistent with the Light Industrial (LI) land use designation and surrounding development.

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

The site is zoned M-1, and mini-storage facilities are a permitted use. The project meets applicable zoning and development standards, including parking, setbacks, landscaping, and design requirements. The project is subject to conditions of approval.

C. Under the circumstances of the particular case; the proposed development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The project is located in an industrial corridor, is served by public utilities, and will be conditioned to comply with fire safety, access, drainage, and lighting requirements. No residential impacts are anticipated.

D. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 153061(b)(3) of the *State CEQA Guidelines*.

It can be seen with certainty that the project will not have a significant effect on the environment. The site is previously disturbed, does not contain sensitive resources, and improvements remain within existing developed areas.

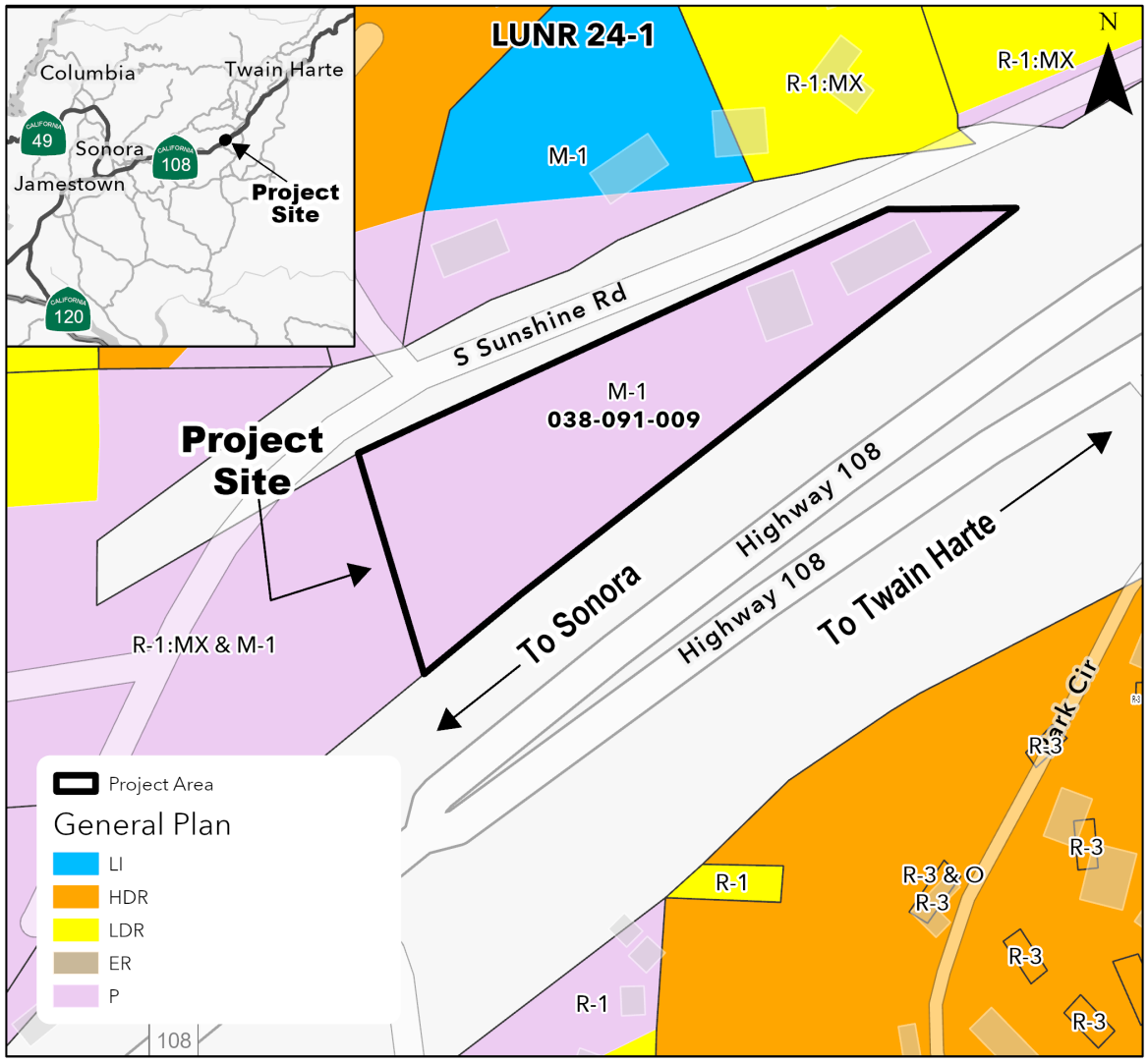
PREPARED BY: Cheydi Smith, Senior Planner

Attachments:

1. Agenda Map
2. Site Plan, Elevations, Preliminary Landscape Plan and Renderings
3. Comments
4. Conditions of Approval

S:\Planning\PROJECTS\LUNR Projects\2024\LUNR-24-1 (Medeiros_Storage Unit Facility)\TCPC\Agenda Report Revised.doc

Attachment 1: Agenda Map



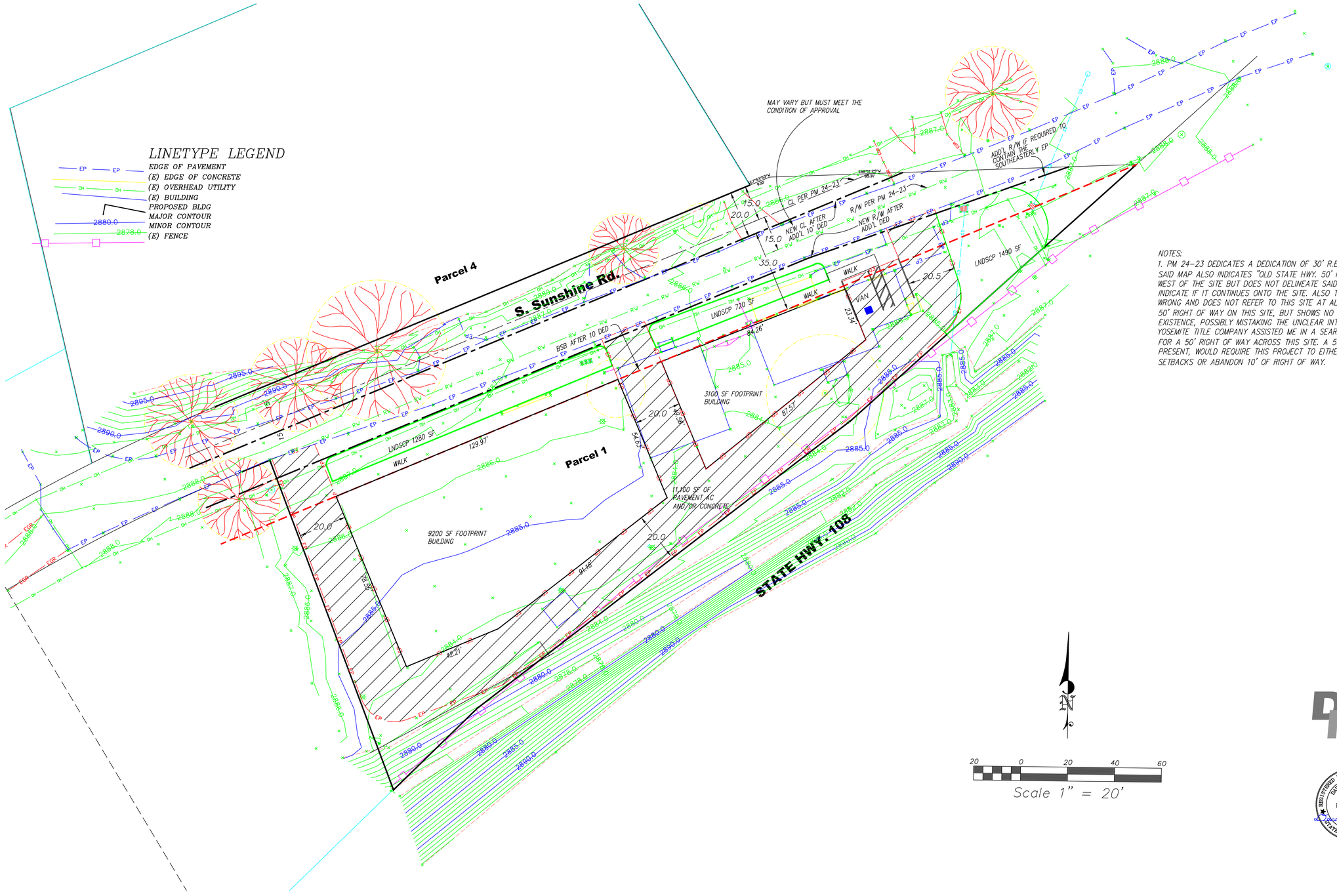
Project: LUNR 24-1
Applicant/Owner: James Medeiros
APN: 038-091-009
Acres: 0.77± acres
Current Zoning: M1
Current General Plan Designation: P
Project Description: The project area is for a Site Development Permit to allow the construction of 23,656 square feet of mini-storage facilities consisting of two two-story structures and a Resolution for a General Plan Amendment to amend the General Plan land use designation of a 0.77± acre parcel from Public (P) to Light Industrial (LI).

Path: X:\Planning\Temp_Shapefiles\LUNR24-1 (Madeiros_Storage Unit Facility)\LUNR24_1\LUNR24_1.aprx

Date Saved: 4/11/2025 1:09 PM

Attachment 2:
Site Plan, Elevations, Renderings, Preliminary Landscape Plan

SITE PLAN LUNR-24-1
VERSION ~~05/21/25~~
05/28/25



NOTES:
1. PM 24–23 DEDICATES A DEDICATION OF 30' R.E. FOR SO. SUNSHINE RD. SAID MAP ALSO INDICATES "OLD STATE HWY. 50' R.E. PER 496 O.R. 376" WEST OF THE SITE BUT DOES NOT DELINEATE SAID RIGHT OF WAY, NOR INDICATE IF IT CONTINUES ONTO THE SITE. ALSO THE DEED REFERENCE IS WRONG AND DOES NOT REFER TO THIS SITE AT ALL. PM 43–40 INDICATES 50' RIGHT OF WAY ON THIS SITE, BUT SHOWS NO REFERENCE FOR ITS EXISTENCE, POSSIBLY MISTAKING THE UNCLEAR INTENT OF PM 24–23. YOSEMITE TITLE COMPANY ASSISTED ME IN A SEARCH AND FOUND NO BASIS FOR A 50' RIGHT OF WAY ACROSS THIS SITE. A 50' RIGHT OF WAY, IF PRESENT, WOULD REQUIRE THIS PROJECT TO EITHER REDUCE TCOC FRONT SETBACKS OR ABANDON 10' OF RIGHT OF WAY.

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

1 / 1

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

for:
Jim Medeiros
Job No. 21-45

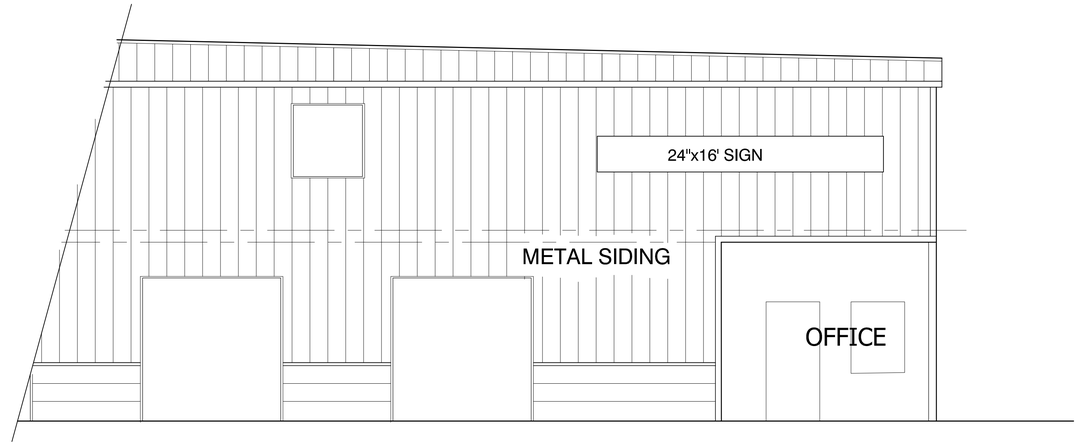
SITE PLAN LUNR-24-1
Parcel 1 of Parcel Map 24-23,
Section 36, T.2N, R.15E
20311 S. Sunshine Road
Tuolumne County, CA
APN 038-091-009

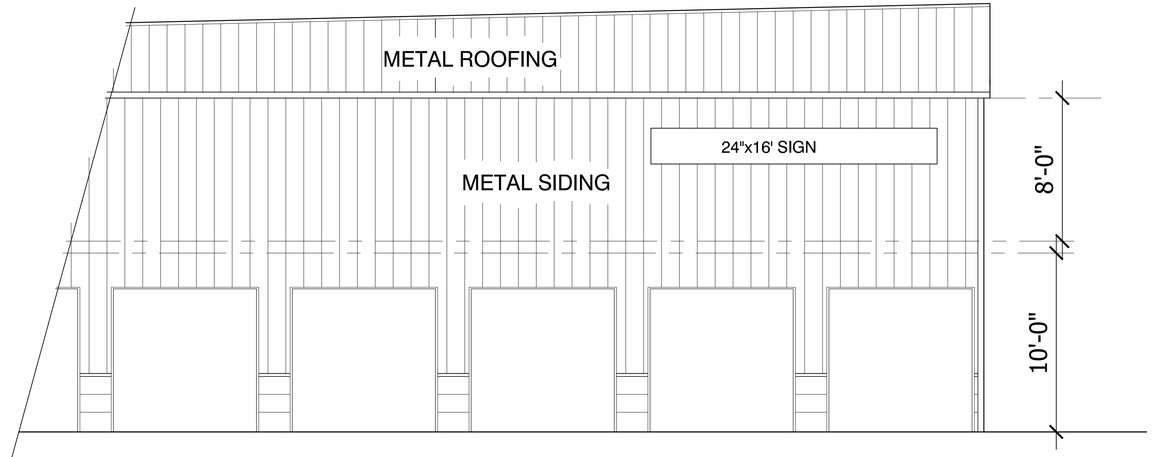
REVISIONS

NO.	DATE	DESCRIPTION

1" = 20'

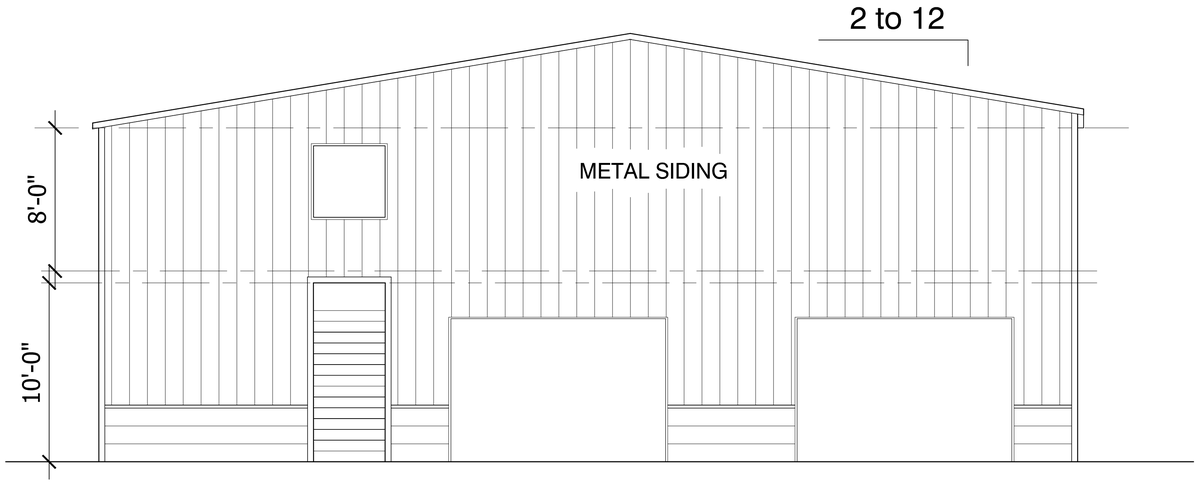
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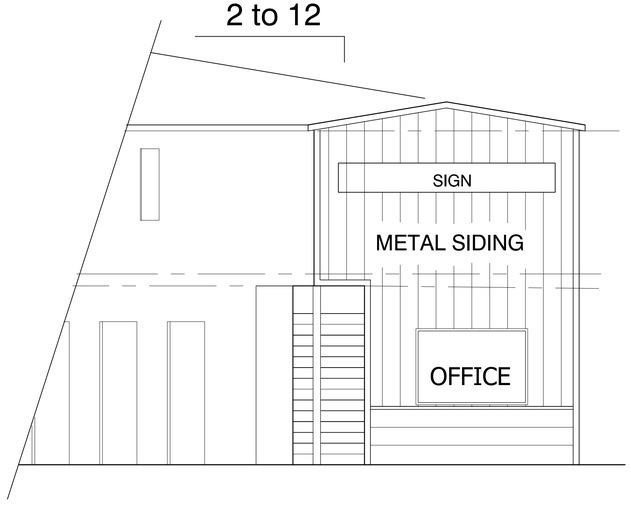




TYPICAL ELEVATIONS

1/4" = 1'-0"





JAN. 17, 2024

JIM MEDERIOS
510 299-3086

DRAWING DESCRIPTION
TYPICAL ELEVATIONS

STORAGE UNITS For
GOLDMINE SOULSBYVILLE

DRAWN BY
JOE SMITH

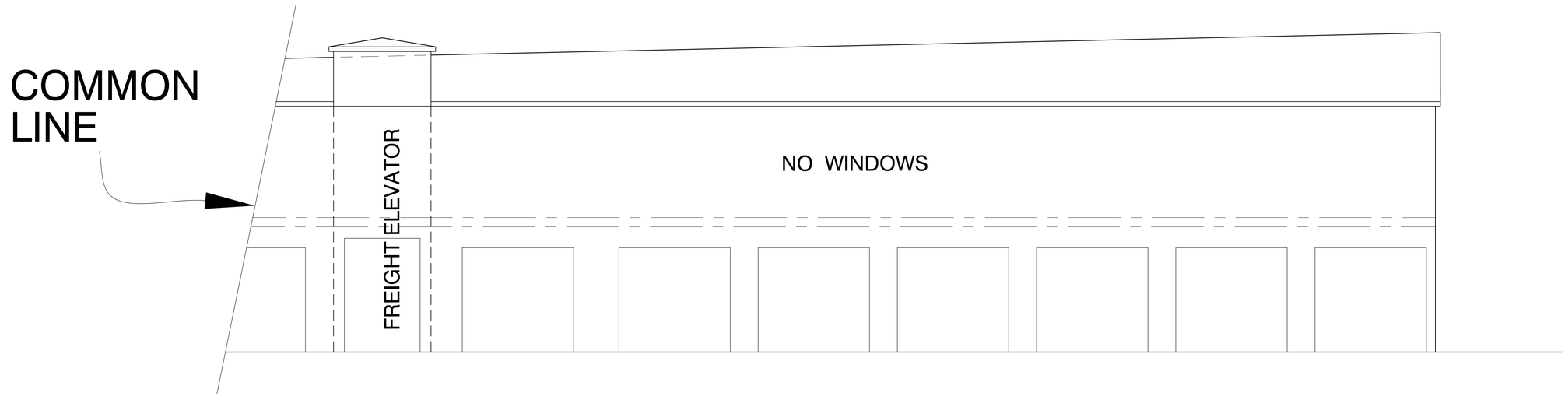
DATE

JOB NAME

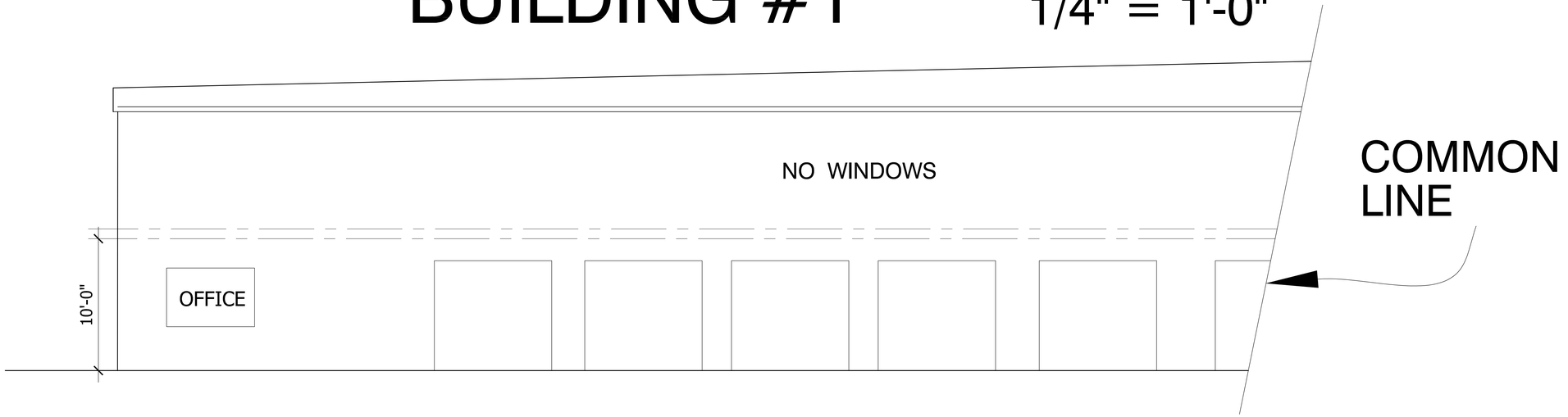
ACAD DWG

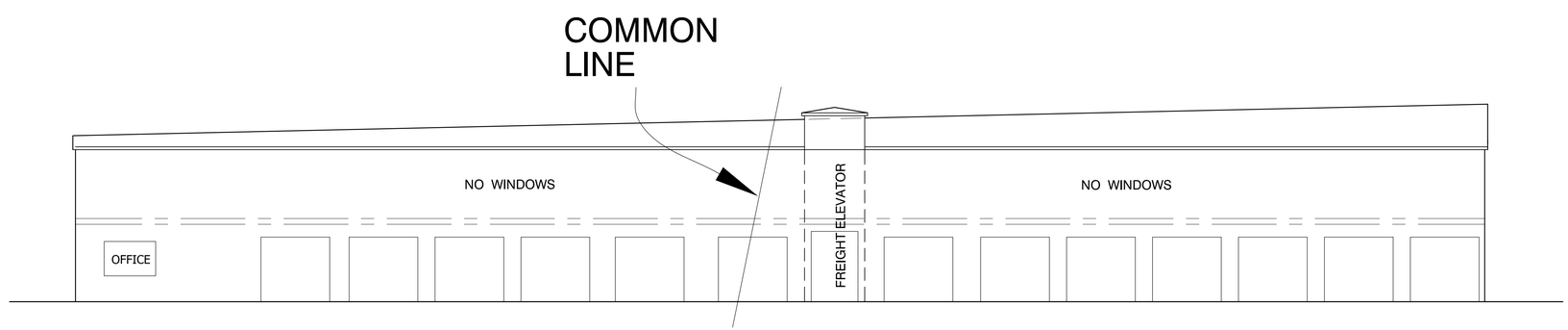
SHEET NO

OF SHEETS



BUILDING #1 1/4" = 1'-0"





BUILDING #1 1/8" = 1'-0"

JIM MEDERIOS
510 299-3086

DRAWING DESCRIPTION
BUILDING #1
ELEVATIONS

STORAGE UNITS For
GOLDMINE SOULSBYVILLE

DRAWN BY
JOE SMITH

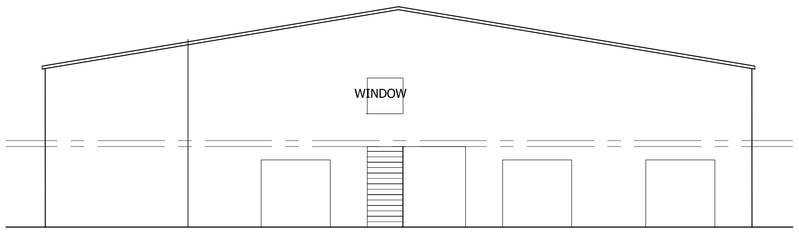
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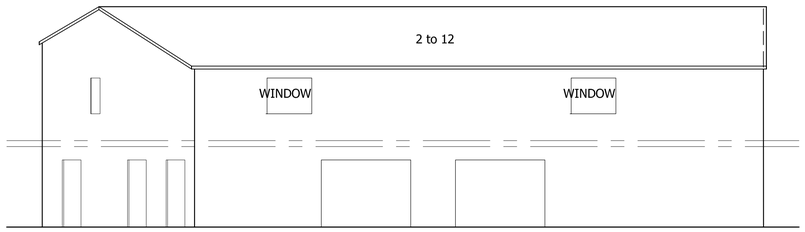
JOB NAME

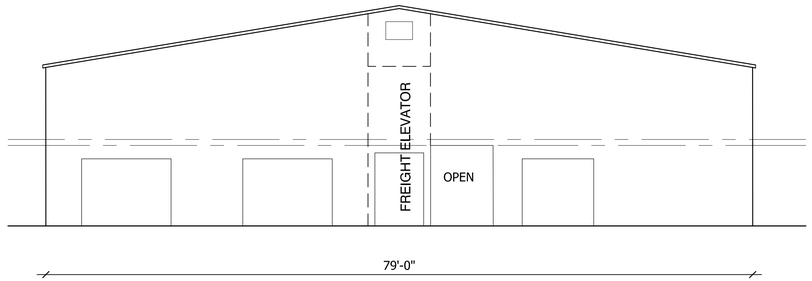
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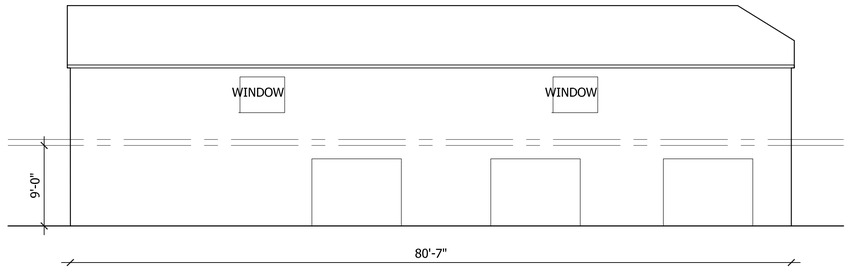
SHEET NO

OF SHEETS





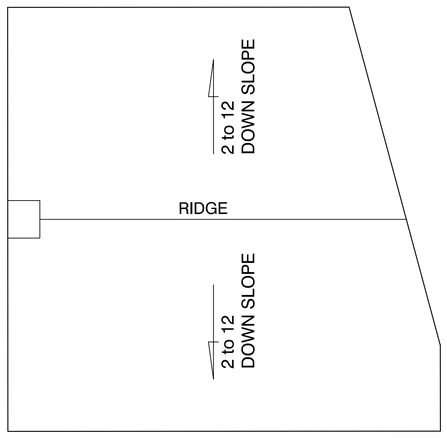




BUILDING #2 ELEVATIONS 1/8" = 1'-0"

ROOF PLAN

BUILDING #2
NO SCALE



JAN. 17, 2024

DRAWING DESCRIPTION
BUILDING #2
FLOOR PLAN

STORAGE UNITS For
GOLDMINE SOULSBYVILLE

DRAWN BY
JOE SMITH

DATE
XXXXXXXX

JOB NAME
XXXXXXXXXXX

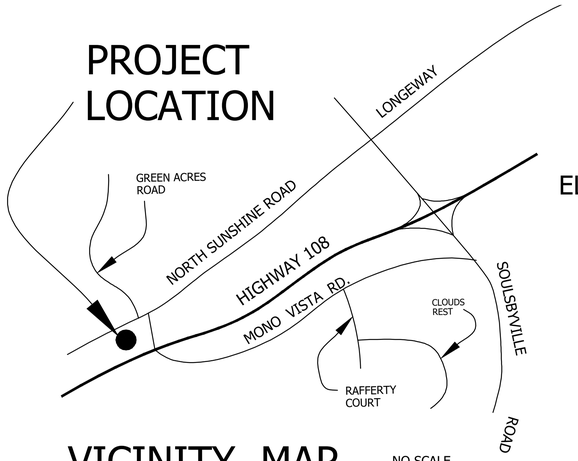
ACAD DWG
XXXXXXXX

SHEET NO
XXX

OF XX SHEETS

Sam Harned
Landscape
Architecture
PO Box 2275
Oakdale, CA 95361
209-380-7376 www.harnedla.com

PROJECT LOCATION



VICINITY MAP

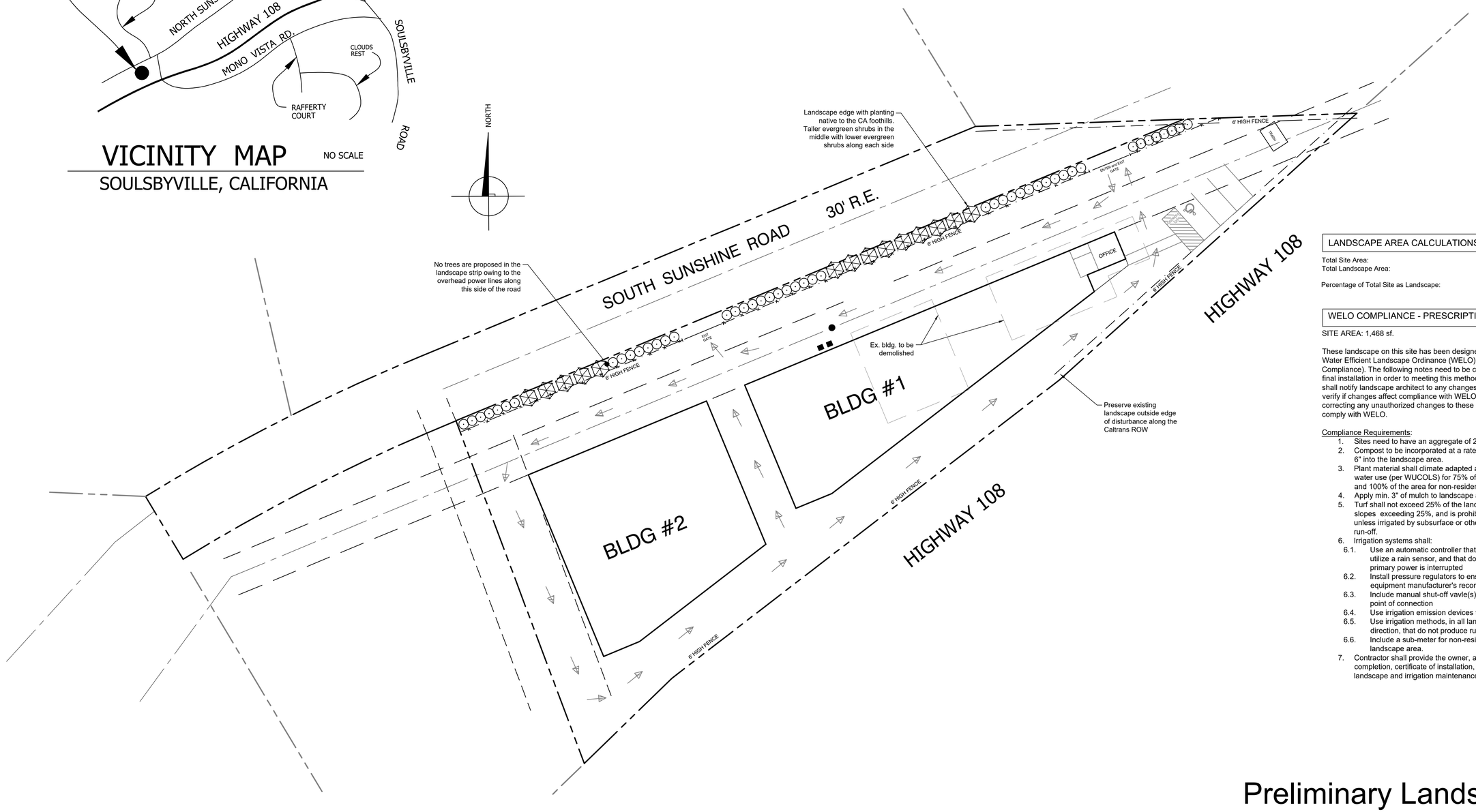
NO SCALE

SOULSBYVILLE, CALIFORNIA

ELEVATION: 3010 Ft.

PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	SPACING	QTY
SHRUBS								
	Bac pig	Baccharis pilularis 'Pigeon Point'	Pigeon Point Coyote Brush	1 gal.	4`	Low	48" o.c.	47
	HET ARB	Heteromeles arbutifolia	Toyon	5 gal.	8`	Low	84" o.c.	14



LANDSCAPE AREA CALCULATIONS

Total Site Area:	33,758 sf.
Total Landscape Area:	1,468 sf.
Percentage of Total Site as Landscape:	4 %

WELO COMPLIANCE - PRESCRIPTIVE COMPLIANCE

SITE AREA: 1,468 sf.

These landscape on this site has been designed to comply with the local municipality's Water Efficient Landscape Ordinance (WELO) using Appendix D (Prescriptive Compliance). The following notes need to be complied with and incorporated into the final installation in order to meeting this method of compliance for WELO. Contractor shall notify landscape architect to any changes from these plans during installation to verify if changes affect compliance with WELO. Contractor is fully responsible for correcting any unauthorized changes to these plan that make the project no longer comply with WELO.

Compliance Requirements:

1. Sites need to have an aggregate of 2,500 sf or less of landscape area.
2. Compost to be incorporated at a rate of four (4) cy per 1,000 sf to a depth of 6" into the landscape area.
3. Plant material shall climate adapted and have a Low or Very Low rating for water use (per WUCOLS) for 75% of the planting are for residential projects and 100% of the area for non-residential projects.
4. Apply min. 3" of mulch to landscape area, excluding turf areas.
5. Turf shall not exceed 25% of the landscape area, shall not be planted on slopes exceeding 25%, and is prohibited in areas less than 10-feet wide unless irrigated by subsurface or other means that create no overspray or run-off.
6. Irrigation systems shall:
   - 6.1. Use an automatic controller that uses evapo-transpiration data and utilize a rain sensor, and that does not lose programming data when the primary power is interrupted
   - 6.2. Install pressure regulators to ensure dynamic pressure is within equipment manufacturer's recommend range
   - 6.3. Include manual shut-off vavle(s) installed as close as possible to the point of connection
   - 6.4. Use irrigation emission devices that meet ASABE/ICC 802-2014
   - 6.5. Use irrigation methods, in all landscape areas less than 10-feet in any direction, that do not produce run-off or overspray
   - 6.6. Include a sub-meter for non-residential projects in excess of 1,000 sf of landscape area.
7. Contractor shall provide the owner, at time of final inspection, a certificate of completion, certificate of installation, irrigation schedule, and a schedule of landscape and irrigation maintenance.

NORTH

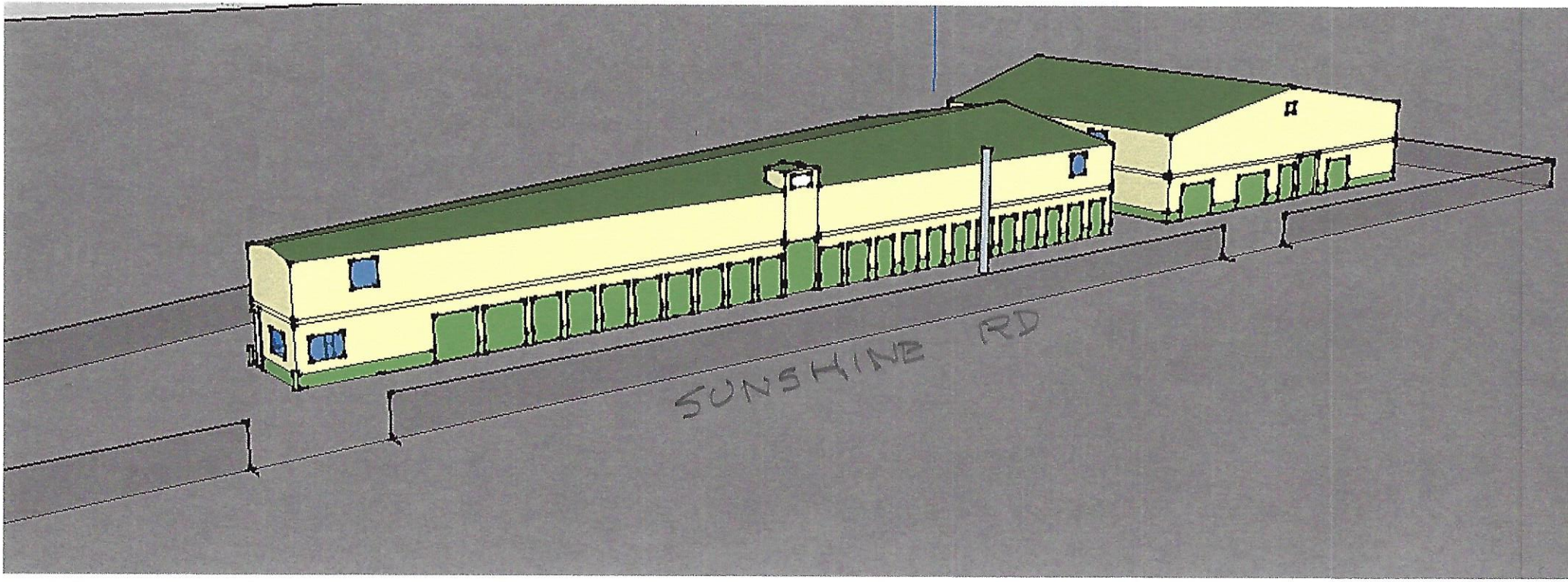
0' 10' 20' 40'

scale: 1" = 20'-0"

Preliminary Landscape Plan

C:\Users\User\Dropbox\SHLA\Projects\2024\24-04-South Sunshine Storage\Tasks-CAD\Prelim\24-04-LSPrelim.dwg

23 Feb 2024 | South Sunshine Storage - Soulsbyville, CA


SUNSHINE RD

Attachment 3: Comments

School District: Soulsbyville Elementary & Sonora Union High School

Fire Hazard Rating: Very High Fire Hazard Severity Zone

Additional Information:

1. The site plan indicates that the proposed mini-storage facility would operate seven days a week from 8am to 5pm.

2. The California Natural Diversity Database indicates that special status species Tuolumne button celery (*Eryngium pinnatisectum*) and Yellow -lip pansy monkeyflower (*Diplacus pulchellus*) has been known to occur within the vicinity of the project site.

3. Current site conditions consist of two structures. The applicant has applied for two demolition permits for both the residence and the detached garage. The garage demolition permit has been issued as the structure is less than 50 years of age. The residence structure (BP-24-38) is currently on hold pending a demolition review from the Historic Preservation Review Commission (HPRC) Demolition Committee. Building permit BP-24-38 has not yet been scheduled for a HPRC demolition committee meeting.

4. The last page of the graphics shows an example of the Purely Storage facility off of Eagle Ridge Drive. The applicant is proposing the same color palate for the storage facility proposed at South Sunshine Road.

RECEIVED
MAR 18 2024
Community Development Department

Please return your comments to the CDD by **March 18, 2024**.

Staff Contact: Cheydi Gonzales, Planner II
Phone: (209) 533-5613
Email: cgonzales@co.tuolumne.ca.us

AGENCY/INDIVIDUAL: LISA BARTON - Resident

COMMENTS: 16629 ALLISON WAY, Spc. #8
Sonora, CA 95370

It is my personal opinion that the two-two story Mini-Storage should not be built on this site It would disrupt our rural comminity. It would likely bring in more building in our neighborhood and increase residency population. Please do not build on this site.

School District: Soulsbyville Elementary & Sonora Union High School

Fire Hazard Rating: Very High Fire Hazard Severity Zone

Additional Information:

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RECEIVED
MAR 18 2024
Community Development Department

Please return your comments to the CDD by **March 18, 2024**.

Staff Contact: Cheydi Gonzales, Planner II
Phone: (209) 533-5613
Email: cgonzales@co.tuolumne.ca.us

AGENCY/INDIVIDUAL: Mary E. Main

COMMENTS: I have a concern about the stop sign at the intersection of South Sunshine road. Traffic comes flying through there from 108 from the left turn and most traffic turns right to go up to Longeway. There will be more traffic coming to the storage facilty. I would advise the intersection to be studied to see how it could be made safer.

Per Tuolumne County Ordinance Code, the CDD will only be notifying property owners within 1000 feet via mail of future public hearings and will not notify individuals or agencies via email. The notification link below is the only way to request and receive email notifications.

To ensure future public hearing notifications are received, please utilize the link below to sign up in the Tuolumne County Notify Me Page to receive notices via email:

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

Signed by: Mary E Main

Agency: Homeowner 20390 Green Acres Date: 3-12-24

Please utilize the following link, or scan QR code to sign up and receive future notices that may include the above-mentioned project:	Planning Stakeholder Notification letters are posted at the following link:
https://www.tuolumnecounty.ca.gov/list.aspx	https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications

School District: Soulsbyville Elementary & Sonora Union High School

Fire Hazard Rating: Very High Fire Hazard Severity Zone

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4. The last page of the graphics shows an example of the Purely Storage facility off of Eagle Ridge Drive. The applicant is proposing the same color palate for the storage facility proposed at South Sunshine Road.

Please return your comments to the CDD by **March 18, 2024**.

Staff Contact: Cheydi Gonzales, Planner II
Phone: (209) 533-5613
Email: cgonzales@co.tuolumne.ca.us

Tuolumne Heritage Committee

AGENCY/INDIVIDUAL: Sharon Marovich, Chair

COMMENTS: Mini-storage projects are seldom attractive and generally have no architectural features in common with where they are located. What makes this project so significant is that it is in the viewshed of Hwy. 108 which has been deemed eligible for inclusion in CalTrans' Scenic Byway program. You might check the general plan for any language that discourages such projects in along our scenic highways. Most cities and counties require these projects to be in industrial zones, away from view.

Please do what you can to encourage some design compatible with styles in the area and require as much landscaping (evergreen) as possible.

Since the property has a cultural resource present, historic house, this is a trigger to require a cultural resources study or at least a listing for the building.

Per Tuolumne County Ordinance Code, the CDD will only be notifying property owners within 1000 feet via mail of future public hearings and will not notify individuals or agencies via email. The notification link below is the only way to request and receive email notifications.

To ensure future public hearing notifications are received, please utilize the link below to sign up in the Tuolumne County Notify Me Page to receive notices via email:

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

Signed by: Sharon Marrack, chair

Agency: Tuolumne Heritage Committee Date: 3/11/24

Please utilize the following link, or scan QR code to sign up and receive future notices that may include the above-mentioned project:	Planning Stakeholder Notification letters are posted at the following link:
https://www.tuolumnecounty.ca.gov/list.aspx	https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications

California Department of Transportation

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

March 14, 2024

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

TUO- 108 - PM 6.84
Conditional Use Permit
LUNR-24-1- Medeiros

Dear Ms. Gonzales,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Conditional Use Permit LUNR-24-1 to allow the construction of 23,656 square feet of mini-storage facilities consisting of two-two story structures, located at South Sunshine Road and Green Acres Road in the community of Sonora.

Caltrans has the following comments:

Environmental
If any construction related activities will encroach into Caltrans Right of Way (ROW), the project proponent must apply for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans Right of Way, at the project site(s). There are mature trees within and/or near Caltrans ROW that could provide suitable nesting habitat. If work will occur between February 1 and September 30 of any year, a pre-construction bird survey must be conducted by a qualified biologist prior to the start of any construction related activities in Caltrans ROW. If an active nest is observed, a protective buffer must be established around the nest per CDFW guidelines. No work is allowed within the protective buffer limits until the young have fledged and until authorized by the Caltrans District 10 Environmental Office. Results of the pre-construction bird survey(s) must be provided to the Caltrans District 10 Environmental Office prior to the start of construction.

Hydrology
The proposed site development is adjacent to the state route. The developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way, it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site did not flow into the State Right-of-Way, then it will not be allowed to flow into the State Right-of-Way at this time.

Hydraulics would like to review the pre- and post construction runoff calculations and drainage plans to understand flow patterns and changes in peak flow quantities. Additional review will be done once drainage plans and calculations are submitted.

Outdoor Advertising
It is important to note that any advertising structure visible to the National Highway System (NHS) is subject to the provisions of the California Outdoor Advertising Act outlined in Business and Professions Code Section 5200 et seq. Any advertising structure that displays off-premises commercial copy visible from the NHS will require a permit from the Office of Outdoor Advertising (ODA). Any advertising structure that only advertises goods and services available on-premises will not require a permit from ODA, provided it adheres to the provisions of Business and Professions Code Section 5272 and 5274 and California Code of Regulations 2243 and 2246. Each of the proposed advertising structures should refrain from operating in any of the conditions outlined in Business and Professions Code Section 5403. For questions related to the ODA permit application process please visit our website at: http://www.dot.ca.gov/trafficops/oda/

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, County Planning Department

From: Karnes, David@DOT <David.Karnes@dot.ca.gov>
Sent: Thursday, March 14, 2024 1:13 PM
To: Cheydi Gonzales
Cc: Ponce, Gregoria@DOT; Quincy Yaley
Subject: Conditional Use Permit LUNR-24-1- Medeiros
Attachments: TUO - 108 - PM 6.84 Conditional Use Permit LUNR-24-1 - Medeiros (002).pdf

Good afternoon Ms. Gonzales,

I hope all is well. California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Conditional Use Permit LUNR-24-1 to allow the construction of 23,656 square feet of mini-storage facilities located at South Sunshine Road and Green Acres Road in the community of Sonora. Caltrans has the following comments. Please let us know if you have any questions. Thank you and hope you have a great day!

Kind Regards,

David Karnes
Transportation Planner, Office of Rural Planning
California Department of Transportation
District 10
Stockton, CA 95205
209-986-9830

From: Natalie Rizzi
Sent: Tuesday, January 7, 2025 9:34 AM
To: Cheydi Smith
Subject: FW: voicemail

FYI.

I can't remember if I forwarded this to you or not yet.

Natalie Rizzi
Supervising Senior Planner
Community Development Department
Tuolumne County
Office: (209) 533-5936
Fax: (209) 533-5616
Email: nrizzi@co.tuolumne.ca.us
Planning Website: https://www.tuolumnecounty.ca.gov/179/Planning
OpenGov Application: https://tuolumnecountyca.portal.opengov.com/categories/1076

***The Community Development Department supports the efforts of the landowners, applicants, and the public by providing information about to zoning, permits, and the development process. Any direction given by County staff shall be preliminary and subject to further refinement or change as a proposed project progresses through the formal application process or on-site conditions change.*

From: James Medeiros <jamesmedeirossr@gmail.com>
Sent: Tuesday, December 17, 2024 3:04 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Terry Brejla <tbrejla@goldrush.com>
Subject: Fwd: voicemail

FYI
Confirmation from CalTrans
thank you so much

---------- Forwarded message ---------
From: Mckinney, Charles@DOT <Charles.Mckinney@dot.ca.gov>
Date: Tue, Dec 17, 2024 at 10:23 AM
Subject: RE: voicemail
To: James Medeiros <jamesmedeirossr@gmail.com>
Cc: Woodfill, Stephen@DOT <stephen.woodfill@dot.ca.gov>

Hello Mr. Medeiros,
To the best of my knowledge, Caltrans has no plan of purchasing property for East Sonora Bypass stage 3.

Charles T. McKinney
Associate Right of Way Agent
Caltrans D10, Excess Land
Cell: 209-687-2509

From: James Medeiros <jamesmedeirossr@gmail.com>
Sent: Monday, December 16, 2024 3:06 PM
To: Mckinney, Charles@DOT <Charles.Mckinney@dot.ca.gov>
Subject: Re: voicemail

EXTERNAL EMAIL. Links/attachments may not be safe.
Good afternoon.
Just checking in to see if you've had a chance to confirm with your Right of Way Acquisition supervisor and project development?
Looking forward to hearing from you.
Thank you for your help.
Talk soon

On Fri, Dec 6, 2024 at 3:26 PM Mckinney, Charles@DOT <Charles.Mckinney@dot.ca.gov> wrote:

> Good afternoon, Mr. Medeiros,
> This is a follow up to our phone conversation.
>
> As I understand, you are looking for a document stating that Caltrans is not interested in purchasing your property for the East Sonora Bypass phase 3. To the best of my knowledge, Caltrans does not have any plans on purchasing property for the East Sonora Bypass. To confirm I will contact our Right of Way Acquisition supervisor and project development.
>
> Thank you.
>
> Charles T. McKinney
> Associate Right of Way Agent
> Caltrans D10, Excess Land
> Cell: 209-687-2509

From: Cynthia Reyes <creyes@crtribal.com>
Sent: Thursday, June 6, 2024 4:49 PM
To: Cheydi Gonzales
Cc: Stephanie Suess
Subject: LUNR-24-1(Medeiros) Assessor's Parcel Number: 038-091-009

Follow Up Flag: Follow up
Flag Status: Flagged

RE: AB-52 consultation/LUNR-24-1(Medeiros) Assessor's Parcel Number: 038-091-009

Dear Cheydi Gonzales

This email constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project.

Additionally, would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
§ A listing of all known cultural resources has already been recorded on or adjacent to the APE.
§ Copies of all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response.
§ If the probability is low, moderate, or high that cultural resources are in the APE.
§ Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are in the potential APE; and
§ If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
The results of any archaeological inventory survey that was conducted, including:
§ Any report that may contain site forms, site significance, and suggested mitigation measures.
All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and

5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." Madera Oversight Coalition v. County of Madera (2011) 199 Cal.App.4th 48, disapproved on other grounds, Neighbors for Smart Rail v. Exposition Metro Line Construction Authority (2013) 57 Cal.4th 439.

Chicken Ranch Rancheria expects to begin consultation within 30 days of your receipt of this email.

Thank you,

Cynthia Reyes
Chicken Ranch Rancheria
Cultural Manager
(209) 213-8906 (Cell)

County of Tuolumne

Agricultural Commissioner • Weights & Measures • Air Pollution Control

Kelle Schroeder

Agricultural Commissioner
Sealer of Weights & Measures
Air Pollution Control Officer

March 21, 2024

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

RE: Tuolumne County Air Pollution Control District (TCAPCD) Comments
Conditional Use Permit LUNR-24-1

The Tuolumne County Air Pollution Control District is providing the following comments for incorporation into LUNR-24-1 for the proposed reconstruction and demolition of 23,656 square ft of mini-storage facilities located in Sonora, California approximately 370 ft southwest of the intersection of South Sunshine Road and Green Acres Road.

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

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

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

4. Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless

specifically exempted under Sections (C) or (D)(3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.

A. Requirements for Road Construction and Road Maintenance Activities:

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

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

3. Construction vehicle speeds shall be limited to 15 mph; and

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

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

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

6. Any construction or site activities that create fugitive dust emissions shall implement dust suppression methods using either water or chemical stabilizer/suppressants. A water truck or other dust suppression equipment shall be on site at all times. The frequency of dust suppression measures shall be dependent on whether visible dust emissions are present.

7. *California Health and Safety Code section 39658(b)(1)* establishes the Asbestos National Emissions Standards for

Hazardous Air Pollutants (NESHAP) as an airborne toxic control measure. The Asbestos NESHAP protects the public and environment by minimizing the release of asbestos fibers during renovation and demolition activities. Any demolition or renovation operation at an institutional, commercial or industrial building is regulated by the NESHAP. At a minimum, the thorough inspection requirement applies. The notification requirements apply to any demolition and to renovations over a certain threshold amount of regulated asbestos-containing material. Please contact Air Pollution Control District staff if your project is determined to trigger NESHAP requirements.

If you have any questions or need additional information, please call TCAPCD at (209) 533- 5691 or email staff at airpollution@tuolumnecounty.ca.gov .

Sincerely,

Tuolumne County APCD Specialist
Kent Rasmussen
(209)533 5691

School District: Soulsbyville Elementary & Sonora Union High School

Fire Hazard Rating: Very High Fire Hazard Severity Zone

Additional Information:

1. The site plan indicates that the proposed mini-storage facility would operate seven days a week from 8am to 5pm.

2. The California Natural Diversity Database indicates that special status species Tuolumne button celery (*Eryngium pinnatisectum*) and Yellow -lip pansy monkeyflower (*Diplacus pulchellus*) has been known to occur within the vicinity of the project site.

3. Current site conditions consist of two structures. The applicant has applied for two demolition permits for both the residence and the detached garage. The garage demolition permit has been issued as the structure is less than 50 years of age. The residence structure (BP-24-38) is currently on hold pending a demolition review from the Historic Preservation Review Commission (HPRC) Demolition Committee. Building permit BP-24-38 has not yet been scheduled for a HPRC demolition committee meeting.

4. The last page of the graphics shows an example of the Purely Storage facility off of Eagle Ridge Drive. The applicant is proposing the same color palate for the storage facility proposed at South Sunshine Road.

Please return your comments to the CDD by **March 18, 2024**.

Staff Contact: Cheydi Gonzales, Planner II
Phone: (209) 533-5613
Email: cgonzales@co.tuolumne.ca.us

AGENCY/INDIVIDUAL: Env. Health / Debbie Larsen

COMMENTS: Demolition activities may involve managing some waste streams as hazardous waste such as paint chips and debris containing lead and asbestos containing materials.

Per Tuolumne County Ordinance Code, the CDD will only be notifying property owners within 1000 feet via mail of future public hearings and will not notify individuals or agencies via email. The notification link below is the only way to request and receive email notifications.

To ensure future public hearing notifications are received, please utilize the link below to sign up in the Tuolumne County Notify Me Page to receive notices via email:

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

Signed by: _____

Agency: CDD/EH Date: 3/19/24

Please utilize the following link, or scan QR code to sign up and receive future notices that may include the above-mentioned project:	Planning Stakeholder Notification letters are posted at the following link:
https://www.tuolumnecounty.ca.gov/list.aspx	https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications

Tuolumne County Fire Department

In Cooperation with CAL FIRE

Proudly serving the County of Tuolumne, Groveland, Jamestown, Columbia, and Columbia College

Nick Casci, County Fire Chief
Andrew Murphy, Assistant County Fire Chief

18440 Striker Ct. • Sonora, CA 95370
Tel: (209) 533-5100 • Fax: (209) 533-5103

March 12, 2024

To: Cheydi Gonzales, Planner II

From: Steve Gregory, Senior Fire Inspector

Re: Medeiros LUNR-24-1
APN 038-091-009

After reviewing the above application, I offer the following comments:

Prior to the issuance of any building permits, conditions 1, 2, 3 and 4 shall be addressed.

1. The required fire flow for the proposed building is 3,000 gpm at 20-psi for 3 hours with Type V –B construction. If the building's construction type changes, the required fire flow shall also change. Fire flow is determined by the square footage of the largest building on site including all horizontal projections. A reduction of up to 75%, as approved, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1,500 gallons per minute. (CFC Section 508.3)
2. The required fire flow shall be on site, tested and approved by Tuolumne County Fire Prevention prior to the issuance of any building permits. (TCOC Chapter 15.20.010)
3. County Standard Dry Barrel Hydrant shall be available within 300 feet of the furthest portion of all proposed buildings measured by way of drivable access. Tuolumne County Fire Prevention shall approve all hydrant plans, locations and installations. (TCOC Chapter 15.20)
4. A letter from Tuolumne Utilities District (TUD) shall be provided to Tuolumne County Fire Prevention confirming that the required fire flow is available to the project site prior to issuance of any building permits.
5. Roads shall be provided within 150 feet of all portions of the exterior walls of the proposed buildings. 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 13'6". 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. Signs shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both. The roads shall be posted with signs stating "No Parking Fire Lane" or other language as approved by Fire Prevention. The number and location of the signs shall be as approved by Fire

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Prevention. Red striping on the exterior boundaries of fire access roads shall be used to identify areas of roads and prohibit vehicle obstruction. The configuration of the fire apparatus access roads shall be indicated on the site plan and shall be approved by Fire Prevention. (CFC Sections 503, TCOC Title 11)

6. For dead-end fire apparatus access roads in excess of 150 feet in length, an area for turning fire apparatus around shall be provided as approved by Fire Prevention. (CFC Section 503)

7. Security Gates:
   - Gates on access roads shall be posted with signs stating, "Fire Access Road, No Parking". The size, number and location of the signs shall be approved by Fire Prevention. (CFC Section 503.6)
   - All 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 the gate shall open away from the roadway (TCOC Section 11.12.062).
   - A switch shall be installed on electronic gates and located in a County approved supra lock box to allow Fire Department access. Tuolumne County Fire Prevention shall approve the switch and its location. (CFC Section 503.6)
   - Electronic gates shall open automatically when a vehicle approaches from within the gated area. (CFC Section 503.6)
   - Where security gates are installed, they shall have an approved means of emergency operation. (CFC Section 503.6)

If you have any questions regarding the above conditions, please do not hesitate to contact me at your convenience.

From: David Ruby
Sent: Wednesday, March 6, 2024 9:21 AM
To: Cheydi Gonzales
Cc: Blossom Scott-Heim; Quincy Yaley
Subject: RE: LUNR-24-1 (Medeiros) Stakeholder Letter
Attachments: LUNR-24-1 Medeiros Mini Storage GPA-SDP - PW Review 20240305.pdf; RE: East Sonora Bypass Phase III Properties

Importance: High

Hi Cheydi,

Please find attached the PW review for LUNR-24-1, Medeiros.

This one is a strange situation where Public Works strongly cautions against the GPA and development of the parcel, as it was designated Public in the GP because it is a parcel that in the future will be needed for the widening of the state highway as part of the final phase of the East Sonora Bypass. The 2016 Regional Transportation Plan identified it as such, and recommends that the land be protected by discouraging any development that would complicate the future project. At the time, it was thought that future population growth would trigger the construction of the final phase of that highway project; nowadays, we think that wildfire evacuation safety is a more likely catalyst.

In the attached email from Darin Grossi (TCTC), he offers a little more background information and potential options for the landowner.

We can talk about it further if you wish.

Thanks,
Dave

David Ruby, AICP
Engineer II
Tuolumne County Department of Public Works
2 South Green Street / Sonora, CA 95370
209.533.6629

From: Cheydi Gonzales <cgonzales@co.tuolumne.ca.us>
Sent: Monday, March 4, 2024 1:39 PM
To: Cheydi Gonzales <cgonzales@co.tuolumne.ca.us>
Subject: LUNR-24-1 (Medeiros) Stakeholder Letter

Good Afternoon,

Attached you will find a stakeholder notification for a proposed project in Tuolumne County.

Should you have any questions please do not hesitate to reach out to me directly.

Sincerely,

Cheydi Gonzales
Planner II
Community Development Department
County of Tuolumne – Land Use and Natural Resources Division
O: 1(209)533 – 5613
Email:cgonzales@co.tuolumne.ca.us
Physical: 48 Yaney Ave. Sonora, CA. 95370
Mailing: 2 S. Green St. Sonora, CA. 95370

Department of Public Works

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

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

ADMINISTRATION
Assistant to the Department Head
Emma Hawks
209.694.2718

AIRPORTS
Airport Manager
Tonya Scheftner, P.G.
209.533.5685

BUSINESS
Business Manager
Janelle Kostlivy
209.533.5972

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

FLEET SERVICES
Fleet Services Manager
Orlando Magdaleno
209.536.1622

GEOGRAPHIC INFORMATION SYSTEMS
GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS
Superintendent of Roads and Fleet
Mike Cognetti
209.533.5609

SOLID WASTE
Solid Waste Director
Deborah Reagan
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626

MEMORANDUM

Date: March 5, 2024

To: Cheydi Gonzales, Planner II

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

Re: LUNR-24-1, Medeiros: Development of Mini Storage Facility
20311 South Sunshine Road, Sonora
Assessor's Parcel No.: 038-091-009

This project application consists of a Site Development Permit to construct a fenced and gated mini-storage facility with 23,656 square feet of indoor storage within two two-story steel buildings, with paved access aisles surrounding each building and paved parking, and a General Plan Amendment to shift the General Plan land use designation on this 0.77-acre (net) parcel from Public (P) to Light Industrial (LI). The existing zoning of the parcel is Light Industrial (M-1), and it is presently used for outdoor storage of vehicles, and contains a garage structure and a single-family dwelling structure.

The parcel is located between State Route 108 and South Sunshine Road, a County-maintained, Functional Class 7 (Local) road. The existing Road Easement dedicated for this segment of South Sunshine Road is 30 feet. At the time of its dedication to the County in March, 1986, the road segment was accepted for public use, but rejected by the County Board of Supervisors for inclusion into the County-maintained road system. At some subsequent point in time, the segment of South Sunshine Road was included into the County-maintained mileage. There are no records of a traffic count having taken place on this segment of roadway, but the segment of North Sunshine Road approximately 400 feet to the east of the subject parcel had a recorded 3,300 vehicles per day count in 2011. This segment bears a greater volume of traffic coming and going immediately to or from SR108. South Sunshine Road serves as access for a handful of parcels which are either undeveloped, or contain single-family residences. Per current County standards, the 30-foot Road Easement for South Sunshine Road is substandard; the minimum right-of-way width for local-class roads in Tuolumne County is 50 feet. The current paved width of this segment of South Sunshine Road is recorded as 20 feet; it is paved in asphalt and is of unknown structural section. No encroachments for access have been made from the parcel to SR108, and given its proximity to the nearby North Sunshine Road intersection with SR108, it is unlikely that Caltrans would consent to any encroachment from the parcel onto the state highway.

The parcel is served by existing Tuolumne Utilities District (TUD) domestic water and sanitary sewer services, with two services each shown on current TUD system mapping to the subject parcel. The TUD water system also includes a fire hydrant along the project frontage. Multiple joint poles with overhead PG&E electrical and AT&T telecommunications facilities front the site along South Sunshine Road. No other public utilities of record are evident.

Recorded Parcel Maps 22-76 and 24-23 Identify the 30-foot-wide Road Easement for South Sunshine Road, along with a PG&E overhead power line easement, 16 feet in width, parallel

to the Road Easement. The existing underground TUD utility lines are located within the Road Easement.

This parcel, along with others west of it, parallel to the SR108 alignment to the north of the highway, in a linear swath extending back to Mono Way, were designated Public (P) land use in the 2018 Tuolumne County General Plan. It would seem that the nexus of this is that the *2016 Tuolumne County Regional Transportation Plan* (RTP) identified this alignment as the footprint of a future project, the East Sonora Bypass Stage III, which would widen SR108 via one of three design alternatives, from the Sunshine Road/Mono Vista intersection just east of the subject site back to Mono Way, and complete the East Sonora Bypass project, which has constructed in multiple phases and currently spans from the Washington Street/Lime Kiln Road intersection on its western terminus to the Mono Way intersection on its current eastern end. The subject parcel was identified as one that would be necessary for future right-of-way acquisition to construct the highway widening proposed in the final Stage III portion of the project. The East Sonora Bypass Stage III project was identified as a Tier 3 (unfunded) capital improvement project with no available funds foreseen to construct the project before the year 2041. However, the 2016 RTP does state, "the need for this project might change in the future based upon new growth or changing traffic demands. We recommend that the right of way be protected in the area where the new roadway alignment is proposed to be used for the highway" (RTP, Pages 75-76).

The proposed construction of the commercial mini storage facility is not located within any of the existing Tuolumne County Design Guideline areas, being well outside of the East Sonora Design Guideline boundary, and the project is not located within any existing County Service Area (CSA) or Homeowner's Association (HOA).

Grading will be required for the project's construction. The exhibits submitted do not show grading or topographical information for the project, nor do they quantify or estimate the earthmoving volumes. Ultimately, Grading Plans will need to be submitted and approved by the Public Works Department, and a Grading Permit secured, in accordance with the *Tuolumne County Ordinance Code* (TCOC) Section 12.20.090.

The project is not located in proximity to a mapped Waterway of the United States. There however appears to be an existing drainage course or swale to the immediate south of the site, parallel with the state highway. This swale probably moves storm drainage runoff from the highway and routes it westerly past the subject parcel, and then ultimately cross the state highway to the south. If the project is constructed, it will make most of the parcel impervious to rainwater. Drainage calculations will be required by the Public Works Department to quantify runoff in pre- and post-construction states, verify sizes of drainage facilities proposed and provided for, and retention or detention volume provided for, per TCOC Sections 11.04.010 and 11.040.050(E).

Submission of Landscaping Plans will be required, showing compliance with the County's required parking periphery landscape design details, per Section 17.60.070(F) of the TCOC. The application submittal included a Preliminary Landscape Plan, which identified only a landscaping strip along the proposed fenceline fronting South Sunshine Road.

A Parking Area Plan will need to be submitted, sufficient to see whether the project's design meets TCOC Section 17.60.070 design requirements, as well as Section 11.12.030 structural, 11.12.030 gradient, and 11.12.060 minimum driveway requirements, all of which are subject

to review and approval by the Public Works Department. It is assumed that the project's access will be taken off of South Sunshine Road, as opposed to the State Highway. The project driveway or encroachment will need to meet current County Title 11 standards for width, structural section, and materials, and the proposed gated entrance will need to meet the requirements of Section 11.12.062. As currently designed and shown in the submitted Site Plan, it does not.

It is assumed that the wet utilities will persist with TUD, and would be subject to their District requirements and connection fees. It is unknown if the existing mains will be sufficient to provide domestic water and sanitary sewer to the site. Also, mini storage projects tend to be required to provide a robust fire sprinkler system on site. TUD can provide more information.

As previously identified, the South Sunshine Road Road Easement is substandard in width, being only 30 feet wide, where the current minimum width for local roads is 50 feet. A dedication of an additional 20 feet to public right of way would be appropriate, but would likely make the development of this project impossible. Further, the public road exists in a dedicated Easement over the parcel. It would probably benefit the landowner to dedicate the current Road Easement, plus additional width, to the County as Road Right-of-Way, thus lessening the area of the parcel subject to property tax.

To benchmark Vehicle Miles Traveled (VMT) potentially generated by the proposed mini storage facility development project, it was run through the County's proprietary VMT Sketch Tool. It resulted in an estimate of employee Vehicle Miles Traveled of 32.9, which is below the adopted threshold of 34.6 VMT per employee, thus a less than significant impact.

Project trip generation will need to be calculated using the most recent edition of the ITE Trip Generation Manual, but mini storage facilities generally generate 2.5 trips per day per 1,000 square feet of storage space. This extrapolates to an estimated trip generation potential of 60 trips per day, far below the County's or Caltrans' Traffic Impact Study threshold of 500 trips per day. Unless Caltrans requires it based on accident history or its proximity to the state highway, a Traffic Impact Study is likely not required for the project.

General Plan Amendment Action:

The Engineering Division of the Public Works Department generally has no comment regarding proposed changes in zoning designation or General Plan land use designations. However, in this case, the conversion of General Plan land use designation from Public to Light Industrial, as proposed, would remove an administrative marker meant to protect the parcel from future development activity, so that the state could someday construct a project it is planning for without undue additional complication. While the state has not taken action towards delivering its project, which while identified, is currently still unfunded, and may not materialize until the year 2041 at least, with additional efforts being made in the region to address wildfire evacuation safety, and with SR 108 being of paramount importance to move the citizens of Tuolumne County away from high fire hazard areas, advocating for a project which would work against long term transportation corridor planning would not make sense.

Site Development Permit Action:

The following conditions apply to the Site Development Permit:

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

2. Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit (California's National Pollutant Discharge Elimination System (NPDES) General Permit for construction related storm water discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction related storm water discharge and the State Water Resources Control Board Water Permitting Unit shall be contracted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre and should be submitted to SWRCB. Obtain and NOI or an exemption from requirements.

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

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

   a. The entire project site including the parking lot drainage.

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

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

5. Provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site (TCOC, Section 12.20.270-280).

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

6. Verify that a Road and/or Public Utility Easement a minimum of 25 feet in width from the existing centerline of South Sunshine Road as it abuts the project property has been dedicated. (TCOC, Section 17.68.150

7. An Encroachment Permit shall be obtained from the Engineering Division of the Department of Public Works for any work that may be proposed within the County road right-of-way along South Sunshine Road (TCOC, Section 12.04).

8. An Encroachment Permit shall be obtained from the State of California Department of Transportation (Caltrans) for any work that may be proposed within the State highway right-of-way along State Route 108, including temporary traffic control operations, and within any extended jurisdictional areas of impact appurtenant to the actual State right of way.

9. A Parking Area Plan (TCOC, Sections 17.68.150; 17.60).

    a. The parking area plan shall be submitted to the Engineering Division of the Department of Public Works for review and acceptance. Plans shall address internal traffic circulation, parking stall layout and include necessary striping, marking and signing. All parking areas and traveled ways on the site shall be paved, striped and lined in accordance with approved plans. The parking plan shall be submitted in connection with the site grading and drainage plans.

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

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

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

13. All parking areas and traveled ways on the site shall be paved (TCOC, Section 17.60.070 C).

14. Commercial driveways, meeting the requirements of Title 11 for onsite roads must be paved and extended to within 150 feet of all portions of all buildings (TCOC, Section 11.16.020).

    a. Encroachments shall require an encroachment detail plan submitted for review and approval.

15. Drainage improvements shall be installed in accordance with approved drainage plans. (TCOC Sections 11.04, 11.12, 16.26.180)

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

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

Employment-Based Office/Commercial/Industrial Project VMT Estimator

Input

Project Name	Project Information
LUNR-24-1 Medeiros Mini Storage Project	South Sunshine Road, Soulsbyville

Project Location		Notes
APN 1:	038-091-009	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.
APN 2:		
APN 3:		
APN 4:		
APN 5:		
APN 6:		
APN 7:		
APN 8:		
APN 9:		
APN 10:		
Project Study Year:	2024	The Project Study Year is based on date of NOP and determines the VMT threshold. Values = 2020 to 2040.

Results

Project VMT		Notes
Project APNs:	038-091-009	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.
Jurisdiction:	Unincorporated County	Identifies City vs. Unincorporated County parcels.
Subarea:	Tuolumne	VMT Subareas defined in the Tuolumne County and City of Sonora SB 743 VMT Thresholds Memo.
Project VMT per Employee:	32.9	VMT based on Home-Based Trips. VMT = weighted average of each APN's VMT per Employee by parcel area.
Threshold:	34.6	Subarea thresholds defined in the Tuolumne County and City of Sonora SB 743 VMT Thresholds Memo.
Percent Difference:	-4.9%	Percent Difference = ((Project VMT per Employee / Threshold) - 1) * 100%
Impact:	Less Than Significant Impact	A significant impact is projected for any Project VMT per Employee value that exceeds the Threshold.

Legend

= Manual Inputs

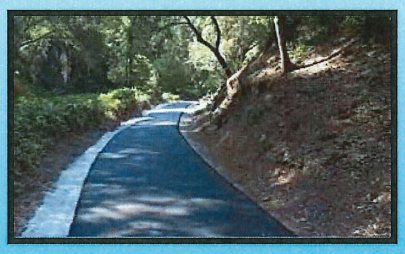
= Calculated Results

TUOLUMNE COUNTY TRANSPORTATION COUNCIL

2016 Final Regional Transportation Plan







Tuolumne County Transportation Council
2 Green Street (mailing)
48 W. Yaney Ave (physical)
Sonora, CA 95370

operational performance at a vital state highway connecting Columbia with Sonora. This project would also include a complete streets component of pedestrian and bicycle improvements and study opportunities for a transit stop(s) along the State Highway.

East Sonora Bypass Stage III

The East Sonora Bypass Stage III would be the last component of the East Sonora Bypass project. However, based upon the Updated Traffic Model, the East Sonora Bypass Stage III would not be needed in the next 25 years, based on the lower population projections in the future. The need for this project might change in the future, predicated upon new growth or changing traffic demands. We recommend that the right of way be protected in the area where the new roadway alignment is proposed to be used for the highway.

The East Sonora Bypass Stage III Project Study Report (PSR) was released in 2006, and a thorough traffic study was completed for this future project. The preferred alternative in the PSR was constructing a two-lane expressway with complete access control on a new alignment, on State Route 108 from Via Este to North Sunshine Road / Mono Vista Road South. The following alternatives were studied by Caltrans for the project:

- **Alternative I - Widen existing State Highway to 5 Lanes**. This alternative would widen existing SR 108 to a 4 lane conventional highway. This alternative would need an access management plan to address access to the highway from the multiple roadway intersections and driveways which encroach on the highway.

- **Alternative II – 2 Lane Expressway on a New Alignment (East Sonora Bypass Stage III)**. This alternative would construct an expressway on a new alignment with complete access control. The existing SR 108 would be relinquished to Tuolumne County, and remain a 2 lane roadway. The project would begin at the eastern end of the East Sonora Bypass Stage II near Mono Way and end at the beginning of the existing 4 lane expressway segment of SR 108 at the intersection of Sunshine Road/Mono Vista Road South. The existing State Highway would be realigned to connect with Mono Vista Road South forming a southern frontage road. The existing connector from Mono Vista Road South to SR-108 would be removed. Draper Mine Road would be extended from its intersection with existing SR-108, crossing under the bypass, and ending at a southerly extension of South Sunshine Road. South Sunshine Road would be improved and extended from North Sunshine Road to form a northern frontage road, meeting with the future extension of Draper Mine Road. The existing connector from North Sunshine Road to SR-108 would be removed.

- **Alternative III – 4 Lane Expressway on a New Alignment**. This alternative is similar to the previous one, except the project would construct a 4 lane Expressway.

Upon completion of the study, Alternative II proved to be the preferred alternative.

Tier 3 - Unfunded Capital Improvement Projects

Tier 3 projects are capital improvements that have no available funds to construct projects in the next 25 years. The Tier 3 list includes projects that are needed now, based on the 2016 RTP Financially Constrained Plan and the alternative funding scenarios.

SR 108/120 Widen to a Four Lane Expressway – from La Grange Road to O'Byrnes Ferry Road

This capital improvement project would construct a four lane expressway starting at the end of the four lane expressway west of La Grange Road to O'Byrnes Ferry Road.

SR 108 Widen to a Four Lane Expressway – from O'Byrnes Ferry Road to Chicken Ranch Road

This capital improvement project would construct a four lane expressway starting at the end of the four lane expressway west of La Grange Road to Chicken Ranch Road.

Funding Sources

State Transportation Improvement Program (STIP)

STIP is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources.

Interregional Transportation Improvement Program (ITIP)

ITIP is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources.

Regional Transportation Improvement Program (RTIP)

RTIP is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources.

State Operation and Protection Program (SHOPP)

The State Highway Operation and Protection Program (SHOPP) funds capital improvement and maintenance/pavement rehabilitation projects along the State Highway System. SHOPP capital improvements projects are limited to operational and safety enhancement that do not add capacity to the State Highway System.

From: Darin Grossi
Sent: Tuesday, March 5, 2024 2:27 PM
To: Blossom Scott-Heim
Cc: David Ruby; Shannon Thaggard
Subject: RE: East Sonora Bypass Phase III Properties

The Public designation was put on the property to protect it from development.

From: Blossom Scott-Heim <BScott-Heim@co.tuolumne.ca.us>
Sent: Tuesday, March 5, 2024 2:24 PM
To: Darin Grossi <DGROSSI@co.tuolumne.ca.us>
Cc: David Ruby <DBRuby@co.tuolumne.ca.us>; Shannon Thaggard <sthaggard@co.tuolumne.ca.us>
Subject: RE: East Sonora Bypass Phase III Properties

Hi Darin,

Thank you for the information! I believe the request is for a zone change from Public so that they can develop the lot into mini storage, Dave can explain it better than I can.

Thanks!

Blossom Scott-Heim, P.E.
Assistant Director
County of Tuolumne | Department of Public Works
2 S. Green Street, Sonora, CA 95370
209.533.5904 | bscott-heim@co.tuolumne.ca.us

From: Darin Grossi <DGROSSI@co.tuolumne.ca.us>
Sent: Tuesday, March 5, 2024 2:14 PM
To: Blossom Scott-Heim <BScott-Heim@co.tuolumne.ca.us>
Cc: David Ruby <DBRuby@co.tuolumne.ca.us>; Shannon Thaggard <sthaggard@co.tuolumne.ca.us>
Subject: RE: East Sonora Bypass Phase III Properties

Hi Blossom,

Phase 3 of the East Sonora Bypass would extend the expressway from the traffic signal at Mono Way to Twain Harte Grade. Their used to be a map of the phase 3 project in Public Works. The phase 3 expressway would cover an area approximately 150' wide, parallel and north of existing SR 108. Existing 108 would become a frontage road and tie into Mono Vista Rd? South Sunshine would be extended westward as a frontage road to Via Este or Draper Mine, which would have an undercrossing of the new expressway.

The project was environmentally cleared and the route adopted by the CTC in about 1998. If the proposed development is indeed in the area impacted by the proposed highway, we may be able to work with Caltrans to buy them out under a hardship acquisition process if they meet certain criteria. We used to have a set a side fund for buying properties in the path of the future highway, but I don't know if any money remains in that fund. The fund was created through the sale of excess right of way in the corridor. It took special legislation and actions by the CTC to formalize this unique process.

If you cannot find maps in Public Works, probably the ESB EIR file, let me know and I may have something in my files. There used to be a copy of the EIR in a large three ring binder at the front desk or file room, but that was a long time back.

The project was justified to accommodate future growth. Nowadays it could probably be justified for evacuation route purposes. At one point Caltrans did proposed a geometric improvement project instead of the expressway, but it was never approved. Given low growth projections for the county, a SHOPP funded geometric improvement may more reasonable now.

Let me know if you need any more help. By agreement, East Sonora Bypass is a TCTC/Caltrans partnership project.

Darin

From: Blossom Scott-Heim <BScott-Heim@co.tuolumne.ca.us>
Sent: Tuesday, March 5, 2024 1:45 PM
To: Darin Grossi <DGROSSI@co.tuolumne.ca.us>
Cc: David Ruby <DBRuby@co.tuolumne.ca.us>
Subject: East Sonora Bypass Phase III Properties

Hi Darin,

We are reviewing a potential development project on South Sunshine Road on a parcel that is zoned P and we think was reserved for the ESBIII, do you know what Caltrans intention is for that project?

Thanks!

Blossom Scott-Heim, P.E.
Assistant Director
County of Tuolumne | Department of Public Works
2 S. Green Street, Sonora, CA 95370
209.533.5904 | bscott-heim@co.tuolumne.ca.us

TUOLUMNE UTILITIES DISTRICT
18885 Nugget Blvd. | Sonora, CA 95370
(209) 532-5536 | www.tudwater.com

December 2, 2024

Tuolumne County Community Development Department
Attn: Cheydi Gonzales
2 S. Green St.
Sonora, CA 95370

RE: CONDITIONAL USE PERMIT LUNR-24-1, MEDEIROS, APN: 038-091-009

To Whom It May Concern:

The following is in response to your letter to advisory agencies dated March 4, 2024. Water and/or sewer capacity is not reserved for the project until all capacity fees have been paid. The District is not obligated to serve the development until certain conditions are fulfilled, some of which are listed below. The project proponent is advised to contact the District as soon as possible to discuss the conditions of service and the associated fees.

WATER SYSTEM INFORMATION and CAPACITY

The provision of water service to the project requires sufficient water supply, treatment, storage, and distribution facilities. The District will collect capacity fees based on the project's estimated water demands. Those fees are intended to reimburse the District for the value of the water supply, treatment, and storage capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing water system, are the responsibility of the project proponent.

Water Supply Capacity: South Fork Stanislaus River - Adequate capacity exists.

Water Treatment Capacity: Upper Basin Water Treatment Plant - Adequate capacity exists.

Water Storage Capacity: Mono Vista Water Storage Tank - Adequate Capacity Exists.

Water Pumping Capacity: Not Applicable.

Water Distribution Capacity: An 8-inch District water main is located in the South Sunshine Road right of way adjacent to the project site. District records indicate a triple water service with two active water meters with billing accounts is stubbed to the proposed project site.

The Project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if the existing distribution system has adequate capacity to meet the project needs.

SEWER SYSTEM INFORMATION and CAPACITY

The provision of sewer service to the project requires sufficient sewer collection, treatment, and disposal facilities. The District will collect capacity fees based on the estimated volume of sewer that will be produced by the project. Those fees are intended to reimburse the District for the value of the collection, treatment, and disposal capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing sewer collection system are the responsibility of the project proponent.

Sewer Collection Capacity: A 6-inch District sewer main is located in the South Sunshine Road right of way. Two sewer services with active utility billing accounts are stubbed to the proposed project site.

Sewer Pumping Capacity: Not Applicable.

Sewer Treatment Capacity: Sonora Regional Wastewater Treatment Facility - Adequate capacity exists.

Sewer Disposal Capacity: Regional Reclamation System - Adequate capacity exists.

CONDITIONS OF SERVICE:

Water

1. Water Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing water facilities/services required to serve to development including abandonment of water facilities/services not utilized by the project. The project proponent would be required to abandon any unused water services.
2. Backflow Devices: The project proponent would be required to construct a back-flow device at each water service and/or verify the existing back-flow devices meet current District standards. It is the property owner's responsibility to maintain these devices.
3. Irrigation Meter: A dedicated irrigation service and utility billing account is required for all non-single family residential projects where the landscaping exceeds 1,000 square feet. The "Total Landscaping Area" from landscaping plans approved by the Local Agency in accordance with State Model Water Efficient Landscape Ordinance (MWELO) shall be used to determine the landscape area. Capacity fees are based on the "Estimated Total Water Use" (ETWU) from the Local Agency approved MWELO plans. At the District's discretion, a "Per Plant" water use calculation can be used as an alternative basis for determining capacity fees.

Sewer

4. Sewer Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing sewer facilities/services required to serve to development including abandonment of sewer facilities/services not utilized by the project. The project proponent would be required to abandon any unused sewer services.

Regards,

Antonio J. Ramirez
Engineering Services Technician
(209) 532-5536 Ext. 511

Cheydi Gonzales

Subject: FW: LUNR-24-1 (Medeiros) Stakeholder Letter

Cheydi Gonzales
Planner II
Community Development Department
County of Tuolumne – Land Use and Natural Resources Division
O: 1(209)533 – 5613
Email:mailto:cgonzales@co.tuolumne.ca.us
Physical: 48 Yaney Ave. Sonora, CA. 95370
Mailing: 2 S. Green St. Sonora, CA. 95370

From: Cheydi Gonzales
Sent: Thursday, March 7, 2024 7:07 AM
To: Romero-Maraccini, Ofelia@Waterboards <Ofelia.Romero-Maraccini@Waterboards.ca.gov>
Subject: RE: LUNR-24-1 (Medeiros) Stakeholder Letter

Greetings,

Thank you for the response for the above referenced project.

Should you have any further questions please do not hesitate to reach out.

Sincerely,
Cheydi Gonzales
Planner II
Community Development Department
County of Tuolumne – Land Use and Natural Resources Division
O: 1(209)533 – 5613
Email:mailto:cgonzales@co.tuolumne.ca.us
Physical: 48 Yaney Ave. Sonora, CA. 95370
Mailing: 2 S. Green St. Sonora, CA. 95370

From: Romero-Maraccini, Ofelia@Waterboards <mailto:Ofelia.Romero-Maraccini@Waterboards.ca.gov>
Sent: Monday, March 4, 2024 3:02 PM
To: Cheydi Gonzales <mailto:cgonzales@co.tuolumne.ca.us>
Subject: RE: LUNR-24-1 (Medeiros) Stakeholder Letter

Hi Cheydi,

The project doesn't seem to meet the definition of a public water system: "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year." From what I read, the project consists

of mini-storage facilities with a single office (likely only a few employees not exceeding 25 individuals daily at least 60 days out of the year). As such the Division of Drinking Water would not be regulating this project.

If you have reason to believe that the project will meet the definition of public water system, please let us know.

_____

Per CHSC §116275:
(h) “Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:
(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
(2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
(3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.
(e) “Human consumption” means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.
(s) “Service connection” means the point of connection between the customer’s piping or constructed conveyance, and the water system’s meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:
(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking, or other similar uses.
(2) The state board determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.
(3) The state board determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

Regards,

Ofelia Romero-Maraccini, Ph.D., P.E.
Yosemite District Engineer
SWRCB-Division of Drinking Water
265 West Bullard Ave.,
Ste 101, Fresno, CA 93704
(559) 447-3135

From: Cheydi Gonzales <mailto:cgonzales@co.tuolumne.ca.us>
Sent: Monday, March 4, 2024 1:39 PM
To: Cheydi Gonzales <mailto:cgonzales@co.tuolumne.ca.us>
Subject: LUNR-24-1 (Medeiros) Stakeholder Letter

EXTERNAL:

Good Afternoon,

Attached you will find a stakeholder notification for a proposed project in Tuolumne County.

Should you have any questions please do not hesitate to reach out to me directly.

Sincerely,

Cheydi Gonzales
Planner II
Community Development Department
County of Tuolumne – Land Use and Natural Resources Division
O: 1(209)533 – 5613
Email:mailto:cgonzales@co.tuolumne.ca.us
Physical: 48 Yaney Ave. Sonora, CA. 95370
Mailing: 2 S. Green St. Sonora, CA. 95370

Richard S. York
Chairman

Tamera Blankenship
Executive Director

TUOLUMNE COUNTY TRANSPORTATION COUNCIL

February 21, 2025

Cheydi Smith, Planner II
Community Development Department
48 Yaney Ave.
Sonora, CA 95370

Subject: LUNR-24-1 Medeiros, Development of Mini Storage Facility

Dear Ms. Smith,

The Tuolumne County Transportation Council (TCTC) is currently evaluating alternative alignments for the East Sonora Bypass Phase III that would no longer necessitate the acquisition of the Medeiros property. As outlined in the 2024 Regional Transportation Plan (RTP), which is anticipated for approval in March 2025, the East Sonora Bypass Phase III is classified as a Tier 2 project. We understand that Caltrans, at this time, has no plans to acquire the Medeiros property for the East Sonora Bypass Phase III, as confirmed in recent correspondence. TCTC does not object to the approval of the currently proposed project.

Please feel free to reach out if you require any further information or clarification.

Sincerely,

Tamera Blankenship
Executive Director

Tuolumne County Building and Safety Division

The following Building Division conditions shall apply to the proposed project:
1. This project must comply with all applicable provisions of the Americans with Disabilities Act (ADA), and Chapter 11B of the California Building Code as applicable.

2. Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code.

3. Hours of construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Construction shall be prohibited on Sunday and County holidays. Exceptions to these hours this condition may be authorized by the Community Resources Director. (TCOC, Sections 12.20.380 and 17.68.150)

School District: Soulsbyville Elementary & Sonora Union High School

Fire Hazard Rating: Very High Fire Hazard Severity Zone

Additional Information:

1. The site plan indicates that the proposed mini-storage facility would operate seven days a week from 8am to 5pm.

2. The California Natural Diversity Database indicates that special status species Tuolumne button celery (*Eryngium pinnatisectum*) and Yellow -lip pansy monkeyflower (*Diplacus pulchellus*) has been known to occur within the vicinity of the project site.

3. Current site conditions consist of two structures. The applicant has applied for two demolition permits for both the residence and the detached garage. The garage demolition permit has been issued as the structure is less than 50 years of age. The residence structure (BP-24-38) is currently on hold pending a demolition review from the Historic Preservation Review Commission (HPRC) Demolition Committee. Building permit BP-24-38 has not yet been scheduled for a HPRC demolition committee meeting.

4. The last page of the graphics shows an example of the Purely Storage facility off of Eagle Ridge Drive. The applicant is proposing the same color palate for the storage facility proposed at South Sunshine Road.

Please return your comments to the CDD by **March 18, 2024**.

Staff Contact: Cheydi Gonzales, Planner II
Phone: (209) 533-5613
Email: cgonzales@co.tuolumne.ca.us

Tuolumne Heritage Committee

AGENCY/INDIVIDUAL: Sharon Marovich, Chair

COMMENTS: Mini-storage projects are seldom attractive and generally have no architectural features in common with where they are located. What makes this project so significant is that it is in the viewshed of Hwy. 108 which has been deemed eligible for inclusion in CalTrans' Scenic Byway program. You might check the general plan for any language that discourages such projects in along our scenic highways. Most cities and counties require these projects to be in industrial zones, away from view.

Please do what you can to encourage some design compatible with styles in the area and require as much landscaping (evergreen) as possible.

Since the property has a cultural resource present, historic house, this is a trigger to require a cultural resources study or at least a listing for the building.

Per Tuolumne County Ordinance Code, the CDD will only be notifying property owners within 1000 feet via mail of future public hearings and will not notify individuals or agencies via email. The notification link below is the only way to request and receive email notifications.

To ensure future public hearing notifications are received, please utilize the link below to sign up in the Tuolumne County Notify Me Page to receive notices via email:

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

Signed by: Sharon Marrack, chair

Agency: Tuolumne Heritage Committee Date: 3/11/24

Please utilize the following link, or scan QR code to sign up and receive future notices that may include the above-mentioned project:	Planning Stakeholder Notification letters are posted at the following link:
https://www.tuolumnecounty.ca.gov/list.aspx	https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications

CONDITIONS OF APPROVAL
2 MEDEIROS ENTERPRISES LLC
SITE DEVEOPMENT PERMIT LUNR-24-1

General Conditions:

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

2. ED — Secure a Grading Permit from the Engineering Division of the Department of Public Works prior to any grading, excavating or earthmoving on the site or associated with this project. (TCOC, Section 12.20.050)

3. BD — A Building Permit shall be obtained from the Building and Safety Division of the Community Development Department (CDD) for all non-exempt structures, pursuant to Section 105 of the California Building Code. (CBC, Section 105)

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

4. ED/LU — Submit a Grading Plan for the project to the Engineering Division of the Department of Public Works for review and approval. (TCOC, Section 12.20.150)

5. ED/LU — The applicant shall provide a map prepared by a licensed surveyor identifying the existing road easement for South Sunshine Road as it abuts the project

site. The applicant shall dedicate additional right-of-way, not to exceed 20 feet from the center line of South Sunshine Road, resulting in a total right of way of no more than 20 feet along the northern property boundary. Any structures within the existing or proposed right-of-way shall require the property owner to execute a hold harmless and indemnification agreement which shall indemnify, defend, and hold harmless the County, its officers, agents, employees, and representatives from any and all claims, actions, losses, damages, and liabilities arising out of or related to the construction, presence, or use of said structure. (2018 General Plan Policy 4.A.2, Implementation Program 4.A.e., TCOC, Section 17.98.110(H))

6. ED The property owner or applicant shall submit and erosion control plan for any construction to take place (TCOC, Section 12.20)

7. ED A Drainage Plan shall be submitted to the Engineering Division of the Department of Public Works for review and approval to address the following:

   a. The entire project site including the parking lot drainage.
   b. The increased runoff and effect to downstream drainages, culverts, and adjacent properties.
   c. On-site retention/detention basin shall be required. This feature may be proposed as subsurface under the parking lot.
   (TCOC, Title 11)

8. ED Provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site. Provide a 15-foot wide drainage easement along all existing pipes that are not located in a road and public utility easement. (TCOC, Chapters 12.20.270-280 and 16.24.180)

9. ED An Encroachment Permit shall be obtained from the Engineering Division of the Department of Public Works for any work or access that may be proposed within the County right-of-way along South Sunshine Road. An encroachment detail plan shall be submitted to the Engineering Division for review and approval. (TCOC, Chapter 12.04)

10. ED Encroachment Permit shall be obtained from the State of California Department of Transportation (Caltrans) for any work that may be proposed within the State highway right- of-way along State Route 108, including temporary traffic control operations, and within any extended jurisdictional areas of impact appurtenant to the actual State right of way.
(TCOC, Section 17.98.110(H))

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

exemption from these requirements. (Federal Water Pollution Control Act, State Water Resources Control Board)

12. ED/BD/LU A parking area plan shall be submitted to the Engineering Division of the Department of Public Works for review and approval in connection with the site grading and drainage plan. Plans shall address internal traffic circulation, include parking stall layout and any necessary striping, marking, and signing. All parking areas and traveled ways on the site shall be paved, striped, and lined in accordance with approved plans. The parking plan shall be submitted in connection with the site grading and drainage plans. Commercial driveways meeting Title 11 for onside roads must be paved and stented to within 150 feet of all portions of all buildings (TCOC, 17.98.110(H) and 11.16.020)

13. LU Caltrans has identified that there are mature trees within and/or near Caltrans ROW that could provide suitable nesting habitat. If work will occur between February 1 and September 30 of any year, a pre-construction bird survey must be conducted by a qualified biologist prior to the start of any construction related activities in Caltrans ROW. If an active nest is observed, a protective buffer must be established around the nest per CDFW guidelines. No work is allowed within the protective buffer limits until the young have fledged and until authorized by the Caltrans District 10 Environmental Office. Results of the pre-construction bird survey(s) must be provided to the Caltrans District 10 Environmental Office prior to the start of construction. (TCOC, 17.98.110(H)

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

14. LU Submit a lighting plan to the Land Use and Natural Resources (LUNR) Division of the CDD for review and approval prior to the installation of any exterior lighting. The lighting plan shall incorporate the following: direct the light downward to the area to be illuminated, install shields to direct light and reduce glare, utilize low rise light standards or fixtures attached to the buildings, and utilize low or high pressure sodium lamps or LED instead of halogen type lights. The lighting plan shall comply with the International Dark Sky Association standards and fixtures shall have the International Dark Sky Fixture seal of approval. (TCOC, 17.98.110(H))

15. LU Submit a Sign Plan to the LUNR Division of the CDD prior to the installation of any signage. All signage on site shall be in compliance with Chapter 17.34 of the Tuolumne County Ordinance Code. (TCOC, Chapter 17.34)

16. LU Submit a Landscape Plan to the LUNR Division of the Community Development Department for review and approval. The development will require at least 3,354± square feet of landscaped area. Native vegetation shall be maintained on site to the extent feasible. Credit will be given for retention of native vegetation provided that an attractive appearance is maintained. If existing vegetation is to be utilized as landscaping, the site plan shall show the location of existing vegetation and that existing vegetation meets the minimum size requirement. A minimum of 3,354± square feet of landscaping shall be shown on the site plan. (TCOC, Section 15.28.010)

17. LU The mini-storage facility shall be constructed in accordance with the color scheme identified on the approved site plan, consisting of a tan building and tan doors with green roofing and trim accents. All exterior colors shall remain

consistent with the approved palette in accordance with TCOC Section 17.98.110(H)

18. LU — Pursuant to section 17.90.080 of the TCOC, self-storage facilities shall be located, developed, and operated in compliance with the following standards identified below. The applicant shall submit a written statement and detailed project plans demonstrating compliance with all applicable provisions A- G. (TCOC, 17.98.110(H) and 17.90.080)

    A. Business Activity. All self-storage facilities shall be limited to inactive items such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.
    B. No Hazardous Materials Storage. No storage of hazardous materials is permitted.
    C. Notice to Tenants. As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
    D. Exterior Wall Treatments and Design. Exterior walls visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. Gates shall be decorative iron or similar material.
    E. Screening. Where screening walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural “caps,” attractive posts, or similar measures. All gates shall be decorative iron or similar material.
    F. Fencing. A minimum six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier. The maximum fence height shall be eight feet.

19. FPD — The required fire flow for the proposed building is 3,000 gpm at 20-psi for 3 hours with Type V-B construction. If the building’s construction changes, the required fire flow shall also change. Fire flow is determined by the square footage of the largest building on site including all horizontal projection. A reduction of up to 75%, as approved, is allowed when the building is provided with an automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute. (CFC Section 508.3)

20. FPD — The required fire flow shall be on site, tested and approved by the Tuolumne County Fire Prevention Division prior to the issuance of any building permits. (TCOC, Chapter 15.20.010)

21. FPD — County Standard Dry Barrel Hydrants shall be available within 300 feet of the furthest portion of all proposed buildings measured by way of drivable access. The Tuolumne County Fire Prevention Division shall approve all hydrant plans, locations, and installations. (TCOC, Chapter 15.20)

22. FPD — A letter from Tuolumne Utilities District (TUD) shall be provided to the Tuolumne County Fire Prevention confirming that the required fire flow is available to the project site prior to issuance of any building permits. (TCOC, Section 17.68.150)

23. BD — This project must comply with all applicable provisions of the Americans with Disabilities Act (ADA), and Chapters 11A and/or 11B of the California Building Code as applicable.

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

24. ED — Prior to the construction of any site improvements or grading on the site, all property corners shall be monumented and clearly visible. Where a clear line-of-sight between lot corners does not exist, appropriate markers shall be set on the property line to identify the boundaries while construction is in progress. (TCOC, Chapter 12.20)

25. BD — Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction shall be prohibited on Sunday and County holidays. Exceptions to these hours this condition may be authorized by the Community Development Department Director. (TCOC, Section 17.68.150)

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

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

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

    A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 24 hours of the discovery or the next working day if the department is closed.

    B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to 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 Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.

D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.

E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

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

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

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

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

a. Requirements for Road Construction and Road Maintenance Activities:

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

32. APCD — Open burning of vegetation for land clearing purposes shall be prohibited without a valid burn permit from the District. (TCAPCD Rule 310.2(A) - Land Development Clearing)

33. APCD — ARB mobile equipment regulations shall be adhered to for all diesel fired mobile sources used at this site during construction. (CCR Tile 13 Section 2449 et al)

34. APCD — Any diesel fired portable equipment used at this site during construction shall comply with the *ATCM for Diesel PM from Portable Engines Rated at 50 BHP or Greater*. (CCR Title 17 Section 93116)

35. APCD — Demolition or renovation of a structure may disturb asbestos containing material, which would require a survey and/or notification to the U.S. EPA and California Air Resources Board (CARB) as per the National Emissions Standards for Hazardous Air Pollutants (NESHAP). (Asbestos NESHAP, 40 CFR Part 61, Subpart M, Section 61.145 Standard for Demolition and Renovation)

36. 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)

37. 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)

38. 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)

39. SW — All solid waste from demolition or construction activities shall be disposed of at facilities authorized by the County Board of Supervisors by Resolution 183-04, including the Cal Sierra Materials Recovery Facility (MRF), the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Chapter 7.12)

Conditions to be met prior to the issuance of a Certificate of Occupancy by the Building and Safety Division of the Community Development Department:

40. LU — The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond those required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)

41. 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)

42. ED — Road Encroachments shall be installed in accordance with the Encroachment Permit plans approved by the Engineering Division of the Department of Public Works. (TCOC, Section 12.04.010)

43. ED — Drainage improvements shall be installed in accordance with the drainage plans approved by the Engineering Division of the Department of Public Works. (TCOC, Chapters 11.04 and 11.12)

44. ED/BD/LU — All parking on the site shall adhere to the Parking Area Plan approved by Tuolumne County. All parking area and traveled ways on the site shall be paved and surfaced as required by the Parking Plan. Any significant deviation from the plan shall require approval of supplemental plans submitted by the property owner. (TCOC, Chapter 17.60 and Section 17.68.150)

45. FPD/ED — Paved commercial roads shall be provided within 150 feet of all portions of the exterior walls of the proposed buildings. 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 13 feet 6 inches. 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. Signs shall be provided and maintained for fire apparatus access roads to identity such roads and prohibit the obstruction thereof or both. The roads shall be posted with signs stating “No Parking Fire Lane” or other language as approved by the Fire Prevention Division. The number and location of the signs shall be as approved by the Fire Prevention Division. Red striping on the exterior boundaries of fire access roads shall be used to identify areas of roads and prohibit vehicle obstruction. The configuration of the fire apparatus access roads shall be indicated on the site plan and shall be approved by the Tuolumne County Fire Prevention Division. Fire apparatus roads shall not be blocked in any manner, including parking of vehicles. (CFC, Section 503; TCOC, Title 11)

46. FPD — For dead-end fire apparatus access roads in excess of 150 feet in length, an area for turning fire apparatus around shall be provided as approved by the Tuolumne County Fire Prevention Division. (CFC, Section 503)

47. FPD — Security gates on site shall adhere to the following:
- Gates on access roads shall be posted with signs stating "Fire Access Road, No Parking." The size, number, and location of the signs shall be approved by Tuolumne County Fire Prevention. (CFC, Section 503.6)
- All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway or driveway edge, the gate entrance shall be two feet wider than the width of the traveled way, and the gate shall open away from the roadway or driveway. (TCOC, Section 11.12.062)
- A switch shall be installed on electronic gates and located in a County approved supra lock box to allow Fire Department access. Tuolumne County Fire Prevention shall approve the switch and its location. (CFC, Section 503.6)
- Electronic gates shall open automatically when a vehicle approaches from within the gated area. (CFC, Section 503.6)
- Where security gates are installed, they shall have an approved means of emergency operation. (CFC, Section 503.6)

48. LU — All landscaping on the site shall adhere to the Landscape Plan approved by the Community Development Department. Any significant deviation from the plan shall require approval of supplemental plans submitted by the property owner. If the installation of landscaping is not allowed due to drought then a security agreement may be entered into in lieu of planting prior to issuance of the Certificate of Occupancy. If natural vegetation is to be utilized for landscaping, those areas shall be retained during project development and operation. (TCOC, Sections 15.28.010 and 17.68.150)

49. LU/BD — All construction on the site shall adhere to the site plan and exterior elevational drawings approved by Tuolumne County. Any significant deviation from the plans shall require approval of supplemental plans submitted by the property owner. (TCOC, Section 17.68.150)

50. LU — All signage shall adhere to plans approved by Tuolumne County, including design, height, color, location, materials, and lightings. (TCOC, Section 17.68.150)

51. LU — Exterior lighting placed on the site shall conform to the lighting plan approved by Tuolumne County. (TCOC, Section 17.68.150)

52. BD/LU — The applicable Traffic Impact Mitigation Fee (TIMF) shall be paid to Tuolumne County prior to issuance of a Certificate of Occupancy. The estimated TIMF using the current fee is $20,151.61. The final TIMF will be calculated and due prior to the issuance of a Certificate of Occupancy by the Building and Safety Division of the CDD. (TCOC, Chapter 3.54)

54. LU — A site inspection will be conducted by Tuolumne County personnel to verify compliance with the conditions listed above. (TCOC, Section 17.68.150)

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

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

56. LU Property owner shall be responsible for maintaining the signage on site. The signage shall receive regular maintenance so that it does not decay, fade, warp, chip or otherwise deteriorate in appearance. (TCOC, Section 17.62.030)

57. 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]

[1] L_{eq}. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.68.150)

58. 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)

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

60. SW Excepting disruptions in normal refuse collection schedules, refuse shall not be allowed to remain on the premises for more than seven (7) days unless it is satisfactorily composted, used as animal food, used as soil amendments, or some other beneficial use, provided such use does not create a nuisance. (TCOC, Section 8.05.035)

61. SW Persons hauling solid waste from their own residence or solid waste generated in the course of their own business (including building contractors) shall deliver such solid waste only to facilities authorized by the Board of Supervisors by resolution or to alternative facilities that are permitted to receive the waste. (TCOC, Section 7.12.050)

MONITORING PROVISION: A Notice of Action shall be recorded for Conditions 1 through 61 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to

complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (PRC, Section 21081.6; TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT: Cheydi Smith, Planner II

LUNR-24-30 (OLA Ranch)

SURFACE/MINERAL RIGHTS OWNER: OLA Ranch Properties LLC

APPLICANT: Corena Raymond
209-559-2160

DATE: May 5, 2025

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Resolution for a General Plan Amendment LUNR 24-30 to amend the land use designation of a 1.13± acre parcel from Low Density Residential (LDR) to High Density Residential (HDR).

2. Ordinance for a Zone Change LUNR 24-30 to rezone a 1.13± acre parcel from Residential Estate, One Acre minimum (RE-1) to Multiple Family Residential (R-3) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

RECOMMENDATION:

Community Development Department Staff recommends approval of LUNR-24-30 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

A. The general plan and ordinance amendment are consistent in principle with the general plan, zoning code, and any applicable specific plan.

B. The proposed amendments would not be detrimental to the public health, safety, or welfare of the community.

C. The project site is suited to the uses permitted under the proposed general plan land use designation and zoning district.

D. The anticipated land uses on the subject site would be compatible with the existing and surrounding uses.

E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines.*

LOCATION: The project site is located approximately 500 feet southeast of the intersection of Jamestown Road and Golf Links Road. The project is adjacent to Golf Links Road, and approximately .82± miles northeast of Downtown Jamestown. Within a portion of Section 3, Township 1 North, Range 14 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 5. Assessor's Parcel Numbers 059-020-042.

SITE DESCRIPTION: The project site consists of one parcel, APN: 059-020-042.The general plan amendment and zone change are being proposed with the intention of building multifamily housing under the Tuolumne County Objective Site and Design Standards in the future. Development consistent with the Tuolumne County Objective Design Standards is a ministerial process that would not trigger discretionary review or review under the California Environmental Quality Act (CEQA). This project does not involve the future proposed housing project and only consists of the General Plan Amendment and Zone Change. The site consists of a previously disturbed lot with a model showroom structure, shed, and

landscaping. The site was previously developed with a single-family dwelling and other accessory buildings, which were demolished in 2023. The site consists primarily of disturbed grassland, ruderal vegetation, and shrub cover.

GENERAL PLAN AMENDMENT AND ZONE CHANGE FINDINGS:

Chapter 17.100 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for amendments to the General Plan and Zoning Ordinance. Below are the required findings and information to support Staff's recommendation to approve the proposed project.

A. The general plan and ordinance amendment are consistent in principle with the general plan, zoning code, and applicable specific plan.

1. The project site is currently mostly vacant but previously developed as described above, and no subdivision of the parcel is proposed. The site is located within the General Plan Identified Community of Jamestown and is surrounded by existing residential development. The proposed General Plan Amendment and Zone Change would allow for increased residential density in a manner consistent with the surrounding development pattern and the County's vision for focused growth as outlined in the General Plan.

2. The project is consistent with General Plan Policy 1.A.4, which directs urban growth to identified communities by emphasizing infill development and the intensified use of previously developed areas. The project also supports General Plan Policy 2.A.4, which encourages residential infill development through flexible development standards in areas of the County where adequate public facilities and services are already in place, while taking into consideration the visual character of the neighborhood. The project also aligns with Implementation Program 1.A.4, which promotes development in areas with existing infrastructure to make efficient use of land and public services.

3. The proposed High Density Residential (HDR) General Plan land use designation is consistent with the Multiple Family Residential (R-3) zoning district, as identified in Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan, making the proposed project consistent with both the Tuolumne County General Plan and Zoning Ordinance.

4. The project site contains the Low Density Residential (LDR) General Plan land use designation. The application proposes to amend the General Plan land use designation to High Density Residential (HDR). The HDR designation provides for residential neighborhoods of grouped or clustered single-family dwellings, duplexes, apartments, dwelling groups, condominiums, mobilehome parks and townhouses to economically and efficiently meet a variety of urban housing needs while insuring, through site review procedures, that such developments will have the least possible impact on the natural environment, be designed and built in accordance with the latest engineering and site layout standards and offer the most possible amenities which contribute to a high quality of life for the residents of such housing. This designation is applied within urban areas where residential development will be near transportation corridors, downtowns, defined community centers, major commercial centers, schools, and community services. The proposed General Plan Amendment and Zone Change is consistent with the High Density Residential (HDR) designation by establishing land use and zoning designations that would allow for multi-family residential development near an urban area. The site is

located within an urbanized area near downtown Jamestown, adjacent to State Route 108, and near commercial centers, medical offices, and other community services. It is currently served by public water and sewer infrastructure.

5. The project site is located within the area that is subject to the Jamestown Community Plan as indicated in Volume III of the 2018 Tuolumne County General Plan. Many of the goals, policies, and implementation programs are centered around development projects and do not apply to the current project. Additionally, because the site does not contain the :D (Design Control Combining), :H (Historic Combining), or :HDP (Historic Design Preservation Combining) zoning districts the project site is not subject to the Jamestown Design Guidelines or many of the goals, policies, and implementation programs of the Jamestown Community Plan. However, the following goals, policies, and implementation programs of the Jamestown Community Plan pertain to this project:

   Policy JT-A.1: Maintain the existing rural character of the Jamestown Community by preserving the mixture of urban and non-urban land uses found in the area.

   Implementation Program JT-C.a: Designate adequate areas on the land use diagrams in the Jamestown Community Plan boundaries to provide for a variety of housing densities and types to meet the housing needs of the Jamestown community.

   Amending the General Plan land use designation and zoning district of the site to HDR and R-3 would be consistent with Policies JT-A.1 and JT-C.a because it would allow for higher density residential uses of the site.

6. The application proposed to rezone the property to R-3. The The purpose of the R-3 District is to accommodate high density urban residential developments such as apartments, dwelling groups, condominiums, mobile home parks, and townhouses to economically and efficiently meet a variety of urban housing needs. The zone change would allow future residential development of the site. The minimum size in the R-3 district is 12,500 square feet in area and 50 feet in width at the front setback. The project site meets the minimum size requirements. Development of the site would comply with Chapter 17.12 of the TCOC which includes the R-3 zoning.

B. The proposed amendments would not be detrimental to the public health, safety, or welfare of the community.

7. The proposed General Plan Amendment and Zone Change will allow for increased residential density on the site but will not introduce incompatible land uses. The increased density would be consistent with other uses in the vicinity of the project site. The site is located in an area already served by existing infrastructure, public services, and emergency response access, ensuring that the change will not create undue impacts on the surrounding community. Therefore, the low-impact use of the site will not be substantially detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood.

8. On February 12, 2025, thirty adjoining property owners within 300 feet were notified of the project via mail. The CDD received three written responses. The comments raised the following concerns, which are addressed below:

   Future Multi-Family Housing Development:
   A comment expressed concerns about the potential development of multi-family housing on the site. The current project involves only a General Plan Amendment and

Zone Change and does not include a specific development proposal currently. However, the applicant has indicated an intent to pursue future development consistent with the proposed R-3 zoning, which allows for multi-family residential uses. Any such development would be subject to the County's Objective Site and Design Standards (ODS), which provide clear, measurable requirements for site layout, access, landscaping, and building form to ensure compatibility with surrounding development.

Public Sewer Capacity:
Questions were raised regarding the availability of adequate public sewer service to accommodate future development. The Jamestown Sanitary District reviewed the proposed amendment and did not submit any objections or capacity concerns. The applicant will be required to coordinate with the Jamestown Sanitary District to verify available capacity and comply with all connection requirements prior to building permit issuance for any future development.

Decrease in the Quality of Nearby Homes:
Concerns were noted about the potential impact of future development on the character and quality of existing homes near the project site. The proposed R-3 zoning is consistent with the surrounding residential land use pattern and does not introduce a new or incompatible use. Any future development would be reviewed under the County's ODS, which ensures that new housing is designed to be compatible in terms of scale, massing, and appearance with surrounding neighborhoods.

Lack of Road Infrastructure:
Comments were received regarding the adequacy of existing road infrastructure in the area. The project site is accessed from Golf Links Road and is located adjacent to State Route 108. The Tuolumne County Public Works Department reviewed the proposed amendment and did not identify any concerns related to access or road capacity. Any future development will be reviewed for compliance with applicable access, circulation, and fire safety standards at the time of permit application.

9. The proposed project has been reviewed by the County of Tuolumne Public Works, Tuolumne Utilities District, California Department of Transportation (Caltrans), and Jamestown Sanitary District. All agencies that reviewed this project either had no comments or no objection to the proposed project. Copies of the responses received have been attached to this report.

10. Section 65352.3 of the Government Code requires city and county governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places during the processing of a General Plan Amendment. Letters offering the opportunity to consult were sent to each of the Tribes indicated by the Native American Heritage Commission on March 3, 2025. A second letter was mailed on April 17, 2025, approximately 45 days prior to consideration of the application by the Board of Supervisors. No responses or requests for consultation were received.

C. The project site is suited to the uses permitted under the proposed general plan land use designation and zoning district.

11. The applicant has indicated their intent to submit a future application for the development of approximately 10 to 12 multi-family residential units on the project site. The future development would be subject to the County's Objective Site and Design Standards (ODS) and reviewed through a ministerial process. Residential development consistent with the ODS does not trigger discretionary review or environmental review under CEQA. The current General Plan Amendment and Zone Change are being processed independently of the future development application to establish the appropriate land use

and zoning designations that would allow for the proposed multi-family residential use.

12. Pursuant to Table 14.10(B) of the Ordinance Code, a cultural resources study is required when certain indicators are found on a project site, which include a site containing or being adjacent to a parcel that contains known archaeological or historic sites, the presence of rock retaining walls, evidence of historic era mining, evidence of Native American habitation, structures older than 50 years, or a site within 100 meters of a river, spring, perennial or intermittent stream, as indicated by a blue line on the USGS quadrangle maps.

13. During the review of LUNR-24-30, it was determined that no cultural resources were found on or adjacent to the project site. Based on that there were no indicators present on site, and that no resources were observed by CDD staff during site inspections, a cultural resource study was not required for the proposed project.

14. The California Natural Diversity Database (CNDDB) was consulted for known locations of special-status plant species and animal species. The CNDDB indicates that there are two known special-status plant species known to occur within the vicinity of the project site: the Bombus crotchii (Crotch's bumble bee) and the Corynorhinus townsendii (Townsend's big-eared bat)[1]. However, suitable habitat for these species is not present on the project site. The site has already been previously developed with a single-family residence, and most of the parcel is disturbed or landscaped. The Crotch's bumble bee typically relies on open grasslands and scrub with abundant native flowering plants, which are not present on the site[2]. The Townsend's big-eared bat roosts in caves, mines, and old structures with minimal disturbance, none of which are found on the property[3]. As such, the project site does not contain the specific habitat elements necessary to support either species, and no impacts are anticipated.

15. The habitats present on the project site is residential-park (rsp) and annual grassland (ags). According to the Tuolumne County Wildlife Handbook, the rsp habitat type is a designation for urbanized areas, including residential, commercial, and industrial developments, as well as landscaped parks and gardens. The ags habitat type is a designation for open grassland composed primarily of annual grasses and forbs and occurs mainly in the lower foothills. The rsp and ags habitats are considered fourth-priority habitats, which are common habitats that are of relatively low value to wildlife. Therefore, there would be no impacts to wildlife or biological resources, and the project does not need mitigation or protection.

D. The anticipated land uses on the subject site would be compatible with the existing and future surrounding uses.

14. The site is located within the General Plan Identified Community of Jamestown and is surrounded by existing residential development. As shown in Attachment 1, the surrounding parcels are primarily designated R-1:MX and RE-1, with nearby R-3 zoning also present. Further east of the project site, and outside the extent of the agenda map, is the Valley Vista Subdivision. The proposed amendment would allow multi-family residential uses that are consistent with the surrounding development pattern and would not introduce incompatible land uses.

15. The site is located within an existing residential area and is in proximity to downtown Jamestown, adjacent to State Route 108, and near commercial services, medical offices, and other community amenities. The site is also currently served by public water and sewer infrastructure, which supports the suitability of the site for residential use consistent with the proposed zoning designation.

16. The surrounding area includes a mix of residential densities, and the proposed project would allow for development that is compatible with existing and future permitted uses in the area. Future proposed development would be subject to the County's Objective Site and Design Standards (ODS), ensuring that new housing is compatible in terms of form, scale, and design with the surrounding neighborhood.

17. The proposed amendment is consistent with the Jamestown Community Plan, specifically Policy JT-A.1, which seeks to maintain the existing rural character by preserving the mixture of urban and non-urban land uses, and Implementation Program JT-C.a, which calls for the designation of adequate areas to provide for a variety of housing densities and types to meet the housing needs of the Jamestown community. The proposed R-3 zoning would support this intent by allowing higher-density residential development within a designated growth area.

E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines.*

15. After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project involves a General Plan Amendment and Zone Change to increase residential density on a site that had previously been developed with a single-family residence and associated improvements, which were demolished. The site is located within a General Plan Identified Community and is served by existing public infrastructure, including water, sewer, and roadway facilities. The project would not result in the subdivision of land, would not change the allowable use of the site from residential to another use, and would not result in any significant physical environmental effects.

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

Tuolumne County Planning Commission (TCPC)

The project consists of a General Plan Amendment and Zone Change. The Tuolumne County Planning Commission is the recommending body for General Plan Amendments and Zone Changes and will make a recommendation to the Tuolumne County Board of Supervisors. The Board of Supervisors will make the final decision on the application.

Community Development Department Staff recommends approval LUNR-24-30 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

A. The general plan and ordinance amendment are consistent in principle with the general plan, zoning code and any applicable specific plan.

B. The proposed amendments would not be detrimental to the public health, safety, or welfare of the community.

C. The project site is suited to the uses permitted under the proposed general plan land use designation and zoning district.

D. The anticipated land uses on the subject site would be compatible with the existing and surrounding uses.

E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines.*

PREPARED BY: Natalie Rizzi, Senior Planner

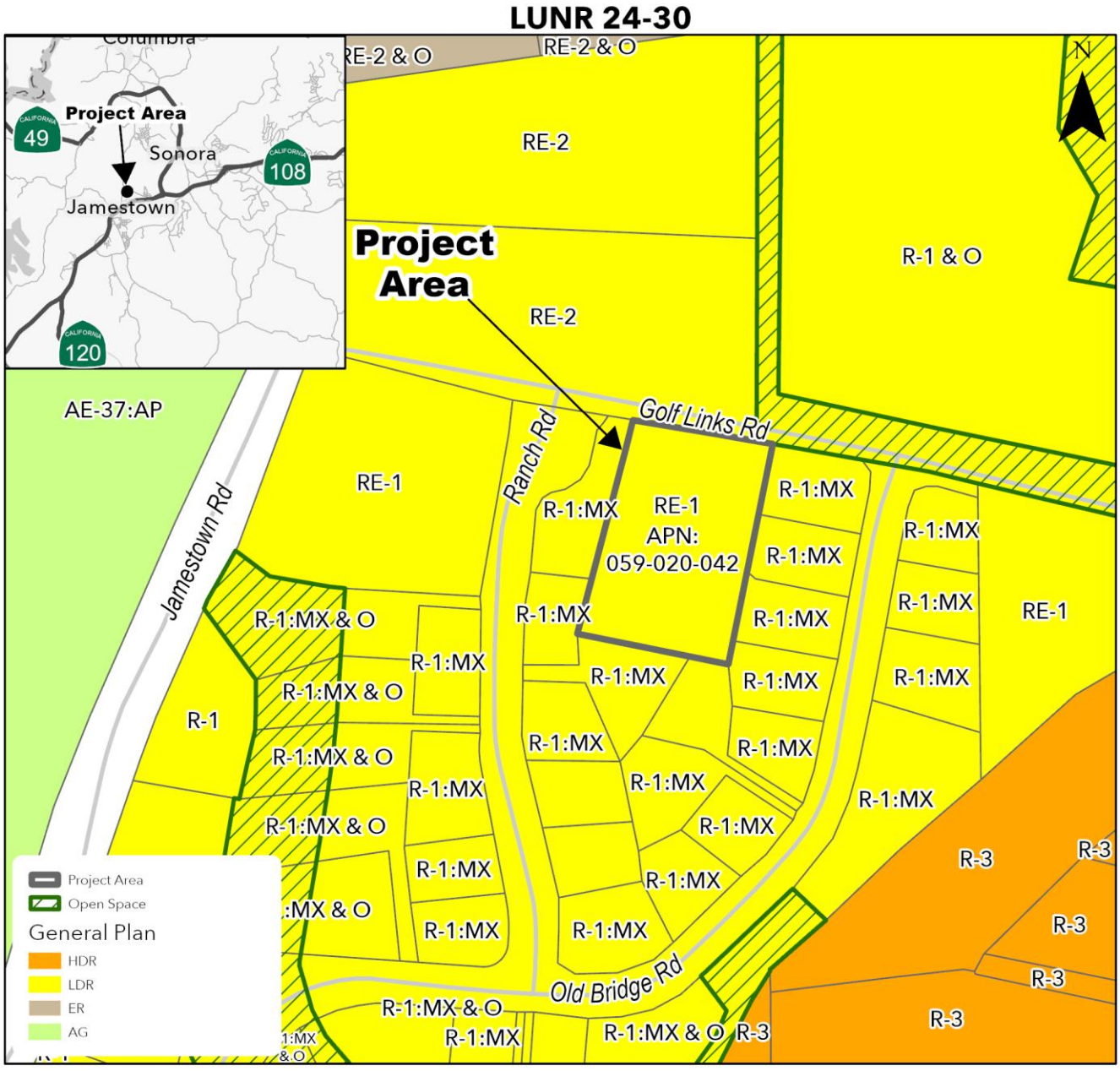
S:\Planning\PROJECTS\LUNR Projects\2024\LUNR-24-30 Ola Ranch Properties (GPA & RZ)\Agenda & Conditions\Agenda Report_OLA Ranch.docx

Footnotes

[1] California Department of Fish and Wildlife (CDFW). *Special Animals List*. August 2023.
[2] IUCN. 2015. *Bombus crotchii*. The IUCN Red List of Threatened Species 2015: e.T44937582A46440211.
[3] California Department of Fish and Wildlife (CDFW). *California Wildlife Habitat Relationships (CWHR) System – Life History Account*

LUNR-24-30 (OLA Ranch)

Attachment 1: Agenda Map



Project: LUNR 24-30
Owner/Applicant: OLA Ranch Properties/Corena Raymond
APN: 059-020-042
Acres: 1.13± acres
Current Zoning: RE-1
Current General Plan Designation: LDR
Project Description: Resolution for a General Plan Amendment LUNR24-30 to amend the land use designation of the project area from Low Density Residential (LDR) to High Density Residential (HDR). Ordinance for zone change to rezone same project from Residential Estate, One Acre minimum (RE-1) to Multiple Family Residential (R-3) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

Path: X:\Planning\Temp_Shapefiles\LUNR24-30\LUNR24-30.aprx

Date Saved: 4/24/2025 12:12

Joshua Wozynski

From: Taryn Vanderpan
Sent: Thursday, February 13, 2025 9:09 AM
To: Joshua Wozynski
Subject: FW: Stakeholder Notification

FYI

From: Kelle Schroeder <KSchroeder@co.tuolumne.ca.us>
Sent: Thursday, February 13, 2025 8:48 AM
To: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>
Subject: RE: Stakeholder Notification

Hi Taryn,

No comments from Ag.

Kelle

Kelle Schroeder
Agricultural Commissioner / Sealer
Air Pollution Control Officer
County of Tuolumne
209-533-5691

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure of this communication is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>
Sent: Thursday, February 13, 2025 7:43 AM
Subject: Stakeholder Notification

Good Morning,

Attached is a stakeholder notification for a proposed project in Tuolumne County.
If you have any questions or comments, please reach out to the planner noted in the attached document.

Thank you,

Taryn Vanderpan
Planning Administrative Technician IIG
Office: (209) 533-5635
Fax: (209) 533-5616
Email: TVanderpan@co.tuolumne.ca.us

Planning Website: https://www.tuolumnecounty.ca.gov/179/Planning

California Department of Transportation

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

February 21, 2025

Mr. Joshua Wozynski
Planner I
Tuolumne County Community Development Department
2 S. Green Street
Sonora, CA 95370

TUO-49-PM 15.55
General Plan Amendment
OLA Ranch

Dear Mr. Wozynski,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the application for a General Plan Amendment LUNR 24-30 to amend the land use designation of a 1.13± acre parcel from Low Density Residential (LDR) to High Density Residential (HDR). Ordinance for Zone Change LUNR 24-30 to rezone a 1.13± acre parcel from Residential Estate, One Acre minimum (RE-1) to Multiple Family Residential (R-3) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project is located at approximately 500 southeast of the intersection of Jamestown Road and Golf Links Road. The project is adjacent to Golf Links Road, and approximately .82± miles northeast of downtown Jamestown located on Assessor Parcel Number (APNs) 059-020-042.

Traffic Operations
In the future, when the project begins to develop, Caltrans will need to review the proposed project.

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

If any 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. For more information, please visit the Caltrans Website at: https://dot.ca.gov/programs/traffic-operations/ep/applications

If you have any questions or concerns, please contact Mayumi Kubo (916) 720-1995 (email: Mayumi.Kubo@dot.ca.gov) or me at (209) 639-8832 (email: Gregoria.Ponce@dot.ca.gov).

Sincerely,

Gregoria Ponce

Gregoria Ponce'
Deputy District Director (A)
Planning, Local Assistance & Environmental Support

cc: Quincy Yaley, Development Department Director, Tuolumne County Planning Division

February 26, 2025

Tuolumne County Community Development Department
ATTN: Joshua Wozynski, Planner I
(209) 533-5625
jowozynski@co.tuolumne.ca.us
RE: LUNR-24-30, APN: 059-020-042

To Whom It May Concern:

The following is in response to your letter to advisory agencies dated February 12, 2025. Request for Zone change does not affect current sewer capacity. Any future development must be cleared through Jamestown Sanitary District. Sewer capacity is not reserved for the project until all capacity fees have been paid. The District is not obligated to serve the development until certain conditions are fulfilled, some of which are listed below. The project proponent is advised to contact the District as soon as possible to discuss the conditions of service and the associated fees.

.

SEWER SYSTEM INFORMATION and CAPACITY

The provision of sewer service to the project requires sufficient sewer collection, treatment, and disposal facilities. The District will collect capacity fees based on the estimated volume of sewer that will be produced by the project. Those fees are intended to reimburse the District for the value of the collection, treatment, and disposal capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing sewer collection system are the responsibility of the project proponent.

Sewer Collection Capacity: An 8-inch District sewer main is located near the parcel. See attached map.

Sewer Treatment Capacity: Jamestown Sanitary District – Treatment Capacity is currently not available but may be available after July 1, 2026.

Sewer Disposal Capacity: Regional Reclamation System - Adequate capacity exists.

Sewer

1. Sewer Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing sewer facilities/services required to serve to development including abandonment of sewer facilities/services not utilized by the project.
2. Sewer Main Extension: Sewer to the proposed project would require extension of a public sewer main. An agreement with the District would stipulate the terms and conditions by which the project proponent would construct, and the District would accept ownership of and the responsibility to operate and maintain the improvements.

General

3. Sewer Capacity Charges: Prior to service by the District, the project proponent would be required to pay all applicable fees and charges. In cases where it is determined that existing District facilities do not contain sufficient capacity to serve the project, the project proponent would be required to construct or improve District facilities before service can be provided. The project proponent is advised to contact the District at the early stages of project development for an estimate of these fees and/or charges. Fees and/or charges are subject to increases on July 1st annually.

Regards,

Nickolas Rivera

Nick Rivera
Operations Supervisor – Chief Plant
Operator (209) 916-5001

Department of Public Works

Blossom Scott-Heim, P.E.
Director

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

ADMINISTRATION
Assistant to the Department Head
Emma Hawks
209.694.2718

AIRPORTS
Airport Manager
Tonya Scheftner, P.G.
209.533.5685

BUSINESS
Agency Fiscal Officer
Doreen Ellis
209.533.5972

ENGINEERING
Blossom Scott-Heim, P.E.
209.533.5904

FLEET SERVICES
Fleet Services Manager
Orlando Magdaleno
209.536.1622

GEOGRAPHIC INFORMATION SYSTEMS
GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS
Superintendent of Roads and Fleet
Spencer Stobaugh
209.533.5609

SOLID WASTE
Solid Waste Director
Deborah Reagan
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626

MEMORANDUM

Date: February 20, 2025

To: Joshua Wozynski, Planner I

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

Re: LUNR-24-30, Ola Ranch General Plan Amendment and Rezone
Assessor's Parcel No.: 059-020-042

This project seeks to modify the General Plan land use designation and Title 17 land use zoning for an existing 1.13-acre parcel currently reflecting the General Plan designation of Low Density Residential (LDR) and zoning designation of Residential Estate, 1 Acre Minimum (RE-1) to High Density Residential (HDR) and Multiple Family Residential (R-3), respectively. This is in advance of developing a proposed 10-12 unit multifamily housing development, intended to take advantage of the new County Objective Design Standards. The proposed project would require the demolition of an existing single-family dwelling and outbuildings presently located on the parcel, which fronts Golf Links Road, a County-maintained roadway.

The Public Works Department, Engineering Division has reviewed the application documents for the General Plan Amendment and Rezone actions, and has no comments or conditions at this time for the General Plan Amendment or Rezone. However, the Public Works Department will comment on the proposed design of the multiunit housing project when it is appropriate to do so.

TUOLUMNE UTILITIES DISTRICT
18885 Nugget Blvd. | Sonora, CA 95370
(209) 532-5536 | www.tudwater.com

February 26, 2025

Tuolumne County Community Resources Agency
Attn: Joshua Wozynski
2 S. Green St.
Sonora, CA 95370

RE: LUNR 24-30, APN: 059-020-042.

To Whom It May Concern:

The following is in response to your letter to advisory agencies dated February 12, 2025. The District has no objection to the proposed General Plan Amendment and Zone Change; however, we offer the following comments regarding service to the planned 10-12 multi-housing units.

This letter is not a commitment to serve the proposed project; rather, it is to advise the County that the District could legally serve the proposed project and to provide information to assist the County regarding the District's water and sewer facilities. Water and/or sewer capacity is not reserved for the project until all capacity fees have been paid. The District is not obligated to serve the development until certain conditions are fulfilled, some of which are listed below. The project proponent is advised to contact the District as soon as possible to discuss the conditions of service and the associated fees.

WATER SYSTEM INFORMATION and CAPACITY

The provision of water service to the project requires sufficient water supply, treatment, storage, and distribution facilities. The District will collect capacity fees based on the project's estimated water demands. Those fees are intended to reimburse the District for the value of the water supply, treatment, and storage capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing water system, are the responsibility of the project proponent.

Water Supply Capacity: South Fork Stanislaus River via Phoenix Lake - Adequate capacity exists.

Water Treatment Capacity: Sonora Water Treatment Plant - Adequate capacity exists.

Water Storage Capacity: Jamestown Tank - Adequate capacity exists.

Water Pumping Capacity: Not Applicable.

Water Distribution Capacity: An 8-inch District water main is located within Ranch Road and Old Bridge Road rights-of-way at their intersection to Golf Links Road approximately 125' East and West of the project site.

The Project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if the existing distribution system has adequate capacity to meet the project needs.

SEWER SYSTEM INFORMATION and CAPACITY

The Tuolumne Utilities District does not provide sewer service to this area. The project site is located within the service area of the Jamestown Sanitary District.

Sewer Collection Capacity: Not Applicable.

Sewer Treatment Capacity: Not applicable.

Sewer Disposal Capacity: Regional Reclamation System - Adequate Capacity Exists

CONDITIONS OF SERVICE:

Water

1. Water Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing water facilities/services required to serve the development including abandonment of water facilities/services not utilized by the project.
2. Water Main Extension: Water to the proposed project would require extension of a public water main. An agreement with the District would stipulate the terms and conditions by which the project proponent would construct, and the District would accept ownership of and the responsibility to operate and maintain the improvements.
3. Master Metered Water Service: Water service to the planned 10-12 multi-housing units would require master metered water service; individually metered water service to the 10-12 units is not desired by the District.

Sewer

4. Sewer Service(s): Not Applicable.

General

5. Water Capacity Charges: Prior to service by the District, the project proponent would be required to pay all applicable fees and charges. In cases where it is determined that existing District facilities do not contain sufficient capacity to serve the project, the project proponent would be required to construct or improve District facilities before service can be provided. The project proponent is advised to contact the District at the early stages of project development for an estimate of these fees and/or charges. Fees and/or charges are subject to increases on July 1st annually.

Regards,



Antonio J. Ramirez
Engineering Services Technician
(209) 532-5536 Ext. 511

Central Sierra Environmental Resource Center

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

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

VIA EMAIL ONLY

February 25, 2025

Joshua Wozynski
Community Development Department
2 South Green Street
Sonora, CA 95370

COMMENTS ON THE
OLA RANCH PROPERTIES/CORENA RAYMOND LUNR-24-30 APPLICATION

Our Center's staff have reviewed the Stakeholder Advisory Notice for the LUNR-24-30 application. The Notice provides only cursory information concerning the intended project that is spurring the requests for a General Plan Amendment and zone change. As such, our Center can only provide limited, initial comments at this time.

APPARENT APPROPRIATE INFILL LOCATION
WITH CURRENT CONNECTION TO PUBLIC WATER AND SEWER.

The approximately one acre Site has already been disturbed by residential development and is surrounded on three sides by residential development and by a road on its fourth side. The Notice states that the Site is serviced by both public water and sewer with sewer service provided by the Jamestown Sanitary District. However, should the Site be developed to include 10-12 multi-housing units as the Notice indicates is the applicants' intention, does the Jamestown Sanitary District have the capacity to service the additional connections? Pursuant to TCOC 17.12.010A(3), a public sewer connection will be required for the proposed project to ultimately be approved.

Thank you for your consideration. Please contact me should you have any questions or need any further information.

Chelsea Lewandowski
Conservation Coordinator

Additional Information:

1. The intent of the General Plan Amendment and Zone Change is to allow 10-12 multihousing units to come in later under the Tuolumne County Objective Design Standards. This project does not involve the future proposed housing project.
2. The current site has an existing 1,368-square-foot residence, a garage, two carports, and a storage shed.

Please return your comments to the CDD by **February 26, 2025**.

Staff Contact: Joshua Wozynski, Planner I
Phone: (209) 533-5625
Email: jowozynski@co.tuolumne.ca.us

AGENCY/INDIVIDUAL: Claudia D Smith

COMMENTS: first the Road will not support such an increase in traffic I will decrease the equity of the homes in the Builders I object to the project

Per Tuolumne County Ordinance Code, the CDD will only be notifying property owners within via mail of future public hearings and will not notify individuals or agencies via email. The link below is the only way to request and receive email notifications.

To ensure future public hearing notifications are received, please utilize the link below to s Tuolumne County Notify Me Page to receive notices via email:
https://www.tuolumnecounty.ca.gov/list.aspx

Signed by: Claudia D Smith

Agency: _____ Date: 2/19/25

S:\Planning\PROJECTS\LUNR Projects\2024\LUNR-24-30 Ola Ranch Properties (GPA & RZ)\Application Review\LUNR-24-30 Ola Ran

Please utilize the following link, or scan QR code to sign up and receive future notices that may include the above-mentioned project	Planning Stakeholder Notification letters are p at the following link:

Additional Information:

1. The intent of the General Plan Amendment and Zone Change is to allow 10-12 multihousing units to come in later under the Tuolumne County Objective Design Standards. This project does not involve the future proposed housing project.

2. The current site has an existing 1,366-square-foot residence, a garage, two carports, and a storage shed.

Please return your comments to the CDD by **February 26, 2025**.

Staff Contact: Joshua Wozynski, Planner I
Phone: (209) 533-5625
Email: jowozynski@co.tuolumne.ca.us

AGENCY/INDIVIDUAL: Karen Peruchetti

COMMENTS: 18986 Old Bridge Rd, Jamestown
I object to such a large development on this parcel behind my home. at 18986 Old Bridge Rd. I'm 82 years old and don't understand what you mean by a link or scan

Per Tuolumne County Ordinance Code, the CDD will only be notifying property owners within 300 feet via mail of future public hearings and will not notify individuals or agencies via email. The notification link below is the only way to request and receive email notifications.

To ensure future public hearing notifications are received, please utilize the link below to sign up in the Tuolumne County Notify Me Page to receive notices via email:
https://www.tuolumnecounty.ca.gov/list.aspx

Signed by: Karen Peruchetti

Agency: Property Owner Date: 2-20-25

Please utilize the following link, or scan QR code to sign up and receive future notices that may include the above-mentioned project:	Planning Stakeholder Notification letters are posted at the following link:
https://www.tuolumnecounty.ca.gov/list.aspx	https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications

COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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

May 21, 2025

TO: Tuolumne County Planning Commission

FROM: Quincy Yaley, Community Development Director, AICP

SUBJECT: Review and Recommendation on ordinance amending Tuolumne County Ordinance Code Title 17- Zoning to add a new small Single-Family Residential District (R-0) and amending the Tuolumne County General Plan Technical Background Report.

BACKGROUND

1. In April 2024, the Board of Supervisors prioritized workforce housing within its broader goal of promoting community health and economic prosperity. As part of this effort, the Board directed staff to collaborate with stakeholders to explore strategies for overcoming barriers to residential development, particularly with respect to minimum lot size and floor area ratio (FAR) requirements.

2. Large minimum lot sizes can drive up housing costs, encourage car dependency, and accelerate land consumption. By contrast, smaller lot sizes can foster more attainable single-family homes and allow for moderate increases in density in suitable areas.

3. Staff identified that a blanket reduction in minimum lot sizes in low-density residential zones (R-1) would require extensive environmental review and may have unintended consequences. To address these challenges, the Development Process Workgroup worked with stakeholders to develop the proposed new zoning district, Small Single-Family Residential (R-0), which provides a flexible approach to reduce these constraints and increase the availability of housing attainable to moderate-income households.

DETAILS

4. The Small Lot Single-Family Residential District (R-0) aims to:
    - Allow single-family homes on smaller lots where medium and high density residential development has been anticipated;
    - Facilitate single-family homes where public utilities are available, near employment and services; and
    - Promote home ownership opportunities through naturally occurring affordable housing development.

5. This ordinance does not increase the densities currently anticipated in the General Plan. Instead, it allows for smaller, fee simple, single-family home parcels to be created in areas designated Medium Density Residential (R-2) or High Density Residential (R-3) in the General Plan. Acknowledging a local preference for single-family residential development and the benefits of home ownership, the

new district will allow for an additional development opportunity of medium- and high-density areas. By promoting infill development and increasing home ownership opportunities where public water and sewer are available, the new zoning district also helps prevent urban sprawl.

6. The minimum parcel size in the R-0 zoning district is proposed to be 2,500 square feet (net acreage) and the floor area ratio is proposed to be 0.75 if the parcel is improved with a single-story dwelling unit or if the parcel is improved with two primary dwelling units or one duplex.

7. As proposed, the R-0 zoning district would be allowed where public utilities are available and within the boundaries of an Urban Area as identified by the most recent US Census dataset.

8. The R-0 zoning district, if approved, would be available for rezone of parcels currently located in areas identified for medium or high density residential in the General Plan. Additionally, the R-0 zoning district would be available for future Land Use Element updates of the General Plan, providing more flexibility to respond to changing economic and housing conditions and continue to promote naturally-occurring affordable home ownership opportunities.

9. An amendment of the Tuolumne County General Plan Technical Background Report is proposed to include the new R-0 zoning district in the Urban Land Use Designations, and the description of General Plan Land Use Designations and Zoning Compatibility. The R-0 zoning district is proposed to be consistent with High Density Residential (HDR) and Medium Density Residential (MDR).

GENERAL PLAN CONSISTENCY

10. The Small Lot Single-Family Residential District Ordinance has been drafted with extensive collaboration among stakeholders and is consistent with the three overarching vision statements of the Tuolumne County General Plan:

    OAV1. Promote development in Tuolumne County that reflects the values and vision of the community and implements the latest legal, statutory, scientific, and technical changes and advances.

    OAV2. Achieve, enable, and preserve maximum flexibility within the constraints of state and federal law and an ever evolving legal, cultural, and environmental landscape.

    OAV3. Recognize that the County has a unique role to collaborate with special districts/ stakeholders within the County to promote the delivery of efficient and cost-effective public services.

    Specifically, the proposed ordinance is consistent with Policy 1.A.1, promoting the efficient use of land to conserve natural resources, and Policy 1.A.5, promoting infill and clustered patterns of development that facilitate the efficient and timely provision of infrastructure and services.

ENVIRONMENTAL REVIEW

11. The proposed ordinance will not have an impact on the environment, as it consists of the Board adopting a regulation that does not increase allowable densities or change allowable land uses.

Adoption of the ordinance is exempt from CEQA pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA. The residential developments authorized under this ordinance are consistent with existing allowable densities and land uses. The ordinance does not change the zoning for any properties, meaning that it does not create negative environmental impacts or result in physical changes to the environment, and does not propose or entitle new development without environmental review.

PUBLIC OUTREACH

12. Staff provided drafts of the R-0 ordinance to the Development Work Group and shared preliminary concepts during meetings to gather input from developers and stakeholders. Feedback received—particularly concerns about lot size, density, and design standards such as setbacks—was used to refine the ordinance to ensure it is feasible for development.

TRIBAL CONSULTATION

13. Section 65352.3 of the Government Code requires city and county governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places during the processing of a General Plan Amendment. Letters offering the opportunity to consult were sent to each of the Tribes indicated by the Native American Heritage Commission on December 6, 2024. A second letter was mailed on April 2, 2025, approximately 45 days prior to consideration of the application by the Board of Supervisors. No requests for consultation were received.

RECOMMENDATION

It is recommended that your Board adopt an ordinance amending Tuolumne County Ordinance Code Article 3, Chapter 17.12 Residential Zoning Districts to include the Small Single-Family Residential District (R-O) and amend the Tuolumne County General Plan Technical Background Report.

Attachments:

A. Amended Tuolumne County Ordinance Code, tracked changes
B. Amended Tuolumne County Ordinance Code, clean
C. Excerpts of General Plan Technical Background report, tracked changes
D. Excerpts of General Plan Technical Background report, clean
E. Map of the Urban Areas of Tuolumne County with the MDR/HDR Overlay

ARTICLE 1 - Chapter 17.08

ESTABLISHMENT OF DISTRICTS AND ZONING MAPS

Sections:

17.08.010 Purpose.
17.08.020 Establishment and designation of districts.
17.08.030 Zoning maps.
17.08.040 Amendments to Zoning Map.
17.08.050 Interpretation of district boundaries.
17.08.060 Resulting zoning on parcel reconfigurations.
17.08.070 Uses not specifically addressed.
17.08.080 Relationship to prior code.
17.08.090 Citation of principal zoning districts.
17.08.100 General provisions for combining districts

17.08.010 Purpose. This Chapter establishes the zoning districts, their uses and application, and other regulations, including provisions for combining districts.

17.08.020 Establishment and designation of districts. The various zoning districts established and into which the County shall be divided are designated as follows:

A. AE- 160 Exclusive Agricultural District, one hundred sixty acre minimum;

B. AE-80 Exclusive Agricultural District, eighty acre minimum;

C. AE-37 exclusive Agricultural District, thirty-seven acre minimum;

D. A-20 General Agricultural District, twenty acre minimum;

E. A-10 General Agricultural District, ten acre minimum;

F. O Open Space District;

G. O-1 Open Space-1 District;

H. K General Recreational District;

I. R-0 Small Lot Single-Family Residential District;

J. ~~I~~R-1 Single Family Residential District;

K. ~~J~~ R-2 Medium Density Residential District;

L. ~~K~~ R-3 Multiple-Family Residential District;

M. ~~L~~ RE-1 Residential Estate, one acre minimum District;

N. ~~M~~ RE-2 Residential Estate, two acre minimum District;

O. ~~N~~ RE-3 Residential Estate, three acre minimum District;

P. ~~O~~ RE-5 Residential Estate, five acre minimum District;

Q. ~~P~~ RE-10 Residential Estate, ten acre minimum District;

R. ~~Q~~ MU Mixed Use District;

S. ~~R~~ C-K Commercial Recreational District;

T. ~~S~~ C-O neighborhood Commercial District;

U. ~~T~~ C-1 General Commercial District;

V. ~~U~~ C-2 Heavy Commercial District;

W. ~~V~~ C-S Special Commercial District;

X. ~~W~~ BP Business Park District;

Y. ~~X~~ M-1 Light Industrial District;

Z. ~~Y~~ M-2 Heavy Industrial District;

AA. ~~Z~~ P Public District;

BB. ~~AA~~ TPZ Timberland Production District;

CC. ~~BB~~ MPZ Mineral Preserve District;

DD. ~~CC~~ H Historic Combining District;

EE. ~~DD~~ D Design Review Combining District;

FF. ~~EE~~ MX Mobile Home Exclusion Combining District;

GG. ~~FF~~ PD Planned Unit Development Combining District;

HH. ~~GG~~ AP Agricultural Preserve Combining District;

II. ~~HH~~ HDP Historic Design Preservation Combining District;
JJ. ~~II~~ AIR Airport Combining District.

17.08.030 Zoning maps. The boundaries of the zoning districts established by this Code are shown on the official zoning map maintained by the Director. The official zoning map adopted by the Board of Supervisors, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, is hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted. .

17.08.040 Amendments to Zoning Map. Amendments to the Zoning Map shall follow the process established in Section 17.100.110 (Amendments to the General Plan and Zoning Ordinance).

17.08.050 Interpretation of district boundaries. Where uncertainty exists as to the boundaries of the districts designated in Section 17.08.020, the Director, upon written application or upon his/her own motion, shall determine the location of such boundaries by reference to all available pertinent data and maps. In making such determination, unless the context otherwise indicates, the following rules shall apply:

A. Where boundaries approximately follow streets, alleys or highways, the centerline of the street, alley, or highway shall be construed to be the boundary of the district.

B. Where boundaries approximately follow parcel lines, such parcel lines shall be construed to be the boundaries.

C. Areas of the county which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the submerged area. Where a submerged area adjoins two or more districts, latitude exists to include it in any one district or divide it among the districts.

D. Whenever any street, alley, or other public right-of-way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation and all area included in the vacation shall then be subject to all regulations of the extended districts.

17.08.060 Resulting zoning on parcel configurations. The reconfiguration of a parcel through a lot line adjustment, resubdivision, or merger shall not result in an increase in the number of primary zoning districts, except the Open Space and Open Space-1 Zoning Districts may be combined with any other principal zoning district on a parcel.

17.08.070 Uses not specifically addressed. Uses that are not specifically addressed in this title will be treated as are similar uses that have been listed. The procedure for this is outlined in Section 17.06.020 (D).

17.08.080 Relationship to prior code. The provisions of the Zoning Ordinance, as it existed immediately prior to the effective date of the ordinance codified in this section, are repealed and superseded in their entirety. No provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of this Zoning Ordinance as it existed prior to the effective date of the ordinance codified in this section.

17.08.090 Citation of principal zoning districts. All districts in Chapters 17.10 through 17.18 shall be known as principal zoning districts and may be so cited.

17.08.100 General provisions for combining districts. All districts in Chapter 17.20 shall be known as combining districts and may be combined with or established in conjunction with any principal zoning district in Chapters 17.10 through 17.18. The regulations hereinafter listed for each of the combining districts shall modify or supplement the regulations for any principal district with which they are combined. All uses and regulations of the principal district shall

apply, except insofar as they are modified or augmented by the uses and regulations in the combining district regulations.

ARTICLE 1 - Chapter 17.08

ESTABLISHMENT OF DISTRICTS AND ZONING MAPS

Sections:

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A. AE- 160 Exclusive Agricultural District, one hundred sixty acre minimum;

B. AE-80 Exclusive Agricultural District, eighty acre minimum;

C. AE-37 exclusive Agricultural District, thirty-seven acre minimum;

D. A-20 General Agricultural District, twenty acre minimum;

E. A-10 General Agricultural District, ten acre minimum;

F. O Open Space District;

G. O-1 Open Space-1 District;

H. K General Recreational District;

I. R-0 Small Lot Single-Family Residential District;

J. R-1 Single Family Residential District;

K. R-2 Medium Density Residential District;

L. R-3 Multiple-Family Residential District;

M. RE-1 Residential Estate, one acre minimum District;

N. RE-2 Residential Estate, two acre minimum District;

O. RE-3 Residential Estate, three acre minimum District;

P. RE-5 Residential Estate, five acre minimum District;

Q. RE-10 Residential Estate, ten acre minimum District;

R. MU Mixed Use District;

S. C-K Commercial Recreational District;

T. C-O neighborhood Commercial District;

U. C-1 General Commercial District;

V. C-2 Heavy Commercial District;

W. C-S Special Commercial District;

X. BP Business Park District;

Y. M-1 Light Industrial District;

Z. M-2 Heavy Industrial District;

AA. P Public District;

BB. TPZ Timberland Production District;

CC. MPZ Mineral Preserve District;

DD. H Historic Combining District;

EE. D Design Review Combining District;

FF. MX Mobile Home Exclusion Combining District;

GG. PD Planned Unit Development Combining District;

HH. AP Agricultural Preserve Combining District;

II. HDP Historic Design Preservation Combining District;
JJ. AIR Airport Combining District.

17.08.030 Zoning maps. The boundaries of the zoning districts established by this Code are shown on the official zoning map maintained by the Director. The official zoning map adopted by the Board of Supervisors, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, is hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted. .

17.08.040 Amendments to Zoning Map. Amendments to the Zoning Map shall follow the process established in Section 17.100.110 (Amendments to the General Plan and Zoning Ordinance).

17.08.050 Interpretation of district boundaries. Where uncertainty exists as to the boundaries of the districts designated in Section 17.08.020, the Director, upon written application or upon his/her own motion, shall determine the location of such boundaries by reference to all available pertinent data and maps. In making such determination, unless the context otherwise indicates, the following rules shall apply:

A. Where boundaries approximately follow streets, alleys or highways, the centerline of the street, alley, or highway shall be construed to be the boundary of the district.

B. Where boundaries approximately follow parcel lines, such parcel lines shall be construed to be the boundaries.

C. Areas of the county which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the submerged area. Where a submerged area adjoins two or more districts, latitude exists to include it in any one district or divide it among the districts.

D. Whenever any street, alley, or other public right-of-way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public right-of-way shall be automatically extended to the center of such vacation and all area included in the vacation shall then be subject to all regulations of the extended districts.

17.08.060 Resulting zoning on parcel configurations. The reconfiguration of a parcel through a lot line adjustment, resubdivision, or merger shall not result in an increase in the number of primary zoning districts, except the Open Space and Open Space-1 Zoning Districts may be combined with any other principal zoning district on a parcel.

17.08.070 Uses not specifically addressed. Uses that are not specifically addressed in this title will be treated as are similar uses that have been listed. The procedure for this is outlined in Section 17.06.020 (D).

17.08.080 Relationship to prior code. The provisions of the Zoning Ordinance, as it existed immediately prior to the effective date of the ordinance codified in this section, are repealed and superseded in their entirety. No provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of this Zoning Ordinance as it existed prior to the effective date of the ordinance codified in this section.

17.08.090 Citation of principal zoning districts. All districts in Chapters 17.10 through 17.18 shall be known as principal zoning districts and may be so cited.

17.08.100 General provisions for combining districts. All districts in Chapter 17.20 shall be known as combining districts and may be combined with or established in conjunction with any principal zoning district in Chapters 17.10 through 17.18. The regulations hereinafter listed for each of the combining districts shall modify or supplement the regulations for any principal district with which they are combined. All uses and regulations of the principal district shall apply, except insofar as they are modified or

augmented by the uses and regulations in the combining district regulations.

ARTICLE 2 - Chapter 17.12

RESIDENTIAL ZONING DISTRICTS

Sections:

17.12.010 Purpose.
17.12.015 Small Lot Single-Family Residential District or (R-0) District.
17.12.020 Single-Family Residential District or (R-1) District.
17.12.030 Medium Density Residential District or (R-2) District.
17.12.040 Multiple-Family Residential District or (R-3) District.
17.12.050 Residential Estate, One Acre Minimum District, or (RE-1) District.
17.12.060 Residential Estate; Two Acre Minimum District or (RE-2) District.
17.12.070 Residential Estate; Three Acre Minimum District or (RE-3) District.
17.12.080 Residential Estate; Five Acre Minimum District or (RE-5) District.
17.12.090 Residential Estate; Ten Acre Minimum District or (RE-10) District.

17.12.010 Purpose. This Chapter lists the types of residential zoning districts and establishes regulations for permitted land uses, conditional uses, minimum parcel size, building intensity, and minimum and maximum residential density. Development to a density of one unit per less than two acres or denser must be served by paved roads and public water. Development to a density of one unit per one-third acre or denser must be served by public sewer.

A. Purposes of Residential Zoning Districts:

1. Small Lot Single-Family Residential District or (R-0) District. The purpose of the Small Lot Single-Family Residential District is to locate single-family homes and duplexes on smaller lots in areas where medium density and high density residential districts can support unsubsidized affordable housing, near employment and services, and where public utilities are available. The R-0 District is intended to promote single-family home ownership where higher densities are anticipated.

2. ~~1~~ Single-Family Residential District. The purpose of the Single-Family Residential (R-1) District is to stabilize and protect the residential characteristics of the District and to promote and encourage a suitable environment for family life. The Single-Family Residential (R-1) District is intended for suburban family homes. Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.

3. ~~2~~ Medium Density Residential District or (R-2) District. The purpose of the Medium Density Residential (R-2) District is to accommodate medium density urban residential developments such as duplexes, triplexes, and fourplexes while preserving more open space than in the Multiple-Family Residential (R-3) District. Development to a density of one unit per less than two acres must be served by

paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.

4.~~3~~ Multiple-Family Residential District or (R-3) District. The purpose of the Multiple-Family Residential (R-3) District is to accommodate high density urban residential developments such as apartments, dwelling groups, condominiums, mobile home parks, and townhouses to economically and efficiently meet a variety of urban housing needs while ensuring, through site review procedures, that such developments will:

a. Have the least possible impact on the natural environment;

b. Be designed and built in accordance with latest accepted engineering and site layout standards; and

c. Offer the most possible amenities that contribute to a high quality of life for their residents.

Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.

5.~~4~~ Residential Estate, One Acre Minimum District, or (RE-1) District. The purpose of the Residential Estate, One Acre Minimum (RE-1) District is to provide for residential neighborhoods with a country-like character in which limited agricultural pursuits and the keeping of livestock are permitted. The RE-1 District is intended to provide for a suburban-style family living on a variety of parcel sizes at least one acre in area. Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.

6.~~5~~ Residential Estate; Two Acre Minimum District or (RE-2) District. The purpose of the Residential Estate, Two Acre Minimum (RE-2) District is to provide areas where persons may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. The RE-2 District, being lower in population density than the RE-1 District, is intended to occur where fewer municipal services are available. Public water and sewer are not required for development in this district.

7.~~6~~ Residential Estate; Three Acre Minimum District or (RE-3) District. The purpose of the Residential Estate, Three Acre Minimum (RE-3) District is to provide areas where persons may enjoy country-estate type living while engaged in limited agricultural pursuits or maintaining livestock. The RE-3 District, being lower in population density than the RE-2 District, is consistent with the density standards of the Tuolumne County Airport Land Use Compatibility Plan for compatibility zones B2 and C. The RE-3 district is intended to occur where few municipal services are available. Public services

such as public water and sewer need not be available, nor is a demand for such services in these areas desired. Public water and sewer are not required for development in this district.

8.~~7~~ Residential Estate; Five Acre Minimum District or (RE-5) District. The purpose of the Residential Estate, Five Acre Minimum (RE-5) District is to provide a low density residential zoning classification offering country-estate-type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. The RE-5 district is intended to occur where few municipal services are available nor is a zoning district where demand for such services in these areas desired. Public water and sewer are not required for development in this district.

9.~~8~~ Residential Estate; Ten Acre Minimum District or (RE-10) District. The purpose of the Residential Estate, Ten Acre Minimum (RE-10) District is to provide areas for country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-10 district is intended to occur where few municipal services are available nor is a zoning district where demand for such services in these areas desired. Public water and sewer are not required for development in this district.

17.12.015 Small Lot Single-Family Residential District or (R-0) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Small Lot Single-Family Residential (R-0) District.

B. Minimum parcel size. Within any Small Lot Single-Family Residential (R-0) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 2,500 square feet (net acreage) in area or less than 30 feet in width at the front setback line except as otherwise provided herein.

C. Building intensity. Within any Small Lot Single-Family Residential (R-0) District, the maximum residential building intensity shall be in accordance with the General Plan land use designation for the parcel to which the R-0 district is applied and shall be limited to either the Medium Density Residential (MDR) land use designation at 12 dwelling units per acre or the High Density Residential (HDR) at 15 dwelling units per acre. The maximum ratio of the coverage of all buildings on a parcel that is 2,500 square feet (net acreage) in area or greater, referred to the floor area ratio (FAR) shall be 0.75 if the parcel is improved with a single-story dwelling unit or if the parcel is improved with two primary dwelling units or one duplex. Additional units/ building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Additional provisions. The following provisions apply to the development of small lot single-family uses.

1. Sewage Disposal/ Potable Water. Small Lot Single-Family parcels shall be served by public sewer and water systems.
2. Small Lot Single-Family Residential parcels shall be located within the boundaries of an Urban Area as identified within the most recent US Census dataset.
3. Small Lot Single-Family Developments may include

shared off-street parking facilities that include the total number of required spaces, assigned and reserved for residents.

17.12.020 Single-Family Residential District or (R-1) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Single-Family Residential (R-1) District

1. Minimum parcel size. Within any Single-Family Residential (R-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,260 square feet (net acreage) in area or less than 50 feet in width at the front setback line except as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

B. Building intensity. Within any Single-Family Residential (R-1) District, the maximum residential building intensity shall be six dwelling units per acre. The maximum ratio of the coverage of all buildings on a parcel that is 7,260 square feet (net acreage) in area or greater, referred to as the floor area ratio (FAR), shall be 0.5. The maximum FAR for parcels less than 7,260 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible for attached secondary single-family dwelling units or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

C. Minimum residential density. Residential development within any Single-Family Residential (R-1) District shall require a minimum density of three dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

17.12.030 Medium Density Residential District or (R-2) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Medium Density Residential (R-2) District.

B. Minimum parcel size. Within any Medium Density Residential (R-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line except as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Medium Density Residential (R-2) District, the maximum residential building intensity shall be 12 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel that is 7,500 square feet (net acreage) in area or greater, referred to as the FAR,

shall be 0.5. The maximum FAR for parcels less than 7,500 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density. Residential development within any Medium Density Residential (R-2) District shall require a minimum density of six dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

E. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.12.040 Multiple-Family Residential District or (R-3) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Multiple-Family Residential (R-3) District.

B. Minimum parcel size. Within any Multiple-Family Residential (R-3) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 12,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Multiple-Family Residential (R-3) District, the maximum residential building intensity shall be 15 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel that is 12,500 square feet (net acreage) in area or greater, referred to as the FAR, shall be 0.5. The maximum FAR for parcels less than 12,500 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density. Residential development within any Multiple-Family Residential (R-3) District shall require a minimum density of eight dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

E. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the

harmful effects of secondhand smoke.

2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.12.050 Residential Estate, One Acre Minimum District, or (RE-1) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, One Acre Minimum (RE-1) District.

B. Minimum parcel size. Within any Residential Estate, One Acre Minimum (RE-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one net acre in area or less than 100 feet in width at the front setback line except as otherwise provided herein. An existing parcel that does not meet the minimum parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the minimum parcel size or width at front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, One Acre Minimum (RE-1) District, the maximum residential building intensity shall be one dwelling unit per acre. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density. Residential development within any Residential Estate, One Acre Minimum (RE-1) District shall require a minimum density of one dwelling unit per two acres, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the parcel make development to the minimum density infeasible.

17.12.060 Residential Estate; Two Acre Minimum District or (RE-2) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Two Acre Minimum (RE-2) District.

B. Minimum parcel size. Within any Residential Estate, Two Acre Minimum (RE-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than two gross acres in area or less than 100 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Two Acre Minimum (RE-2) District, the maximum residential building intensity shall be one dwelling unit per two acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.070 Residential Estate; Three Acre Minimum District or (RE-3) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required

within any Residential Estate, Three Acre Minimum (RE-3) District.

B. Minimum parcel size. Within any Residential Estate, Three Acre Minimum (RE-3) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than three gross acres in area or less than 100 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Three Acre Minimum (RE-3) District, the maximum residential building intensity shall be one dwelling unit per three acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.080 Residential Estate; Five Acre Minimum District or (RE-5) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Five Acre Minimum (RE-5) District.

B. Minimum parcel size. Within any Residential Estate, Five Acre Minimum (RE-5) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than five gross acres in area or less than 200 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Five Acre Minimum (RE-5) District, the maximum residential building intensity shall be one dwelling unit per five acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.090 Residential Estate; Ten Acre Minimum District or (RE-10) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Ten Acre Minimum (RE-10) District unless otherwise provided in this Chapter:

B. Minimum parcel size. Within any Residential Estate, Ten Acre Minimum (RE-10) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 10 gross acres in area. An existing parcel that does not meet the minimum parcel size may be reconfigured to a resulting parcel that does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

C. Building intensity. Within any Residential Estate, Ten Acre Minimum (RE-10) District, the maximum residential building intensity shall be one dwelling unit per 10 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

TABLE 17.12.1 ALLOWED LAND USES AND PERMIT REQUIREMENTS

Key		**Blank Cell – Not Permitted** **"P" – Permitted without Discretionary Review** **"C" – Discretionary Review Required**								
A. **Land Use Classification**	**B.** **R-0**	**C.~~B.~~** **R-1**	**D.~~C.~~** **R-2**	**E.~~D.~~** **R-3**	**F.~~E.~~** **RE-1**	**G.~~F.~~** **RE-2**	**H.~~G.~~** **RE-3**	**I.~~H.~~** **RE-5**	**J.~~I.~~** **RE-10**	**K.~~J.~~** **Additional Regulations**
Residential Uses										
One primary single-family dwelling per parcel	P	P	P	P	P	P	P	P	P	
Two single-family dwellings or one duplex per parcel	P	P	P	P	C	C	C	C	C	
Multifamily of four units or less			P	P						
Multifamily of more than four units			C	P						
Accessory dwelling unit	P	P	P	P	P	P	P	P	P	Ch. 17.36
Junior accessory dwelling unit	P	P	P	P	P	P	P	P	P	Ch. 17.36
Day care centers, for not more than eight nonemployee occupants	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	
Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of Chapter 17.54	P	P	P	P	P	P	P	P	P	Ch. 17.54
Mobile home parks		C[2]	C	P	C	C	C	C		Ch. 17.70
Transitional housing and supportive housing	P	P	P	P	P	P	P	P	P	
Agricultural laborer housing	P	P			P	P	P	P	P	
Employee housing for six persons or less	P	P	P	P	P	P	P	P	P	
Day care centers, other than family day care homes	C	C	C	C	C	C	C	C	C	
Residential care homes of any size regardless of state licensing	P	P	P	P	P	P	P	P	P	

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. **Land Use Classification**	B. R-0	C.~~B.~~ **R-1**	D.~~C.~~ **R-2**	E.~~D.~~ **R-3**	F.~~E.~~ **RE-1**	G.~~F.~~ **RE-2**	H.~~G.~~ **RE-3**	I.~~H.~~ **RE-5**	J.~~I.~~ **RE-10**	K.~~J.~~ **Additional Regulations**
Emergency shelters			P	P						Ch. 17.58
Mobile home on permanent foundation	P	P	P	P	P	P	P	P	P	
Boardinghouse				C						
Home Occupation	P	P	P	P	P	P	P	P	P	Ch. 17.64
Agricultural and Resources Uses										
Nurseries and greenhouses for domestic use	P	P	P	P	P	P	P	P		
Keeping of poultry when the parcel complies with the requirements of Section 17.42	P	P								Ch. 17.42
Christmas tree farms		C	C	C						
Sawmills for processing timber grown only on the same parcel as the sawmill is located, for a period not to exceed 60 days		C			C	C	C	C	C	
General farming and ranching					P	P	P	P	P	
Agricultural processing facilities and activities for the agricultural product grown on the parcel					P[3,4]	P[3,4]	P[3,5]	P[3,6]	P[3,7]	
Agricultural by-product processing facilities accessory to the agricultural operation on the parcel					P	P	P	P	P	
Agricultural marketing facilities or activities					C	C	P	P	P	
U-pick operations					C	C	C	P	P	
Private stables					P	P	P	P	P	
Commercial stables and, riding clubs including, but not limited to, accessory shows and clinics								C	C	

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. **Land Use Classification**	B. R-0	C.~~B.~~ **R-1**	D.~~C.~~ **R-2**	E.~~D.~~ **R-3**	F.~~E.~~ **RE-1**	G.~~F.~~ **RE-2**	H.~~G.~~ **RE-3**	I.~~H.~~ **RE-5**	J.~~I.~~ **RE-10**	K.~~J.~~ **Additional Regulations**
Growing and harvesting timber products					P	P	P	P	P	
Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests					C	C	C	P	P	
Institutional and Recreation Uses										
General recreation and parks open to the public	C	C	C	C						
General non-commercial recreational use incidental to the primary use of the parcel	P	P	P	P	P	P	P	P	P	
Firehouses and police stations	P	P	P	P						
Public schools	P	P	P	P	P	P	P	P	P	
On- and off-shore marina facilities		C	C	C	C	C	C	C	C	
Tent revivals, circuses, and carnivals		C	C	C	C	C	C	C	C	
Weddings and Commercial Events[8]		C	C	C	C	C	C	C	C	
Public utility distribution facilities	P	P	P	P						
Health care facilities	C	C	C	C	C	C	C			
Private and alternative schools, places of worship, libraries, museums, art galleries, tourist information facilities	C	C	C	C	C	C	C	C		
Public utility uses	C	C	C	C	C	C	C	C	C	
Water treatment plants					C	C	C	C	C	
Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants						C	C	C	C	
Public safety facilities					P	P	P	P	P	

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. **Land Use Classification**	B. R-0	C.~~B.~~ R-1	D.~~C.~~ R-2	E.~~D.~~ R-3	F.~~E.~~ RE-1	G.~~F.~~ RE-2	H.~~G.~~ RE-3	I.~~H.~~ RE-5	J.~~I.~~ RE-10	K.~~J.~~ Additional Regulations
Refuse and sewage disposal sites and water and sewer treatment plants		C	C	C						
Airports and heliports						C	C	C	C	
Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities					C	C	C	C	C	
Cemeteries								C	C	
Mortuaries, funeral homes, mausoleums, columbaria and crematoria, when in conjunction with a cemetery								C	C	
Educational workshops, craft demonstrations, and demonstration gardens not accessory to the primary agricultural use of the parcel								C	C	
Petting zoo								C	C	
Commercial Uses										
Bed and breakfast establishments, six bedrooms or less	C[1]	C[1]	C[1]		C[1]	P[1]	P[1]	P[1]	P[1]	
Roadside stand up to 1,500 square feet in area					C	C	C	P	P	Ch. 17.62
Roadside stand exceeding 1,500 square feet in area								C	C	
Animal hospitals, indoors					C	C	C	P	P	
Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities								C	C	
Commercial composting facilities								C	C	

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. **Land Use Classification**	B. R-0	C.~~B.~~ **R-1**	D.~~C.~~ **R-2**	E.~~D.~~ **R-3**	F.~~E.~~ **RE-1**	G.~~F.~~ **RE-2**	H.~~G.~~ **RE-3**	I.~~H.~~ **RE-5**	J.~~I.~~ **RE-10**	K.~~J.~~ **Additional Regulations**
Commercial events on agricultural land pursuant to Section 17.48								C	C	Ch. 17.48
Industrial Uses										
Prospecting	P	P	P	P	P	P	P	P	P	
Development of aggregate resources		C	C	C	C	C	C	C	C	
Communications Facilities										
Construction, alteration, or maintenance of gas, water, sewer, electrical, communication, or other public utility distribution facilities, except as otherwise provided in this Code					P	P	P	P	P	
Wireless Communication Facilities								C	C	Ch. 17.94
Temporary Uses										
Temporary sales offices for parcels and residences	C	C	C	C	C	C	C	C	C	Ch. 17.92
Accessory Uses										
Private garages accessory to a single-family dwelling, or one private garage, not to exceed 4,000 square feet, as a primary use of the parcel	P[9]	P[9]	P[9]	P[9]	P	P	P	P	P	
Accessory uses and structures appurtenant to permitted uses	P	P	P	P	P	P	P	P	P	Ch. 17.38
Accessory uses and structures appurtenant to conditional uses	C	C	C	C	C	C	C	C	C	Ch. 17.38

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. **Land Use Classification**	B. R-0	C.~~B.~~ **R-1**	D.~~C.~~ **R-2**	E.~~D.~~ **R-3**	F.~~E.~~ **RE-1**	G.~~F.~~ **RE-2**	H.~~G.~~ **RE-3**	I.~~H.~~ **RE-5**	J.~~I.~~ **RE-10**	K.~~J.~~ **Additional Regulations**
Educational workshops, craft demonstrations, or demonstration gardens accessory to the agricultural operation on the parcel					C	C	C	P	P	

[1] Within a permitted single-family dwelling.

[2] For provisions on mobile home accessory structures see Chapter 15.12 of this Code.

[3] Use becomes conditional when facilities and activities are not for the agricultural product grown on the parcel.

[4] Not to exceed 20% of the parcel size or one-half acre, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or one-half acre, whichever is less.

[5] Not to exceed 20% of the parcel size or one acre, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or one acre, whichever is less.

[6] Not to exceed 20% of the parcel size or two acres, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or two acres, whichever is less.

[7] Not to exceed 10% of the parcel size or two acres, whichever is less. Use becomes conditional when it exceeds 10% of the parcel size or two acres, whichever is less.

[8] Where a fee is required.

[9] Not to exceed a building coverage of 25% of the parcel or 4,000 square feet, whichever is less.

ARTICLE 2 - Chapter 17.12

RESIDENTIAL ZONING DISTRICTS

Sections:

17.12.010 Purpose.
17.12.015 Small Lot Single-Family Residential District or (R-0) District.
17.12.020 Single-Family Residential District or (R-1) District.
17.12.030 Medium Density Residential District or (R-2) District.
17.12.040 Multiple-Family Residential District or (R-3) District.
17.12.050 Residential Estate, One Acre Minimum District, or (RE-1) District.
17.12.060 Residential Estate; Two Acre Minimum District or (RE-2) District.
17.12.070 Residential Estate; Three Acre Minimum District or (RE-3) District.
17.12.080 Residential Estate; Five Acre Minimum District or (RE-5) District.
17.12.090 Residential Estate; Ten Acre Minimum District or (RE-10) District.

17.12.010 Purpose. This Chapter lists the types of residential zoning districts and establishes regulations for permitted land uses, conditional uses, minimum parcel size, building intensity, and minimum and maximum residential density. Development to a density of one unit per less than two acres or denser must be served by paved roads and public water. Development to a density of one unit per one-third acre or denser must be served by public sewer.

A. Purposes of Residential Zoning Districts:

1. Small Lot Single-Family Residential District or (R-0) District. The purpose of the Small Lot Single-Family Residential District is to locate single-family homes and duplexes on smaller lots in areas where medium density and high density residential districts can support unsubsidized affordable housing, near employment and services, and where public utilities are available. The R-0 District is intended to promote single-family home ownership where higher densities are anticipated.
2. Single-Family Residential District. The purpose of the Single-Family Residential (R-1) District is to stabilize and protect the residential characteristics of the District and to promote and encourage a suitable environment for family life. The Single-Family Residential (R-1) District is intended for suburban family homes. Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.
3. Medium Density Residential District or (R-2) District. The purpose of the Medium Density Residential (R-2) District is to accommodate medium density urban residential developments such as duplexes, triplexes, and fourplexes while preserving more open space than in the Multiple-Family Residential (R-3) District. Development to a density of one unit per less than two acres must be served by

paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.

4. Multiple-Family Residential District or (R-3) District. The purpose of the Multiple-Family Residential (R-3) District is to accommodate high density urban residential developments such as apartments, dwelling groups, condominiums, mobile home parks, and townhouses to economically and efficiently meet a variety of urban housing needs while ensuring, through site review procedures, that such developments will:
   a. Have the least possible impact on the natural environment;
   b. Be designed and built in accordance with latest accepted engineering and site layout standards; and
   c. Offer the most possible amenities that contribute to a high quality of life for their residents.

   Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.
5. Residential Estate, One Acre Minimum District, or (RE-1) District. The purpose of the Residential Estate, One Acre Minimum (RE-1) District is to provide for residential neighborhoods with a country-like character in which limited agricultural pursuits and the keeping of livestock are permitted. The RE-1 District is intended to provide for a suburban-style family living on a variety of parcel sizes at least one acre in area. Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer.
6. Residential Estate; Two Acre Minimum District or (RE-2) District. The purpose of the Residential Estate, Two Acre Minimum (RE-2) District is to provide areas where persons may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. The RE-2 District, being lower in population density than the RE-1 District, is intended to occur where fewer municipal services are available. Public water and sewer are not required for development in this district.
7. Residential Estate; Three Acre Minimum District or (RE-3) District. The purpose of the Residential Estate, Three Acre Minimum (RE-3) District is to provide areas where persons may enjoy country-estate type living while engaged in limited agricultural pursuits or maintaining livestock. The RE-3 District, being lower in population density than the RE-2 District, is consistent with the density standards of the Tuolumne County Airport Land Use Compatibility Plan for compatibility zones B2 and C. The RE-3 district is intended to occur where few municipal services are available. Public services

such as public water and sewer need not be available, nor is a demand for such services in these areas desired. Public water and sewer are not required for development in this district.

8. Residential Estate; Five Acre Minimum District or (RE-5) District. The purpose of the Residential Estate, Five Acre Minimum (RE-5) District is to provide a low density residential zoning classification offering country-estate-type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. The RE-5 district is intended to occur where few municipal services are available nor is a zoning district where demand for such services in these areas desired. Public water and sewer are not required for development in this district.

9. Residential Estate; Ten Acre Minimum District or (RE-10) District. The purpose of the Residential Estate, Ten Acre Minimum (RE-10) District is to provide areas for country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-10 district is intended to occur where few municipal services are available nor is a zoning district where demand for such services in these areas desired. Public water and sewer are not required for development in this district.

17.12.015 Small Lot Single-Family Residential District or (R-0) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Small Lot Single-Family Residential (R-0) District.

B. Minimum parcel size. Within any Small Lot Single-Family Residential (R-0) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 2,500 square feet (net acreage) in area or less than 30 feet in width at the front setback line except as otherwise provided herein.

C. Building intensity. Within any Small Lot Single-Family Residential (R-0) District, the maximum residential building intensity shall be in accordance with the General Plan land use designation for the parcel to which the R-0 district is applied and shall be limited to either the Medium Density Residential (MDR) land use designation at 12 dwelling units per acre or the High Density Residential (HDR) at 15 dwelling units per acre. The maximum ratio of the coverage of all buildings on a parcel that is 2,500 square feet (net acreage) in area or greater, referred to the floor area ratio (FAR) shall be 0.75 if the parcel is improved with a single-story dwelling unit or if the parcel is improved with two primary dwelling units or one duplex. Additional units/ building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Additional provisions. The following provisions apply to the development of small lot single-family uses.

1. Sewage Disposal/ Potable Water. Small Lot Single-Family parcels shall be served by public sewer and water systems.
2. Small Lot Single-Family Residential parcels shall be located within the boundaries of an Urban Area as identified within the most recent US Census dataset.
3. Small Lot Single-Family Developments may include

shared off-street parking facilities that include the total number of required spaces, assigned and reserved for residents.

17.12.020 Single-Family Residential District or (R-1) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Single-Family Residential (R-1) District

1. Minimum parcel size. Within any Single-Family Residential (R-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,260 square feet (net acreage) in area or less than 50 feet in width at the front setback line except as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

B. Building intensity. Within any Single-Family Residential (R-1) District, the maximum residential building intensity shall be six dwelling units per acre. The maximum ratio of the coverage of all buildings on a parcel that is 7,260 square feet (net acreage) in area or greater, referred to as the floor area ratio (FAR), shall be 0.5. The maximum FAR for parcels less than 7,260 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible for attached secondary single-family dwelling units or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

C. Minimum residential density. Residential development within any Single-Family Residential (R-1) District shall require a minimum density of three dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

17.12.030 Medium Density Residential District or (R-2) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Medium Density Residential (R-2) District.

B. Minimum parcel size. Within any Medium Density Residential (R-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 7,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line except as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Medium Density Residential (R-2) District, the maximum residential building intensity shall be 12 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel that is 7,500 square feet (net acreage) in area or greater, referred to as the FAR,

shall be 0.5. The maximum FAR for parcels less than 7,500 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density. Residential development within any Medium Density Residential (R-2) District shall require a minimum density of six dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

E. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.12.040 Multiple-Family Residential District or (R-3) District.

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Multiple-Family Residential (R-3) District.

B. Minimum parcel size. Within any Multiple-Family Residential (R-3) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 12,500 square feet (net acreage) in area or less than 50 feet in width at the front setback line as otherwise provided herein. An existing parcel that does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Multiple-Family Residential (R-3) District, the maximum residential building intensity shall be 15 dwelling units per acre permitted without discretionary review. The maximum ratio of the coverage of all buildings on a parcel that is 12,500 square feet (net acreage) in area or greater, referred to as the FAR, shall be 0.5. The maximum FAR for parcels less than 12,500 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density. Residential development within any Multiple-Family Residential (R-3) District shall require a minimum density of eight dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

E. Additional Multiple-Family Use Provisions. The following provisions apply to the development of multiple-family uses.

1. Multiple-family developments are encouraged to include smoke-free policies to limit residents' exposure to the

harmful effects of secondhand smoke.

2. Multiple-family developments consisting of five or more units, such as apartments or mobile home parks, shall provide at least 200 square feet of recreation space on site.

17.12.050 Residential Estate, One Acre Minimum District, or (RE-1) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, One Acre Minimum (RE-1) District.

B. Minimum parcel size. Within any Residential Estate, One Acre Minimum (RE-1) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one net acre in area or less than 100 feet in width at the front setback line except as otherwise provided herein. An existing parcel that does not meet the minimum parcel size or width at front setback regulations may be reconfigured to a resulting parcel that does not meet the minimum parcel size or width at front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, One Acre Minimum (RE-1) District, the maximum residential building intensity shall be one dwelling unit per acre. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

D. Minimum residential density. Residential development within any Residential Estate, One Acre Minimum (RE-1) District shall require a minimum density of one dwelling unit per two acres, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the Board of Supervisors determines that physical or environmental constraints on the parcel make development to the minimum density infeasible.

17.12.060 Residential Estate; Two Acre Minimum District or (RE-2) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Two Acre Minimum (RE-2) District.

B. Minimum parcel size. Within any Residential Estate, Two Acre Minimum (RE-2) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than two gross acres in area or less than 100 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Two Acre Minimum (RE-2) District, the maximum residential building intensity shall be one dwelling unit per two acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.070 Residential Estate; Three Acre Minimum District or (RE-3) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required

within any Residential Estate, Three Acre Minimum (RE-3) District.

B. Minimum parcel size. Within any Residential Estate, Three Acre Minimum (RE-3) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than three gross acres in area or less than 100 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Three Acre Minimum (RE-3) District, the maximum residential building intensity shall be one dwelling unit per three acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.5. Additional units/building coverage are possible for secondary single-family dwelling units or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.080 Residential Estate; Five Acre Minimum District or (RE-5) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Five Acre Minimum (RE-5) District.

B. Minimum parcel size. Within any Residential Estate, Five Acre Minimum (RE-5) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than five gross acres in area or less than 200 feet in width at the front setback line. An existing parcel that does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel that does not meet the minimum parcel size and width at front setback requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

C. Building intensity. Within any Residential Estate, Five Acre Minimum (RE-5) District, the maximum residential building intensity shall be one dwelling unit per five acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code.

17.12.090 Residential Estate; Ten Acre Minimum District or (RE-10) District

A. Allowed uses. Table 17.12.1 lists uses allowed and the level of review required within any Residential Estate, Ten Acre Minimum (RE-10) District unless otherwise provided in this Chapter:

B. Minimum parcel size. Within any Residential Estate, Ten Acre Minimum (RE-10) District, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than 10 gross acres in area. An existing parcel that does not meet the minimum parcel size may be reconfigured to a resulting parcel that does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

C. Building intensity. Within any Residential Estate, Ten Acre Minimum (RE-10) District, the maximum residential building intensity shall be one dwelling unit per 10 acres. The maximum ratio of the coverage of all buildings on a parcel, referred to as the FAR, shall be 0.2. Additional units/building coverage are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code.

TABLE 17.12.1 ALLOWED LAND USES AND PERMIT REQUIREMENTS

Key		**Blank Cell – Not Permitted** **"P" – Permitted without Discretionary Review** **"C" – Discretionary Review Required**								
A. **Land Use Classification**	**B.** **R-0**	**C.** **R-1**	**D.** **R-2**	**E.** **R-3**	**F.** **RE-1**	**G.** **RE-2**	**H.** **RE-3**	**I.** **RE-5**	**J.** **RE-10**	**K.** **Additional Regulations**
Residential Uses										
One primary single-family dwelling per parcel	P	P	P	P	P	P	P	P	P	
Two single-family dwellings or one duplex per parcel	P	P	P	P	C	C	C	C	C	
Multifamily of four units or less			P	P						
Multifamily of more than four units			C	P						
Accessory dwelling unit	P	P	P	P	P	P	P	P	P	Ch. 17.36
Junior accessory dwelling unit	P	P	P	P	P	P	P	P	P	Ch. 17.36
Day care centers, for not more than eight nonemployee occupants	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	
Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of Chapter 17.54	P	P	P	P	P	P	P	P	P	Ch. 17.54
Mobile home parks		C[2]	C	P	C	C	C	C		Ch. 17.70
Transitional housing and supportive housing	P	P	P	P	P	P	P	P	P	
Agricultural laborer housing	P	P			P	P	P	P	P	
Employee housing for six persons or less	P	P	P	P	P	P	P	P	P	
Day care centers, other than family day care homes	C	C	C	C	C	C	C	C	C	
Residential care homes of any size regardless of state licensing	P	P	P	P	P	P	P	P	P	

Key		**Blank Cell – Not Permitted** **"P" – Permitted without Discretionary Review** **"C" – Discretionary Review Required**								
A. **Land Use Classification**	**B.** **R-0**	**C.** **R-1**	**D.** **R-2**	**E.** **R-3**	**F.** **RE-1**	**G.** **RE-2**	**H.** **RE-3**	**I.** **RE-5**	**J.** **RE-10**	**K.** **Additional Regulations**
Emergency shelters			P	P						Ch. 17.58
Mobile home on permanent foundation	P	P	P	P	P	P	P	P	P	
Boardinghouse				C						
Home Occupation	P	P	P	P	P	P	P	P	P	Ch. 17.64
Agricultural and Resources Uses										
Nurseries and greenhouses for domestic use	P	P	P	P	P	P	P	P		
Keeping of poultry when the parcel complies with the requirements of Section 17.42	P	P								Ch. 17.42
Christmas tree farms		C	C	C						
Sawmills for processing timber grown only on the same parcel as the sawmill is located, for a period not to exceed 60 days		C			C	C	C	C	C	
General farming and ranching					P	P	P	P	P	
Agricultural processing facilities and activities for the agricultural product grown on the parcel					P[3,4]	P[3,4]	P[3,5]	P[3,6]	P[3,7]	
Agricultural by-product processing facilities accessory to the agricultural operation on the parcel					P	P	P	P	P	
Agricultural marketing facilities or activities					C	C	P	P	P	
U-pick operations					C	C	C	P	P	
Private stables					P	P	P	P	P	
Commercial stables and, riding clubs including, but not limited to, accessory shows and clinics								C	C	

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	**B. R-0**	**C. R-1**	**D. R-2**	**E. R-3**	**F. RE-1**	**G. RE-2**	**H. RE-3**	**I. RE-5**	**J. RE-10**	**K. Additional Regulations**
Growing and harvesting timber products					P	P	P	P	P	
Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests					C	C	C	P	P	
Institutional and Recreation Uses										
General recreation and parks open to the public	C	C	C	C						
General non-commercial recreational use incidental to the primary use of the parcel	P	P	P	P	P	P	P	P	P	
Firehouses and police stations	P	P	P	P						
Public schools	P	P	P	P	P	P	P	P	P	
On- and off-shore marina facilities		C	C	C	C	C	C	C	C	
Tent revivals, circuses, and carnivals		C	C	C	C	C	C	C	C	
Weddings and Commercial Events[8]		C	C	C	C	C	C	C	C	
Public utility distribution facilities	P	P	P	P						
Health care facilities	C	C	C	C	C	C	C			
Private and alternative schools, places of worship, libraries, museums, art galleries, tourist information facilities	C	C	C	C	C	C	C	C		
Public utility uses	C	C	C	C	C	C	C	C	C	
Water treatment plants					C	C	C	C	C	
Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants						C	C	C	C	
Public safety facilities					P	P	P	P	P	

Key		**Blank Cell – Not Permitted** **"P" – Permitted without Discretionary Review** **"C" – Discretionary Review Required**								
A. **Land Use Classification**	**B.** **R-0**	**C.** **R-1**	**D.** **R-2**	**E.** **R-3**	**F.** **RE-1**	**G.** **RE-2**	**H.** **RE-3**	**I.** **RE-5**	**J.** **RE-10**	**K.** **Additional Regulations**
Refuse and sewage disposal sites and water and sewer treatment plants		C	C	C						
Airports and heliports						C	C	C	C	
Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities					C	C	C	C	C	
Cemeteries								C	C	
Mortuaries, funeral homes, mausoleums, columbaria and crematoria, when in conjunction with a cemetery								C	C	
Educational workshops, craft demonstrations, and demonstration gardens not accessory to the primary agricultural use of the parcel								C	C	
Petting zoo								C	C	
Commercial Uses										
Bed and breakfast establishments, six bedrooms or less	C[1]	C[1]	C[1]		C[1]	P[1]	P[1]	P[1]	P[1]	
Roadside stand up to 1,500 square feet in area					C	C	C	P	P	Ch. 17.62
Roadside stand exceeding 1,500 square feet in area								C	C	
Animal hospitals, indoors					C	C	C	P	P	
Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities								C	C	
Commercial composting facilities								C	C	

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	**B. R-0**	**C. R-1**	**D. R-2**	**E. R-3**	**F. RE-1**	**G. RE-2**	**H. RE-3**	**I. RE-5**	**J. RE-10**	**K. Additional Regulations**
Commercial events on agricultural land pursuant to Section 17.48								C	C	Ch. 17.48
Industrial Uses										
Prospecting	P	P	P	P	P	P	P	P	P	
Development of aggregate resources		C	C	C	C	C	C	C	C	
Communications Facilities										
Construction, alteration, or maintenance of gas, water, sewer, electrical, communication, or other public utility distribution facilities, except as otherwise provided in this Code					P	P	P	P	P	
Wireless Communication Facilities								C	C	Ch. 17.94
Temporary Uses										
Temporary sales offices for parcels and residences	C	C	C	C	C	C	C	C	C	Ch. 17.92
Accessory Uses										
Private garages accessory to a single-family dwelling, or one private garage, not to exceed 4,000 square feet, as a primary use of the parcel	P[9]	P[9]	P[9]	P[9]	P	P	P	P	P	
Accessory uses and structures appurtenant to permitted uses	P	P	P	P	P	P	P	P	P	Ch. 17.38
Accessory uses and structures appurtenant to conditional uses	C	C	C	C	C	C	C	C	C	Ch. 17.38

Key		Blank Cell – Not Permitted "P" – Permitted without Discretionary Review "C" – Discretionary Review Required								
A. Land Use Classification	**B. R-0**	**C. R-1**	**D. R-2**	**E. R-3**	**F. RE-1**	**G. RE-2**	**H. RE-3**	**I. RE-5**	**J. RE-10**	**K. Additional Regulations**
Educational workshops, craft demonstrations, or demonstration gardens accessory to the agricultural operation on the parcel					C	C	C	P	P	

[1] Within a permitted single-family dwelling.

[2] For provisions on mobile home accessory structures see Chapter 15.12 of this Code.

[3] Use becomes conditional when facilities and activities are not for the agricultural product grown on the parcel.

[4] Not to exceed 20% of the parcel size or one-half acre, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or one-half acre, whichever is less.

[5] Not to exceed 20% of the parcel size or one acre, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or one acre, whichever is less.

[6] Not to exceed 20% of the parcel size or two acres, whichever is less. Use becomes conditional when it exceeds 20% of the parcel size or two acres, whichever is less.

[7] Not to exceed 10% of the parcel size or two acres, whichever is less. Use becomes conditional when it exceeds 10% of the parcel size or two acres, whichever is less.

[8] Where a fee is required.

[9] Not to exceed a building coverage of 25% of the parcel or 4,000 square feet, whichever is less.

ARTICLE 3 - Chapter 17.22

STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

17.22.010 Purpose.
17.22.020 Height Regulations.
17.22.030 Parcel, Yard, and Space Regulations.
17.22.040 Accessory Structures.
17.22.050 Surface Parking Lots Screening Requirements.
17.22.060 Clustered Development.

17.22.010 Purpose. This Chapter establishes regulations for height, parcel, yard, and spaces.

17.22.020 Height Regulations.

A. Applicability. The following height regulations shall apply in zoning districts established pursuant to this title:

1. Except as otherwise provided in this Chapter, the height limit for all structures shall be forty feet from grade in the following districts: A-10, O, O-1, R-1, R-2, R-0, RE-1, RE-2, RE-3, RE-5 and RE-10.
2. Except as otherwise provided in this Chapter, the height limit for all structures shall be fifty feet from grade in the following districts: C-K, C-1, C-2, C-S, BP, MU, MPZ, TPZ, P, M-1, M-2, AE-37, K, R-3, C-O and A-20.

B. Chimneys, vents, and architectural appurtenances. Chimneys, vents, and architectural and mechanical appurtenances may exceed the height limit of the district in which they are located by a distance not to exceed ten feet.

C. Extension of limit. Height limits set forth in this Chapter for structures may be extended, provided a use permit is first secured, and further provided that no such extension shall be granted where it would violate applicable building codes. If such a use permit is granted, the distance by which the proposed structure exceeds the height limit for the district shall be added to the required side yard setback.

D. Exclusions and exceptions.

1. Except as provided in Subdivision B or Chapter 17.94, public utility poles and communication facilities are excluded from height regulations for districts established pursuant to this Chapter.
2. Ground-mounted antennas that do not exceed 60 feet in height as measured from finished grade at the base of the antenna and building-mounted antennas that do not extend above the maximum height limit of the zoning district that are operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, are permitted in all zoning districts.
3. Biomass facilities with equipment that does not exceed 115 feet in height as measured from finished grade at the base of the structure, are exempt from a Use Permit.

17.22.030 Parcel, Yard, and Space Regulations.

A. Applicability. The provisions of this Chapter shall apply in all districts except

those in which planned unit development regulations apply.

B. Setbacks. Building setbacks shall be as follows:

1. Within any zoning district, no building shall be located closer than thirty-five feet to the centerline of any street or right-of-way, excluding alleys, except as otherwise provided herein. Existing buildings within any zoning district which are nonconforming only because they encroach within thirty-five feet of the centerline of a street right-of-way, may not be structurally altered and enlarged unless a use permit is first obtained, except a use permit is not required for new construction which meets or exceeds setback requirements in effect as of the date of issuance of the building permit for that new construction.

2. ~~1~~ In the R-0 district, no building shall be located closer to the parcel boundary lines by the following distances: ten feet from the front boundary, fifteen feet from the rear boundary and six feet from the side boundaries.

3.~~2~~ In all districts except C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2, no building shall be located closer to the parcel boundary lines by the following distances: fifteen feet from the front boundary, fifteen feet from the rear boundary and six feet from the side boundaries.

4.~~3~~ In the C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2 districts, where such districts abut an R district, no building shall be located closer to the parcel boundary lines than the same distances required from contiguous properties.

5.~~4~~ In Historic Design Preservation (HDP) Districts, buildings shall be exempt from the building setbacks established herein. The building setbacks shall be the same as that established by the historic buildings within the historic preservation district. Stairs and ramps that are necessary to access doors in the Historic Design Preservation (HDP) and/or Historic Combining (H) Districts can extend beyond the parcel property lines into the right-of-way, subject to an encroachment permit from the Public Works Department.

6. ~~5~~ Within the front setback, a private garage shall not exceed 575 square feet.

7. ~~6~~ Where the average slope between the edge of the pavement or traveled way and the front setback line prescribed for the zoning district is more than twenty (20) percent, a private garage or carport may be setback either 10 feet from the edge of pavement of the exiting access road or to the right-of-way; provided that the structure also satisfies the requirements listed below:

a. The structures may contain storage and workshop areas as long as they are below the street grade, or, if at or above the street grade, these facilities are outside of the required front setback area. No living area shall be permitted above, below or

within the parking structure, except when located outside of the required front setback.

b. The height does not exceed 24 feet measured from garage or carport floor to roof peak.

c. The design and colors are compatible with the residence.

d. Any proposed construction requiring a building permit must first have been approved by the Public Works Department.

e. The structure is not within any county road right-of-way without first obtaining an encroachment permit from the Public Works Department. The structure does not encroach into an established easement unless a "hold harmless" form has been signed.

f. The property owner signs a hold harmless agreement indemnifying the County and its officers, agents, employees, and representatives from any and all claims and liability of any nature whatsoever, arising out of, or in connection with, the construction and use of the garage within the building setbacks.

g. Access to the parcel is provided by a local or minor collector road.

h. The construction of the garage or carport will not interfere with existing utilities, and no portion of the foundation of the garage or carport is located closer than 5 feet to a septic tank or 8 feet to a leachline. The garage or carport is not located within the expansion area for the septic system.

8.~~7~~ In all districts, docks and accessory structures thereto, such as decks, stairways, and walkways, shall be exempt from the building setbacks established herein for the parcel boundary lines that front on a lake or reservoir on which docks are allowed by the agencies having jurisdiction over the lake or reservoir.

C. Projections into required yards.

1. The following structures may be erected or projected into any required yard:
   a. Eaves, canopies, and similar roof projections not to exceed two feet.
   b. Cornices, fireplaces, sills, bay windows, and similar architectural features that do not qualify as habitable area under the Building Code not to exceed one foot.
   c. Open, unenclosed stairways without landings.
   d. Walls, fences, and trash enclosures (8 square feet or less).

2. The following structures may be erected or projected into side and rear yards:

a. Stairways with or without landings.
b. Decks.
c. Balconies.

3. The following structures may be project four feet into front yards:
a. Uncovered decks.
b. Balconies.

4. Appurtenances including mechanical equipment, well houses that require a building permit, water tanks per county size parameters, ground-mounted solar panels, in ground pools, and fixed in place generators are not permitted to project into the required yard.

D. Front and rear boundary lines. Any portion or portions of any parcel fronting on a street right-of-way or easement that has been dedicated or offered for dedication to the public, including an alley or a public or private road right-of-way which provides primary access to more than four parcels, shall be construed to be the front boundary line. The boundary line opposite such front line shall be construed to be the rear boundary line, except where said parcel is a corner parcel. In the case of a corner parcel, the boundary lines opposite the front boundary lines shall be defined by the type of setback line for the adjoining parcels; if such lines are side boundary lines for the adjoining parcels, the lines are to be construed to be side boundary lines for the corner parcel. All boundaries other than front and rear boundary lines as defined in this section shall be construed as side boundary lines.

E. Use of lot as building site. Any parcel of land of record on the effective date of this title may be used as a building site even though the parcel is of less area or width than is required for the district in which it is located, provided that all other requirements of this title and all building codes are met. If such parcel has less than the required minimum width, the side yard setbacks may be reduced to ten percent of the width of the parcel, except such side yard setback shall in no case be less than three feet. If the substandard parcel is a corner parcel the above reductions apply, however no building may be placed closer than ten feet to any right-of-way line.

F. Separation of required space from use or structure. No space necessary to meet width, setback, area, coverage, parking, or any other requirement of this title for any use or structure shall be sold, separated, or leased away from such use or structure.

G. Sharing required yards or parking. Required yards, green spaces, or parking areas for any building or use shall in no instance be considered as providing the required yards, open spaces, or parking areas for any other building or use, either on the same parcel or an adjoining parcel.

H. Measurement of yards and setbacks from right-of-way line. Whenever a parcel adjoins any street or highway for which an official future right-of-way line has been adopted, required yards and setbacks shall be measured from such adopted right-of-way line.

I. Minimum site area – Dwelling group. Every unit within a multiple-family dwelling shall have a minimum site area of two-thousand nine-hundred square feet for each residential unit unless the units are for low/moderate income housing. This shall not be construed as requiring 2,900 square feet of floor area within each residential unit. Fifteen percent of the total area of the site (at least 200 sf) shall be set aside as green space or a recreation area.

J. Minimum site area - Hotel and motel. Every hotel, motel, and similar establishment shall have a minimum site area of five hundred square feet for each unit.

K. Obstructions of easements.

1. Except as otherwise provided herein, no person shall place or erect, nor shall any owner of record or anyone known to be in possession of a parcel of land fail or refuse to remove from that parcel, any structure or object which obstructs the purpose for which an

easement or right-of-way of record was created for public use. The owner of record or anyone known to be in possession of the parcel on which the public easement or public right-of-way is located shall be responsible for maintaining the public easement or public right-of-way free from prohibited obstructions.

2. Prior to issuance of an entitlement from the County to construct a structure within a public easement or right-of-way which has the potential to obstruct the purpose for which the public easement or right-of-way was intended, the applicant for the entitlement shall submit, to the jurisdictional agency, written permission for the construction of the structure from all parties with the right of use of the easement or right-of-way.

3. A structure authorized by the issuance of an entitlement described in subsection 2 is exempt from the provisions of subsection 1.

L. Condominiums and townhouses. Residential condominiums and townhouses shall be treated as multiple-family dwellings for the purposes of this section, and the individual dwelling units within any residential condominium or townhouse shall not be subject to the minimum parcel sizes specified in this title. Individual units within any commercial or industrial condominiums shall not be subject to the minimum parcel sizes specified in this title.

M. Conversion of mobilehome parks.[1] Parcels resulting from the conversion of a mobilehome park in which seventy-five percent or more of the mobilehome units have been installed, to a subdivision shall not be subject to the minimum parcels sizes or building setback requirements specified in this title. The minimum parcel size and building setbacks shall conform to those state standards, applicable to mobilehome parks, pursuant to which the mobilehome park was constructed.

N. Water tank/well parcels. Parcels created for the purpose of accommodating a well and/or a water tank, other water storage facility, or wastewater lift station for a public water or wastewater system or fire protection shall not be subject to the minimum parcel sizes specified in this title.

17.22.040 Accessory Structures.

A. Attached or Detached Accessory Structures shall not be used for overnight accommodation. They shall include all of the following and any similar structures as determined by the Director:

1. Ancillary structures, including storage sheds, play structures, art studios, and greenhouses.
2. Recreation-related accessory structures, including swimming pools and spas, cabanas, and enclosures for swimming pools or spas.
3. Patios and deck structures, including uncovered detached raised decks or patios over 18 inches from grade, and detached ground-level patios or decks when covered.
4. Carports or detached garages.

B. Accessory Structures do not include:

1. Accessory dwelling units.
2. Paving or patio areas 30 inches or less above grade.
3. Docks and accessory structures thereto, such as decks, stairways, and walkways.

C. Attached Accessory Structures.

1. Attached accessory structures shall be made structurally a part of and have common

[1] For provisions on mobilehome accessory structures, see Ch. 15.12 of this Code.

design with the primary structure, such as the same roof material or similar pitch.

2. An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
3. Accessory structures shall be attached to the primary structure that it is designed to serve and not to any other structure.

D. Detached Accessory Structures. The following standards shall apply to detached accessory structures unless otherwise provided in this Code.

1. A detached accessory structure shall comply with the development standards of the applicable zone unless other standards are provided in this section based on the use of the accessory structure.
2. No detached accessory structure shall be located within a required setback.
3. A minimum of six feet shall be maintained between a primary structure and a detached accessory structure and between accessory structures on the same lot.
4. Residential Zones. In residential zones, a detached accessory structure may be no higher than 8 feet at the setback line.

17.22.050 Surface Parking Lots Screening Requirements. All surface parking lots for new commercial developments should be screened from street views. Screening should not affect motorist views including the sight triangle either on the street or as they are existing from that commercial development. Screening could be achieved by buildings, walls, or by any of the following the screening strategies:

A. Landscape screening. Trees scaled to the space can be used for shade and to screen views of the surface parking lot to and from neighboring buildings.

B. Screening structures and facades. Screening structures shall include various elements such as walls, perforated metal panels, wire mesh, finished concretes, and other high quality materials that maintain architectural sensitivity to the surrounding buildings and character.

C. Public art and murals. Surface lots can incorporate public art elements such as sculptures, mural paintings, images, and other artistic facade treatments and installations.

ARTICLE 3 - Chapter 17.22

STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

17.22.010 Purpose.
17.22.020 Height Regulations.
17.22.030 Parcel, Yard, and Space Regulations.
17.22.040 Accessory Structures.
17.22.050 Surface Parking Lots Screening Requirements.
17.22.060 Clustered Development.

17.22.010 Purpose. This Chapter establishes regulations for height, parcel, yard, and spaces.

17.22.020 Height Regulations.

A. Applicability. The following height regulations shall apply in zoning districts established pursuant to this title:

1. Except as otherwise provided in this Chapter, the height limit for all structures shall be forty feet from grade in the following districts: A-10, O, O-1, R-1, R-2, R-0, RE-1, RE-2, RE-3, RE-5 and RE-10.
2. Except as otherwise provided in this Chapter, the height limit for all structures shall be fifty feet from grade in the following districts: C-K, C-1, C-2, C-S, BP, MU, MPZ, TPZ, P, M-1, M-2, AE-37, K, R-3, C-O and A-20.

B. Chimneys, vents, and architectural appurtenances. Chimneys, vents, and architectural and mechanical appurtenances may exceed the height limit of the district in which they are located by a distance not to exceed ten feet.

C. Extension of limit. Height limits set forth in this Chapter for structures may be extended, provided a use permit is first secured, and further provided that no such extension shall be granted where it would violate applicable building codes. If such a use permit is granted, the distance by which the proposed structure exceeds the height limit for the district shall be added to the required side yard setback.

D. Exclusions and exceptions.

1. Except as provided in Subdivision B or Chapter 17.94, public utility poles and communication facilities are excluded from height regulations for districts established pursuant to this Chapter.
2. Ground-mounted antennas that do not exceed 60 feet in height as measured from finished grade at the base of the antenna and building-mounted antennas that do not extend above the maximum height limit of the zoning district that are operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, are permitted in all zoning districts.
3. Biomass facilities with equipment that does not exceed 115 feet in height as measured from finished grade at the base of the structure, are exempt from a Use Permit.

17.22.030 Parcel, Yard, and Space Regulations.

A. Applicability. The provisions of this Chapter shall apply in all districts except

those in which planned unit development regulations apply.

B. Setbacks. Building setbacks shall be as follows:

1. Within any zoning district, no building shall be located closer than thirty-five feet to the centerline of any street or right-of-way, excluding alleys, except as otherwise provided herein. Existing buildings within any zoning district which are nonconforming only because they encroach within thirty-five feet of the centerline of a street right-of-way, may not be structurally altered and enlarged unless a use permit is first obtained, except a use permit is not required for new construction which meets or exceeds setback requirements in effect as of the date of issuance of the building permit for that new construction.
2. In the R-0 district, no building shall be located closer to the parcel boundary lines by the following distances: ten feet from the front boundary, fifteen feet from the rear boundary and six feet from the side boundaries.
3. In all districts except C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2, no building shall be located closer to the parcel boundary lines by the following distances: fifteen feet from the front boundary, fifteen feet from the rear boundary and six feet from the side boundaries.
4. In the C-K, C-O, C-1, C-2, C-S, BP, M-1, and M-2 districts, where such districts abut an R district, no building shall be located closer to the parcel boundary lines than the same distances required from contiguous properties.
5. In Historic Design Preservation (HDP) Districts, buildings shall be exempt from the building setbacks established herein. The building setbacks shall be the same as that established by the historic buildings within the historic preservation district. Stairs and ramps that are necessary to access doors in the Historic Design Preservation (HDP) and/or Historic Combining (H) Districts can extend beyond the parcel property lines into the right-of-way, subject to an encroachment permit from the Public Works Department.
6. Within the front setback, a private garage shall not exceed 575 square feet.
7. Where the average slope between the edge of the pavement or traveled way and the front setback line prescribed for the zoning district is more than twenty (20) percent, a private garage or carport may be setback either 10 feet from the edge of pavement of the exiting access road or to the right-of-way; provided that the structure also satisfies the requirements listed below:

    a. The structures may contain storage and workshop areas as long as they are below the street grade, or, if at or above the street grade, these facilities are outside of the required front setback area. No living area shall be permitted above, below or

within the parking structure, except when located outside of the required front setback.

b. The height does not exceed 24 feet measured from garage or carport floor to roof peak.

c. The design and colors are compatible with the residence.

d. Any proposed construction requiring a building permit must first have been approved by the Public Works Department.

e. The structure is not within any county road right-of-way without first obtaining an encroachment permit from the Public Works Department. The structure does not encroach into an established easement unless a "hold harmless" form has been signed.

f. The property owner signs a hold harmless agreement indemnifying the County and its officers, agents, employees, and representatives from any and all claims and liability of any nature whatsoever, arising out of, or in connection with, the construction and use of the garage within the building setbacks.

g. Access to the parcel is provided by a local or minor collector road.

h. The construction of the garage or carport will not interfere with existing utilities, and no portion of the foundation of the garage or carport is located closer than 5 feet to a septic tank or 8 feet to a leachline. The garage or carport is not located within the expansion area for the septic system.

8. In all districts, docks and accessory structures thereto, such as decks, stairways, and walkways, shall be exempt from the building setbacks established herein for the parcel boundary lines that front on a lake or reservoir on which docks are allowed by the agencies having jurisdiction over the lake or reservoir.

C. Projections into required yards.

1. The following structures may be erected or projected into any required yard:
   a. Eaves, canopies, and similar roof projections not to exceed two feet.
   b. Cornices, fireplaces, sills, bay windows, and similar architectural features that do not qualify as habitable area under the Building Code not to exceed one foot.
   c. Open, unenclosed stairways without landings.
   d. Walls, fences, and trash enclosures (8 square feet or less).

2. The following structures may be erected or projected into side and rear yards:

a. Stairways with or without landings.
b. Decks.
c. Balconies.

3. The following structures may be project four feet into front yards:
   a. Uncovered decks.
   b. Balconies.
4. Appurtenances including mechanical equipment, well houses that require a building permit, water tanks per county size parameters, ground-mounted solar panels, in ground pools, and fixed in place generators are not permitted to project into the required yard.

D. Front and rear boundary lines. Any portion or portions of any parcel fronting on a street right-of-way or easement that has been dedicated or offered for dedication to the public, including an alley or a public or private road right-of-way which provides primary access to more than four parcels, shall be construed to be the front boundary line. The boundary line opposite such front line shall be construed to be the rear boundary line, except where said parcel is a corner parcel. In the case of a corner parcel, the boundary lines opposite the front boundary lines shall be defined by the type of setback line for the adjoining parcels; if such lines are side boundary lines for the adjoining parcels, the lines are to be construed to be side boundary lines for the corner parcel. All boundaries other than front and rear boundary lines as defined in this section shall be construed as side boundary lines.

E. Use of lot as building site. Any parcel of land of record on the effective date of this title may be used as a building site even though the parcel is of less area or width than is required for the district in which it is located, provided that all other requirements of this title and all building codes are met. If such parcel has less than the required minimum width, the side yard setbacks may be reduced to ten percent of the width of the parcel, except such side yard setback shall in no case be less than three feet. If the substandard parcel is a corner parcel the above reductions apply, however no building may be placed closer than ten feet to any right-of-way line.

F. Separation of required space from use or structure. No space necessary to meet width, setback, area, coverage, parking, or any other requirement of this title for any use or structure shall be sold, separated, or leased away from such use or structure.

G. Sharing required yards or parking. Required yards, green spaces, or parking areas for any building or use shall in no instance be considered as providing the required yards, open spaces, or parking areas for any other building or use, either on the same parcel or an adjoining parcel.

H. Measurement of yards and setbacks from right-of-way line. Whenever a parcel adjoins any street or highway for which an official future right-of-way line has been adopted, required yards and setbacks shall be measured from such adopted right-of-way line.

I. Minimum site area – Dwelling group. Every unit within a multiple-family dwelling shall have a minimum site area of two-thousand nine-hundred square feet for each residential unit unless the units are for low/moderate income housing. This shall not be construed as requiring 2,900 square feet of floor area within each residential unit. Fifteen percent of the total area of the site (at least 200 sf) shall be set aside as green space or a recreation area.

J. Minimum site area - Hotel and motel. Every hotel, motel, and similar establishment shall have a minimum site area of five hundred square feet for each unit.

K. Obstructions of easements.

1. Except as otherwise provided herein, no person shall place or erect, nor shall any owner of record or anyone known to be in possession of a parcel of land fail or refuse to remove from that parcel, any structure or object which obstructs the purpose for which an

easement or right-of-way of record was created for public use. The owner of record or anyone known to be in possession of the parcel on which the public easement or public right-of-way is located shall be responsible for maintaining the public easement or public right-of-way free from prohibited obstructions.

2. Prior to issuance of an entitlement from the County to construct a structure within a public easement or right-of-way which has the potential to obstruct the purpose for which the public easement or right-of-way was intended, the applicant for the entitlement shall submit, to the jurisdictional agency, written permission for the construction of the structure from all parties with the right of use of the easement or right-of-way.

3. A structure authorized by the issuance of an entitlement described in subsection 2 is exempt from the provisions of subsection 1.

L. Condominiums and townhouses. Residential condominiums and townhouses shall be treated as multiple-family dwellings for the purposes of this section, and the individual dwelling units within any residential condominium or townhouse shall not be subject to the minimum parcel sizes specified in this title. Individual units within any commercial or industrial condominiums shall not be subject to the minimum parcel sizes specified in this title.

M. Conversion of mobilehome parks.[1] Parcels resulting from the conversion of a mobilehome park in which seventy-five percent or more of the mobilehome units have been installed, to a subdivision shall not be subject to the minimum parcels sizes or building setback requirements specified in this title. The minimum parcel size and building setbacks shall conform to those state standards, applicable to mobilehome parks, pursuant to which the mobilehome park was constructed.

N. Water tank/well parcels. Parcels created for the purpose of accommodating a well and/or a water tank, other water storage facility, or wastewater lift station for a public water or wastewater system or fire protection shall not be subject to the minimum parcel sizes specified in this title.

17.22.040 Accessory Structures.

A. Attached or Detached Accessory Structures shall not be used for overnight accommodation. They shall include all of the following and any similar structures as determined by the Director:

1. Ancillary structures, including storage sheds, play structures, art studios, and greenhouses.
2. Recreation-related accessory structures, including swimming pools and spas, cabanas, and enclosures for swimming pools or spas.
3. Patios and deck structures, including uncovered detached raised decks or patios over 18 inches from grade, and detached ground-level patios or decks when covered.
4. Carports or detached garages.

B. Accessory Structures do not include:

1. Accessory dwelling units.
2. Paving or patio areas 30 inches or less above grade.
3. Docks and accessory structures thereto, such as decks, stairways, and walkways.

C. Attached Accessory Structures.

1. Attached accessory structures shall be made structurally a part of and have common

[1] For provisions on mobilehome accessory structures, see Ch. 15.12 of this Code.

design with the primary structure, such as the same roof material or similar pitch.

2. An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
3. Accessory structures shall be attached to the primary structure that it is designed to serve and not to any other structure.

D. Detached Accessory Structures. The following standards shall apply to detached accessory structures unless otherwise provided in this Code.

1. A detached accessory structure shall comply with the development standards of the applicable zone unless other standards are provided in this section based on the use of the accessory structure.
2. No detached accessory structure shall be located within a required setback.
3. A minimum of six feet shall be maintained between a primary structure and a detached accessory structure and between accessory structures on the same lot.
4. Residential Zones. In residential zones, a detached accessory structure may be no higher than 8 feet at the setback line.

17.22.050 Surface Parking Lots Screening Requirements. All surface parking lots for new commercial developments should be screened from street views. Screening should not affect motorist views including the sight triangle either on the street or as they are existing from that commercial development. Screening could be achieved by buildings, walls, or by any of the following the screening strategies:

A. Landscape screening. Trees scaled to the space can be used for shade and to screen views of the surface parking lot to and from neighboring buildings.

B. Screening structures and facades. Screening structures shall include various elements such as walls, perforated metal panels, wire mesh, finished concretes, and other high quality materials that maintain architectural sensitivity to the surrounding buildings and character.

C. Public art and murals. Surface lots can incorporate public art elements such as sculptures, mural paintings, images, and other artistic facade treatments and installations.

ARTICLE 3 - Chapter 17.30

OFF-STREET PARKING

Sections:

17.30.010 Purpose.
17.30.020 Required.
17.30.030 Amount of parking required.
17.30.040 Parking requirements for medium and high density residential development within 0.25 mile of a transit stop
17.30.050 Amount of off-street parking required for a designated Historic Design Preservation District.
17.30.060 Mixed-use parking requirements.
17.30.070 Transfer of uses.
17.30.080 Fractional spaces.
17.30.090 Design and construction standards.
17.30.100 Use of parking lot to fulfill requirement.
17.30.110 Approval required for reduction in size or number.
17.30.120 Bicycle parking requirements
17.30.130 Transit waiting shelters
17.30.140 Tuolumne parking standards.

17.30.010 Purpose. This Chapter establishes regulations for off-street parking.

17.30.020 Required. Off-street parking facilities for the parking of motor vehicles shall be provided, in the amounts and in accordance with the standards set forth, in connection with all land uses and buildings hereafter erected, or hereafter increased in capacity as to floor area or other units of use, or hereafter changed from one use to another use requiring an increased amount of off-street parking. No existing off-street parking shall be eliminated or reduced to an amount less than that required by this Chapter, except as approved by the Director upon review of unique circumstances surrounding the use in question.

17.30.030 Amount of parking required. The amount of off-street parking required for the various uses shall be as set forth in the following schedule, except as provided in Sections 17.30.040, 17.30.050 or 17.30.110:

TABLE 17.30.01 PARKING SPACES REQUIRED

A. **Use**	**B.** **Parking Spaces Required**
1. Single-family dwelling	Two (2)
2. Duplex, dwelling group and multiple-family unit	Studio/efficiency one (1) space, one-bedroom unit two (2) spaces, two-bedroom unit two (2) spaces, three-bedroom unit two and one-half (2 1/2) spaces, four-bedroom unit three (3) spaces, etc.
3. Guest House	One

A. Use	B. Parking Spaces Required
4. Churches and other places for worship, mortuaries, and funeral homes	With fixed seating: One (1) for each four seats
	Without fixed seating: Maximum building occupancy load divided by four.
5. Residential care home and skilled nursing facility	One (1) for each three beds plus one for each employee per largest shift.
6. Health care facility (Hospital)	One and one-half (1 1/2) per bed plus one (1) for each employee per largest shift.
7. Hotels, motels, and bed and breakfasts	One (1) for each guest room plus two (2) for permanent manager's quarters.
8. Retail shops, discount stores, supermarket, hardware stores, convenience markets, and smaller shopping centers (less than 75,000 square feet of gross floor area.)	Minimum of eight (8) spaces, plus one (1) space for each 250 square feet of gross floor area in excess of 1,000 square feet.
9. Shopping centers (more than 75,000 square feet of gross floor area.)	Five (5) per 1,000 square feet of gross floor area
10. Banks, post offices, business, and professional offices other than medical and dental offices and clinics.	Three (3) per 1,000 square feet of gross floor area.
11. Medical and dental clinics and offices	Six (6) per 1,000 square feet of gross floor area.
12. Restaurants, bars, cocktail lounges, and nightclubs	With fixed seating: One (1) for each two (2) seats.
	Without fixed seating: 16 spaces per 1,000 square feet of seating area.
13. Sport arenas, auditoriums, theaters, halls, dance halls, skating rinks, assembly halls, and exhibition halls	One (1) for each four seats or maximum occupancy load divided by four.
14. Bowling alleys	Four (4) for each lane or alley.
15. Gymnasiums, racquet clubs, health clubs, and dance studios	Five (5) per 1,000 square feet of gross floor area.
16. Child care facilities	One and one-half (1 1/2) per employee per largest shift in addition to a safe drop-off and pick-up loading area.
17. Warehousing and general storage	One and one-half (1 1/2) per employee per largest shift.

A. Use	B. Parking Spaces Required
18. Automobile or machinery sales, service stations, and auto repair and auto servicing businesses	Three (3) per 1,000 square feet of gross floor area (Spaces at gas pumps count toward parking requirements)
19. Manufacturing plants, research testing laboratories, bottling plants, wholesale establishments, and public utility buildings and uses.	Two (2) for every three employees on the two maximum adjacent shifts, or four (4) per 1,000 square feet of gross floor area, whichever is greater.
20. General industrial use	Three (3) per 1,000 square feet of gross floor area.
21. Education uses	Business, Trade, or Vocational School One (1) per three persons based on maximum building occupancy
	College, University One (1) for every three employees, plus (1) for every three students
	School, K-12, Public or Private Elementary and Junior High Schools: one (1) per employee, plus one (1) for every 10 seats in the auditorium or multi-purpose room, whichever is greater, plus loading space for two (2) buses. High Schools: one (1) per employee, plus one (1) for every five students
22. Periodic of one-time events on private property	One (1) per three seats or three people based on maximum occupancy, whichever is greater.
23. Other uses not specifically listed above shall furnish parking as required by the Director. In determining the off-street parking requirements for said uses, the Director shall use the above requirements as a general guide and shall determine the minimum number of parking spaces required to avoid interference with the public use of streets and alleys. The Director may require that evidence be furnished to assist in making the parking determination.	

17.30.040 Parking requirements for medium and high density residential development within 0.25 mile of a transit stop. The minimum parking requirements for medium and high density residential projects located within .025 mile of a transit stop shall be as set forth in the following schedule:

TABLE 17.30.02 MEDIUM/HIGH RESIDENTIAL PARKING REQUIREMENTS WITHIN ¼ MILE OF TRANSIT STOP [1]

	A. R-0, R-2 and R-3
Studio	1
One Bedroom	1
Two-Three Bedrooms	1.5
Four + Bedrooms	1.5
Visitor [2]	0.25

[1] Transit stop refers to marked bus stops along Tuolumne County's Transit fixed-bus route service.

[2] Visitor parking is in addition to the required parking if all the spaces are assigned. Visitor parking may be included within the required parking requirement if one or none of the spaces are assigned.

17.30.050 Amount of off-street parking required for a designated Historic Design Preservation District. Whereas, the spatial relationship of a historic community and the uniqueness of the established businesses warrant a departure from the normal application of the parking requirements, all commercially zoned parcels and their attributed parking shall be treated alike. All commercially zoned parcels within a designated Historic Design Preservation (HDP) District shall be classified as if it were a "shopping center" type use and provide parking at a ratio of one (1) parking space per 250 square feet of gross floor area. This provision does not apply to motel and hotel businesses within an HDP District.

17.30.060 Mixed-use parking requirements. The total requirements of off-street parking spaces on a parcel with mixed uses shall be the sum of the requirements for the various uses computed separately. However, the review authority may reduce the parking requirement on such a parcel by up to 20% to incentivize mixed-use projects.

17.30.070 Transfer of uses. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use until the parking required for the original user of the parking area is provided at another location.

17.30.080 Fractional spaces. Any building or use requiring 0.5 or more of a parking space shall be deemed to require one full space.

17.30.090 Design and construction standards. All off-street parking facilities shall comply with the following standards:

A. The parking spaces, maneuvering areas, driveways, and pedestrian walkways shall be designed and constructed in a manner in which size, shape, and circulation pattern will afford a reasonable parking area, with reasonable and safe access thereto, for the number and type of vehicles to be accommodated. Whenever more than ten parking spaces are required for a development, the allocation of spaces may include up to 50 percent small car spaces. When fewer than ten spaces are required, each space shall be full size. The number of handicapped spaces shall be in accordance with the State Accessibility Standards, (referenced in Subdivision G. below).

B. Full size perpendicular spaces shall be 9' x 20', small car spaces shall be 8' x 16', and handicapped spaces shall be in accordance with the State Accessibility Standards, (referenced in Subdivision G. below).

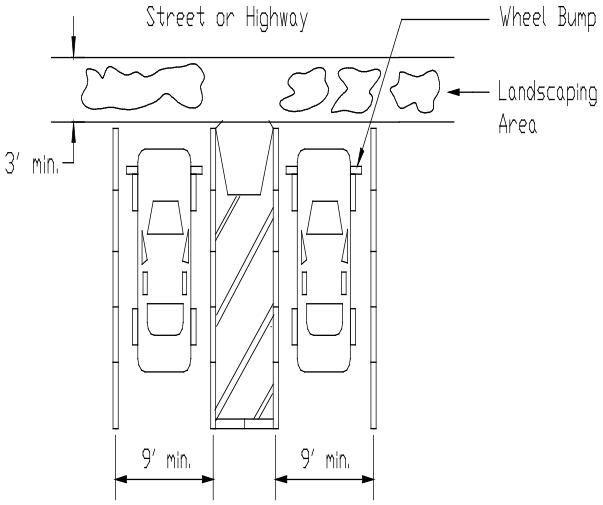
C. In commercial developments, the parking areas shall be paved, striped, and lined in accordance with the Community Development Department's latest standards. All other development projects shall have parking spaces clearly marked and such marking shall be maintained in a visible and legible manner.

D. Where lighting is required, the light shall be in accordance with dark sky standards and so shielded or directed such that the illumination will be adequate for the parking facility and/or structures involved in the project. In any case, the type and location of the lighting chosen shall not be disruptive to surrounding land uses.

E. All parking areas shall be constructed to provide adequate drainage.

F. Perimeter Planting Strips. For all uses, except single-family dwellings, all off-street parking facilities abutting a public street or highway, excepting those portions comprising driveways or pedestrian walkways, shall be bounded on the street or highway side or sides by a planting strip with a minimum of three feet of vegetation. The three feet of vegetation area shall be as follows:

Figure 17.30.1



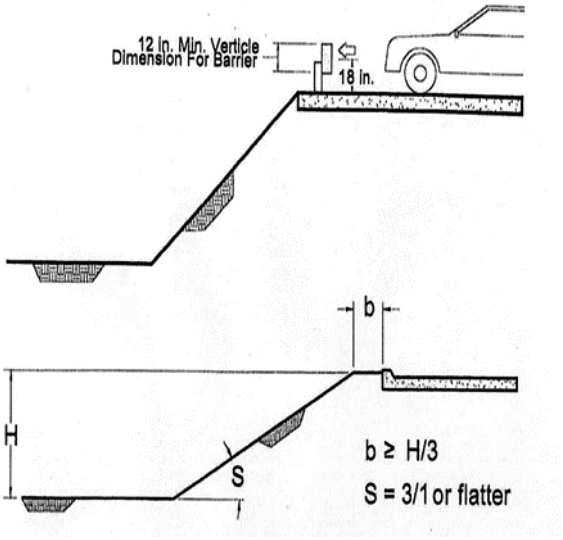
The planting strip shall be delineated by a concrete, or other material, barrier and planted according to the Community Development Department's latest landscaping guidelines.

G. Handicapped Parking. Parking spaces for the physically handicapped shall be located, constructed, maintained, and otherwise meet all requirements set forth in the State Accessibility Standards of the California Building Standards Code (Title 24 California Code of Regulations), as it may be amended from time to time.

H. Employee Parking. Tandem parking for employees may be allowed subject to approval by the Director.

I. Vehicle Barriers. Except as otherwise provided herein, all parking areas more than five feet above adjacent grade shall be provided with vehicle parking barriers. The barrier shall be designed to be able to hold a horizontal load of 6,000 pounds applied at right angles to the vehicle barrier at a height of 18 inches above the parking surface. The force may be distributed over a one foot square area and shall be applied at 18 inches above grade. The minimum dimension for the barrier shall be 12 inches as shown below. The requirement for vehicle barriers shall not apply to parking garages for Group U (residential) Occupancy, as defined by the California Building Code, or to parking areas when the adjacent slope is less than 3:1 and the area in front of the parking space is equal to or greater than H/3 as shown below:

Figure 17.30.2



17.30.100 Use of parking lot to fulfill requirement. Off-site private parking lots maintained within 300 feet of a particular use or business for the exclusive use of patrons and employees of such use or business may be used to provide the required amount of parking for the particular use or business. Off-site private parking lots may be located at a distance greater than 300 feet if the particular business provides a parking valet or jitney service and the Director determines that such service will substantially comply with the provisions of this Chapter. In any event the terms, conditions, and duration of the private parking lot shall be described within the Community Development

Department's latest off-site parking agreement.

17.30.110 Approval required for reduction in size or number. Parking spaces provided to meet the requirements of this Chapter shall not be reduced in size or number, modified, or eliminated without the express prior approval of the Director based upon a determination that changed conditions or uses justify such reduction, modification, or elimination of parking spaces or area.

17.30.120 Bicycle Parking Requirements. Bicycle parking shall be provided in addition to all required parking spaces in compliance with the following standards:

A. New development projects shall provide bicycle parking as follows:

1. New multi-unit development of ten units or more, at a rate of one space for every eight (8) dwelling units; and
2. New nonresidential development of 10,000 square feet or more at a rate of one (1) space per 2,500 square feet of gross floor area.

B. Each bicycle parking space shall comply with the following design standards:

1. Each bicycle parking space shall provide a secure, stationary, parking device to adequately secure the bicycle frame and at least one wheel with both wheels left on the bicycle. One such structure may provide multiple bicycle parking spaces.
2. Bike parking shall be located no more than 80 feet, and shall be visible from, the entrance of a nonresidential use. Signage shall be posted at the entrance of the property indicating the location of bicycle parking.
3. Bike parking for multifamily uses shall be located on the same parcel and fully enclosed or in a secure location.
4. Where multiple retail stores, offices, or related commercial uses operate in close proximity to each other, the property and/or designated business representatives may request the County to allow clustering of required bicycle parking spaces in one or more secure, connected bicycle racks or corrals, provided this type of parking arrangement can be implemented within an average of no more than 80 feet to the entrances of all uses on the parcel.

17.30.130 Transit waiting shelters. Prior to the issuance of any building permit or approval of any improvement plans for any development consisting of more than 10 dwelling units or 40,000 square feet of nonresidential space, the property owner or project proponent shall sign and record an agreement with Tuolumne County to provide for an easement(s) and/or to construct a concrete foundation, benches, and an electrical connection necessary to accommodate placement of a transit waiting shelter within 100 feet of at least one building in the development.

17.30.140 Tuolumne Parking Standards. The parking provisions established in this Chapter shall apply to the area within the boundary of the *Tuolumne Parking & Alleyway Study* dated October 15, 2010, as it may be amended by the Board of Supervisors, except as modified by this section:

A. Parking shall be provided as required herein for various land uses, construction of new buildings, expansion of land uses or buildings that adds capacity for use, or changes from one use to another use requiring an increased amount of parking.

1. No additional parking shall be required for any existing use or for any change in use of a

building that was in existence on January 1, 2012, provided that parking shall be required for any expansion of the building after January 1, 2012.

2. No additional parking shall be required to reconstruct or replace a building that was in existence on January 1, 2012, except that if reconstruction or replacement of a building has not been completed after eighteen (18) months from the start date of demolition, all parking requirements shall be met. The Director may extend the time period for completing the reconstruction or replacement if the property owner is making a good faith effort to complete the construction based upon information submitted by the property owner in a written statement describing the efforts being made.

B. The area shall be classified as a "shopping center" for purposes of providing parking for non-residential land uses and parking shall be provided at a ratio of one (1) parking space per 250 feet of gross floor area.

C. Parking for all residential land uses shall be provided in accordance with Sections 17.30.030 and 17.30.040.

D. Due to the availability of on-street parking, each parcel within the area, except those parcels zoned R-1, shall be given a one-time credit of three (3) spaces toward meeting parking requirements.

E. The Tuolumne In-Lieu Parking Program is hereby established for non-residential land uses as an alternative to providing parking as required herein:

1. The In-Lieu Parking Program shall be voluntary;
2. A developer shall have the option to provide the parking spaces as required or contribute to the Tuolumne Parking Fund by paying the Tuolumne In-Lieu Parking Fee established in Section 3.40.045 of this title for each parking space required, or a combination thereof.
3. The Tuolumne Parking Fund shall be used to finance the construction of community parking facilities.
4. In order to encourage the development of community parking facilities, a 20% parking credit shall be provided for developments that pay the Tuolumne In-Lieu Parking Fee. The 20% credit shall be implemented as a 20% reduction in the number of parking spaces for which the In-Lieu Parking Fee is paid. The amount of the credit shall be prorated where a development provides a combination of payment of the Tuolumne In-Lieu Parking Fee and parking spaces.

ARTICLE 3 - Chapter 17.30

OFF-STREET PARKING

Sections:

17.30.010 Purpose.
17.30.020 Required.
17.30.030 Amount of parking required.
17.30.040 Parking requirements for medium and high density residential development within 0.25 mile of a transit stop
17.30.050 Amount of off-street parking required for a designated Historic Design Preservation District.
17.30.060 Mixed-use parking requirements.
17.30.070 Transfer of uses.
17.30.080 Fractional spaces.
17.30.090 Design and construction standards.
17.30.100 Use of parking lot to fulfill requirement.
17.30.110 Approval required for reduction in size or number.
17.30.120 Bicycle parking requirements
17.30.130 Transit waiting shelters
17.30.140 Tuolumne parking standards.

17.30.010 Purpose. This Chapter establishes regulations for off-street parking.

17.30.020 Required. Off-street parking facilities for the parking of motor vehicles shall be provided, in the amounts and in accordance with the standards set forth, in connection with all land uses and buildings hereafter erected, or hereafter increased in capacity as to floor area or other units of use, or hereafter changed from one use to another use requiring an increased amount of off-street parking. No existing off-street parking shall be eliminated or reduced to an amount less than that required by this Chapter, except as approved by the Director upon review of unique circumstances surrounding the use in question.

17.30.030 Amount of parking required. The amount of off-street parking required for the various uses shall be as set forth in the following schedule, except as provided in Sections 17.30.040, 17.30.050 or 17.30.110:

TABLE 17.30.01 PARKING SPACES REQUIRED

A. **Use**	**B.** **Parking Spaces Required**
1. Single-family dwelling	Two (2)
2. Duplex, dwelling group and multiple-family unit	Studio/efficiency one (1) space, one-bedroom unit two (2) spaces, two-bedroom unit two (2) spaces, three-bedroom unit two and one-half (2 1/2) spaces, four-bedroom unit three (3) spaces, etc.
3. Guest House	One

A. Use	B. Parking Spaces Required
4. Churches and other places for worship, mortuaries, and funeral homes	With fixed seating: One (1) for each four seats
	Without fixed seating: Maximum building occupancy load divided by four.
5. Residential care home and skilled nursing facility	One (1) for each three beds plus one for each employee per largest shift.
6. Health care facility (Hospital)	One and one-half (1 1/2) per bed plus one (1) for each employee per largest shift.
7. Hotels, motels, and bed and breakfasts	One (1) for each guest room plus two (2) for permanent manager's quarters.
8. Retail shops, discount stores, supermarket, hardware stores, convenience markets, and smaller shopping centers (less than 75,000 square feet of gross floor area.)	Minimum of eight (8) spaces, plus one (1) space for each 250 square feet of gross floor area in excess of 1,000 square feet.
9. Shopping centers (more than 75,000 square feet of gross floor area.)	Five (5) per 1,000 square feet of gross floor area
10. Banks, post offices, business, and professional offices other than medical and dental offices and clinics.	Three (3) per 1,000 square feet of gross floor area.
11. Medical and dental clinics and offices	Six (6) per 1,000 square feet of gross floor area.
12. Restaurants, bars, cocktail lounges, and nightclubs	With fixed seating: One (1) for each two (2) seats.
	Without fixed seating: 16 spaces per 1,000 square feet of seating area.
13. Sport arenas, auditoriums, theaters, halls, dance halls, skating rinks, assembly halls, and exhibition halls	One (1) for each four seats or maximum occupancy load divided by four.
14. Bowling alleys	Four (4) for each lane or alley.
15. Gymnasiums, racquet clubs, health clubs, and dance studios	Five (5) per 1,000 square feet of gross floor area.
16. Child care facilities	One and one-half (1 1/2) per employee per largest shift in addition to a safe drop-off and pick-up loading area.
17. Warehousing and general storage	One and one-half (1 1/2) per employee per largest shift.

A. Use	B. Parking Spaces Required
18. Automobile or machinery sales, service stations, and auto repair and auto servicing businesses	Three (3) per 1,000 square feet of gross floor area (Spaces at gas pumps count toward parking requirements)
19. Manufacturing plants, research testing laboratories, bottling plants, wholesale establishments, and public utility buildings and uses.	Two (2) for every three employees on the two maximum adjacent shifts, or four (4) per 1,000 square feet of gross floor area, whichever is greater.
20. General industrial use	Three (3) per 1,000 square feet of gross floor area.
21. Education uses	Business, Trade, or Vocational School One (1) per three persons based on maximum building occupancy
	College, University One (1) for every three employees, plus (1) for every three students
	School, K-12, Public or Private Elementary and Junior High Schools: one (1) per employee, plus one (1) for every 10 seats in the auditorium or multi-purpose room, whichever is greater, plus loading space for two (2) buses. High Schools: one (1) per employee, plus one (1) for every five students
22. Periodic of one-time events on private property	One (1) per three seats or three people based on maximum occupancy, whichever is greater.
23. Other uses not specifically listed above shall furnish parking as required by the Director. In determining the off-street parking requirements for said uses, the Director shall use the above requirements as a general guide and shall determine the minimum number of parking spaces required to avoid interference with the public use of streets and alleys. The Director may require that evidence be furnished to assist in making the parking determination.	

17.30.040 Parking requirements for medium and high density residential development within 0.25 mile of a transit stop. The minimum parking requirements for medium and high density residential projects located within .025 mile of a transit stop shall be as set forth in the following schedule:

TABLE 17.30.02 MEDIUM/HIGH RESIDENTIAL PARKING REQUIREMENTS WITHIN ¼ MILE OF TRANSIT STOP [1]

	A. R-0, R-2 and R-3
Studio	1
One Bedroom	1
Two-Three Bedrooms	1.5
Four + Bedrooms	1.5
Visitor [2]	0.25

[1] Transit stop refers to marked bus stops along Tuolumne County's Transit fixed-bus route service.

[2] Visitor parking is in addition to the required parking if all the spaces are assigned. Visitor parking may be included within the required parking requirement if one or none of the spaces are assigned.

17.30.050 Amount of off-street parking required for a designated Historic Design Preservation District. Whereas, the spatial relationship of a historic community and the uniqueness of the established businesses warrant a departure from the normal application of the parking requirements, all commercially zoned parcels and their attributed parking shall be treated alike. All commercially zoned parcels within a designated Historic Design Preservation (HDP) District shall be classified as if it were a "shopping center" type use and provide parking at a ratio of one (1) parking space per 250 square feet of gross floor area. This provision does not apply to motel and hotel businesses within an HDP District.

17.30.060 Mixed-use parking requirements. The total requirements of off-street parking spaces on a parcel with mixed uses shall be the sum of the requirements for the various uses computed separately. However, the review authority may reduce the parking requirement on such a parcel by up to 20% to incentivize mixed-use projects.

17.30.070 Transfer of uses. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use until the parking required for the original user of the parking area is provided at another location.

17.30.080 Fractional spaces. Any building or use requiring 0.5 or more of a parking space shall be deemed to require one full space.

17.30.090 Design and construction standards. All off-street parking facilities shall comply with the following standards:

A. The parking spaces, maneuvering areas, driveways, and pedestrian walkways shall be designed and constructed in a manner in which size, shape, and circulation pattern will afford a reasonable parking area, with reasonable and safe access thereto, for the number and type of vehicles to be accommodated. Whenever more than ten parking spaces are required for a development, the allocation of spaces may include up to 50 percent small car spaces. When fewer than ten spaces are required, each space shall be full size. The number of handicapped spaces shall be in accordance with the State Accessibility Standards, (referenced in Subdivision G. below).

B. Full size perpendicular spaces shall be 9' x 20', small car spaces shall be 8' x 16', and handicapped spaces shall be in accordance with the State Accessibility Standards, (referenced in Subdivision G. below).

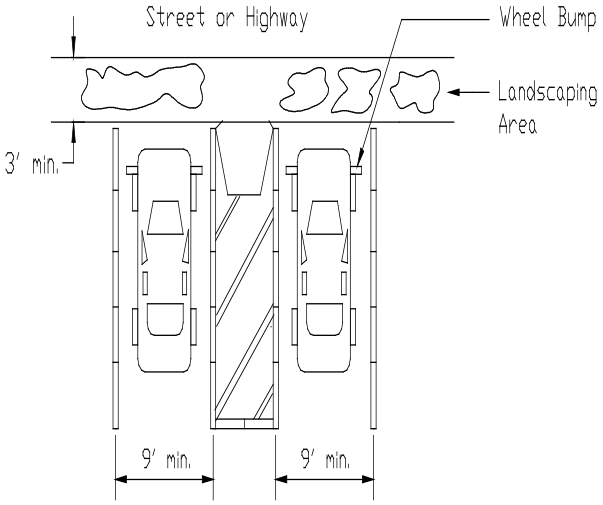
C. In commercial developments, the parking areas shall be paved, striped, and lined in accordance with the Community Development Department's latest standards. All other development projects shall have parking spaces clearly marked and such marking shall be maintained in a visible and legible manner.

D. Where lighting is required, the light shall be in accordance with dark sky standards and so shielded or directed such that the illumination will be adequate for the parking facility and/or structures involved in the project. In any case, the type and location of the lighting chosen shall not be disruptive to surrounding land uses.

E. All parking areas shall be constructed to provide adequate drainage.

F. Perimeter Planting Strips. For all uses, except single-family dwellings, all off-street parking facilities abutting a public street or highway, excepting those portions comprising driveways or pedestrian walkways, shall be bounded on the street or highway side or sides by a planting strip with a minimum of three feet of vegetation. The three feet of vegetation area shall be as follows:

Figure 17.30.1



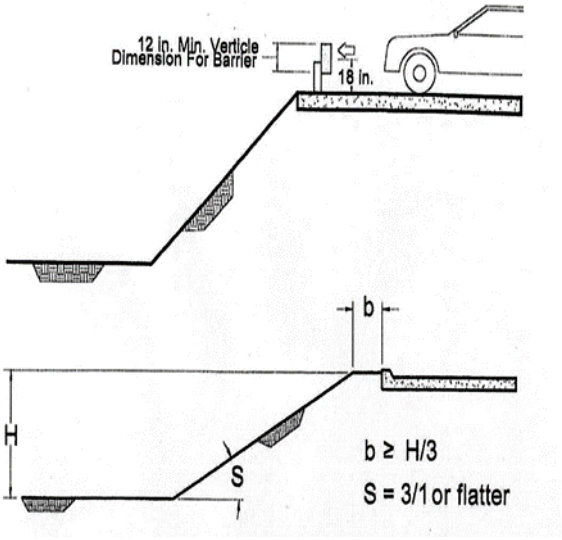
The planting strip shall be delineated by a concrete, or other material, barrier and planted according to the Community Development Department's latest landscaping guidelines.

G. Handicapped Parking. Parking spaces for the physically handicapped shall be located, constructed, maintained, and otherwise meet all requirements set forth in the State Accessibility Standards of the California Building Standards Code (Title 24 California Code of Regulations), as it may be amended from time to time.

H. Employee Parking. Tandem parking for employees may be allowed subject to approval by the Director.

I. Vehicle Barriers. Except as otherwise provided herein, all parking areas more than five feet above adjacent grade shall be provided with vehicle parking barriers. The barrier shall be designed to be able to hold a horizontal load of 6,000 pounds applied at right angles to the vehicle barrier at a height of 18 inches above the parking surface. The force may be distributed over a one foot square area and shall be applied at 18 inches above grade. The minimum dimension for the barrier shall be 12 inches as shown below. The requirement for vehicle barriers shall not apply to parking garages for Group U (residential) Occupancy, as defined by the California Building Code, or to parking areas when the adjacent slope is less than 3:1 and the area in front of the parking space is equal to or greater than H/3 as shown below:

Figure 17.30.2



17.30.100 Use of parking lot to fulfill requirement. Off-site private parking lots maintained within 300 feet of a particular use or business for the exclusive use of patrons and employees of such use or business may be used to provide the required amount of parking for the particular use or business. Off-site private parking lots may be located at a distance greater than 300 feet if the particular business provides a parking valet or jitney service and the Director determines that such service will substantially comply with the provisions of this Chapter. In any event the terms, conditions, and duration of the private parking lot shall be described within the Community Development

Department's latest off-site parking agreement.

17.30.110 Approval required for reduction in size or number. Parking spaces provided to meet the requirements of this Chapter shall not be reduced in size or number, modified, or eliminated without the express prior approval of the Director based upon a determination that changed conditions or uses justify such reduction, modification, or elimination of parking spaces or area.

17.30.120 Bicycle Parking Requirements. Bicycle parking shall be provided in addition to all required parking spaces in compliance with the following standards:

A. New development projects shall provide bicycle parking as follows:

1. New multi-unit development of ten units or more, at a rate of one space for every eight (8) dwelling units; and
2. New nonresidential development of 10,000 square feet or more at a rate of one (1) space per 2,500 square feet of gross floor area.

B. Each bicycle parking space shall comply with the following design standards:

1. Each bicycle parking space shall provide a secure, stationary, parking device to adequately secure the bicycle frame and at least one wheel with both wheels left on the bicycle. One such structure may provide multiple bicycle parking spaces.
2. Bike parking shall be located no more than 80 feet, and shall be visible from, the entrance of a nonresidential use. Signage shall be posted at the entrance of the property indicating the location of bicycle parking.
3. Bike parking for multifamily uses shall be located on the same parcel and fully enclosed or in a secure location.
4. Where multiple retail stores, offices, or related commercial uses operate in close proximity to each other, the property and/or designated business representatives may request the County to allow clustering of required bicycle parking spaces in one or more secure, connected bicycle racks or corrals, provided this type of parking arrangement can be implemented within an average of no more than 80 feet to the entrances of all uses on the parcel.

17.30.130 Transit waiting shelters. Prior to the issuance of any building permit or approval of any improvement plans for any development consisting of more than 10 dwelling units or 40,000 square feet of nonresidential space, the property owner or project proponent shall sign and record an agreement with Tuolumne County to provide for an easement(s) and/or to construct a concrete foundation, benches, and an electrical connection necessary to accommodate placement of a transit waiting shelter within 100 feet of at least one building in the development.

17.30.140 Tuolumne Parking Standards. The parking provisions established in this Chapter shall apply to the area within the boundary of the *Tuolumne Parking & Alleyway Study* dated October 15, 2010, as it may be amended by the Board of Supervisors, except as modified by this section:

A. Parking shall be provided as required herein for various land uses, construction of new buildings, expansion of land uses or buildings that adds capacity for use, or changes from one use to another use requiring an increased amount of parking.

1. No additional parking shall be required for any existing use or for any change in use of a

building that was in existence on January 1, 2012, provided that parking shall be required for any expansion of the building after January 1, 2012.

2. No additional parking shall be required to reconstruct or replace a building that was in existence on January 1, 2012, except that if reconstruction or replacement of a building has not been completed after eighteen (18) months from the start date of demolition, all parking requirements shall be met. The Director may extend the time period for completing the reconstruction or replacement if the property owner is making a good faith effort to complete the construction based upon information submitted by the property owner in a written statement describing the efforts being made.

B. The area shall be classified as a "shopping center" for purposes of providing parking for non-residential land uses and parking shall be provided at a ratio of one (1) parking space per 250 feet of gross floor area.

C. Parking for all residential land uses shall be provided in accordance with Sections 17.30.030 and 17.30.040.

D. Due to the availability of on-street parking, each parcel within the area, except those parcels zoned R-1, shall be given a one-time credit of three (3) spaces toward meeting parking requirements.

E. The Tuolumne In-Lieu Parking Program is hereby established for non-residential land uses as an alternative to providing parking as required herein:

1. The In-Lieu Parking Program shall be voluntary;
2. A developer shall have the option to provide the parking spaces as required or contribute to the Tuolumne Parking Fund by paying the Tuolumne In-Lieu Parking Fee established in Section 3.40.045 of this title for each parking space required, or a combination thereof.
3. The Tuolumne Parking Fund shall be used to finance the construction of community parking facilities.
4. In order to encourage the development of community parking facilities, a 20% parking credit shall be provided for developments that pay the Tuolumne In-Lieu Parking Fee. The 20% credit shall be implemented as a 20% reduction in the number of parking spaces for which the In-Lieu Parking Fee is paid. The amount of the credit shall be prorated where a development provides a combination of payment of the Tuolumne In-Lieu Parking Fee and parking spaces.

Chapter 17.94

WIRELESS COMMUNICATIONS FACILITIES

Sections:

17.94.010 Purpose.
17.94.020 Applicability.
17.94.030 Exempt facilities.
17.94.040 Permit required.
17.94.050 Application for a Use Permit
17.94.060 Procedures for processing a Use Permit application.
17.94.070 Review and consideration of a Use Permit application.
17.94.080 Location.
17.94.090 Setbacks.
17.94.100 Service gaps.
17.94.110 Height determination.
17.94.120 Visual compatibility.
17.94.130 Signs prohibited.
17.94.140 Lighting.
17.94.150 Roads and parking.
17.94.160 Vegetation protection and facility screening.
17.94.170 Fire Prevention.
17.94.180 Noise.
17.94.190 Radio frequency emission regulations
17.94.200 Co-located and multiple-user facilities.
17.94.210 Abandonment of facility.
17.94.220 Agreement and security to maintain and remove facility.
17.94.230 Indemnification.

17.94.010 Purpose. The purpose of this chapter is to provide a uniform and comprehensive set of standards for Major wireless communication facilities (as defined in Section 17.04.927 of this Code of Ordinances). The regulations contained herein are designed to protect and promote public safety, community welfare, and the visual quality of the County of Tuolumne, as set forth in the goals, policies, and programs of the Tuolumne County General Plan, while at the same time providing for the installation of new communication facilities. It is also the intent of this chapter to ensure a balance between public concerns and private interests in establishing wireless communication and related facilities.

17.94.020 Applicability. The provisions of this chapter apply only to major wireless communication facilities and modifications to preexisting major wireless communication facilities.

17.94.030 Exempt facilities. The following facilities are exempt from the provisions of this chapter:

A. Minor wireless communication facilities (as defined in Chapter 17.04).

B. Preexisting major wireless communication facilities, except that substantial modifications to such facilities shall comply with the provisions of this chapter.

C. Major wireless communication facilities added to an approved co-located or multiple-user wireless communication facility.

D. Major wireless communication facilities located within the interior of a structure or on the exterior of a structure, including, but not limited to, a building or water tank, which do not change the outward appearance of the structure when viewed from 25 feet away. As used in this subsection, structure shall not include a wireless communication tower.

E. Major wireless communication facilities located on an electrical transmission tower or utility pole that do not substantially change the

appearance of the structure, as determined by the Community Development Department Director (Director). Substantial change is defined in Chapter 17.04.

F. Major wireless communication facilities located on parcels on tribal lands or under the jurisdiction of a public entity, including federal, state, or local government agencies; public utilities; special service districts; or other public agencies.

G. Wireless communication facilities used by government agencies, public utilities, or other public agencies where the height does not exceed 100 feet.

H. Wireless communication facilities, including community networks or neighborhood repeaters, where the principal use of the facility is to receive and transmit communication services to occupants other than those of the parcel on which the facility is located, subject to the following provisions, as determined by the Director:

1. The facility shall be located, designed, and screened to reduce visual obtrusiveness and maintain consistency with the height of neighboring residences or other structures.
2. A plan for a wireless communication facility—community network or neighborhood repeater—shall be submitted to the Community Development Department providing the following information:
    a. A map showing the location of the proposed facility and all land uses adjacent to the site.
    b. A map identifying the boundaries of the area that will be served by the proposed facility and all related facilities within the county that are part of the same network of coverage as the proposed facility.
    c. Proof of legal access to the parcel on which the proposed facility is to be located.
    d. The design of the facility and any accessory equipment, including a visual simulation with mock-ups or photo-montages, to demonstrate that it will blend with its surroundings and that any communication towers include "anti-climbing" features to reduce the potential for trespass and injury. The visual simulation shall be drawn to scale, showing views of the facility from public areas and private residences, from four points that together form a 360 degree view and as otherwise required by the Director. All photo montages must cover all public vantage points at ground level, located five feet above grade. If public vantage points aren't available, the photos shall be taken from the nearest property line. The photos for the visual simulation must be taken close enough to accurately depict the impact of the designed facility on adjacent parcels and clearly reflect the existing conditions on the parcel on which the facility is proposed.
    e. A plan identifying the source of power to the proposed facility.

I. A temporary mobile wireless communication facility on a site for which a Use Permit for a permanent wireless communication facility has been issued. Such temporary facilities may be permitted for a maximum of 90 days subject to administrative approval by the Director. A 90-day extension may be granted by the Director upon written request of the applicant. Three 90-day extensions may be granted for a sum of not more than one year.

The mobile facility shall not exceed the height approved for the permanent facility and shall not be located on the site until all required fire safety measures have been implemented, as determined by the Fire Marshal.

J. A temporary wireless communication tower used for emergencies during a declared local, state or federal state of emergency or exempt towers for weather or fire monitoring cameras. Such temporary facilities may be permitted for a maximum of 90 days subject to administrative approval by the Director. A 90-day extension may be granted by the Director upon written request of the applicant. Three 90-day extensions may be granted for a sum of not more than one year.

K. Removal of wireless telecommunication facilities.

17.94.040 Permit required.

A. Major wireless communication facilities are declared to be conditional uses and require the issuance of Use Permits in all zoning districts.

B. Major wireless communication facilities shall be prohibited in the M-U, R-3, R-2, R-1, R-0, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.94.100.

17.94.050 Application for a Use Permit.

A. An application for a Use Permit shall be filed with the Director on a form prescribed by the Director along with required information and fees, as established in Title 3 of this Code.

B. In addition to the application requirements in Chapter 17.102, an application for a Use Permit for a major wireless communication facility shall be accompanied by the following information:

1. A map showing the location of the proposed facility and all land uses surrounding the site within 1,000 feet of the boundaries of the parcel on which the facility is proposed or on adjacent parcels, whichever is greater.
2. The design of the facility, including a cross-section or silhouette of the facility.
3. A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from the perimeter of the property, from each of the four points. All photo montages must cover all public vantage points at ground level, located five feet above grade. The visual analysis must accurately depict the impact of the designed facility on adjacent parcels and clearly reflect the existing conditions on the parcel on which the facility is proposed. The Director may require adjustments to the viewpoints, scale, or other aspects of a visual impact analysis until simulations are provided that provide adequate information to decision makers.
4. Maps identifying the boundaries of the area that will be served by the proposed facility.
5. A map identifying all related facilities within a five-mile radius of the project site that are part of the same network of coverage as the proposed facility.
6. An alternative site analysis that identifies the list of sites that were vetted and rejected by the applicant with a short description of why they were not suitable. The applicant shall fill out and submit the County's Alternative Sites Form along with the application for the Use Permit.
7. A title report.
8. Proof of legal access to the parcel on which the proposed facility is to be located.
9. Information addressing security considerations, including exterior lighting, fencing, gates, and access.
10. Maps identifying the location of existing major wireless communication facilities within a two-mile radius of the proposed facility.
11. A plan identifying the source of power to the proposed facility. If electrical service is proposed, the plan shall include the location of

proposed overhead or underground distribution lines to extend service to the proposed facility.

12. A landscape and maintenance plan identifying all existing vegetation, and/or landscaping that is to be retained on the site, any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas, and the program for maintaining landscaping in a healthy and attractive condition. The Director may waive the requirement for a landscape and maintenance plan in instances where the solutions for maintaining landscaping do not exist on site or where landscaping is not appropriate or feasible.
13. A tree protection plan for trees larger than six inches in diameter at a height of four and one-half feet when such trees are present on the project site. This plan shall be prepared by a certified arborist or registered forester and give specific measures to protect trees during project construction (see Section 17.94.170 [A], which identifies specific measures for tree protection). The Director may allow planting and maintenance of new trees in instances where protecting one or more existing trees is not feasible.
14. If the applicant will not be providing wireless communication services itself, either:
    a. A signed agreement with a provider of wireless communication services or a letter of intent to use the proposed facilities from such a provider shall be submitted with the application, or
15. A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with the applicable regulations of the Federal Communications Commission.
16. Other information as required by the Director that is necessary to conduct environmental review in accordance with the California Environmental Quality Act (CEQA). The Director may waive one or more of the items of information listed herein if similar information is already on file with the Community Development Department or to waive any requirements that are not applicable to the project site or specific site conditions.

C. The Director is authorized at their discretion to execute a contract with an independent technical expert to review applications where the facility design or location has technological or siting challenges. The Director shall determine if a review by a technical expert is required within 30 days of the submittal of an application. The applicant shall pay all the costs of said review, including any administrative costs incurred by the County. Failure of the applicant to pay the costs of such review shall render the application incomplete. Applicant may designate portions of the application that is proprietary information by clearly identifying them in the application. The Director shall determine if the applicant's request for proprietary treatment of an application material is reasonable before disclosing the information to a technical expert or to any third party.

17.94.060 Procedures for processing a Use Permit application.

A. Processing of a Use Permit application for a major wireless communication facility shall be in accordance with Chapter 17.104, except as provided in Subdivisions B and C.

B. For applications involving co-location or modification subject to Section 6409(a) of the federal Spectrum Act, a decision shall be rendered within 60 days of application submission. The 60-day clock begins when:

1. The applicant submits an application; and

2. The applicant submits written documentation addressing the applicable eligible facilities request criteria, including that the proposed modification would not cause a "substantial change" to the existing structure.

C. Notice of any public hearing for a Use Permit for a major wireless communication facility shall be given in accordance with Section 17.102.110, except the notice to adjacent property owners shall be mailed to owners of all property within 1,000 feet of the boundaries of the parcel on which the facility is proposed or to owners of adjacent parcels, whichever is greater.

17.94.070 Review and consideration of a Use Permit application. Any application for a Use Permit for a major wireless communication facility shall be reviewed for compliance with the provisions herein. In considering the application, the decision-making body shall not approve or conditionally approve an application that has not demonstrated that all the provisions can be met.

17.94.080 Location. Major wireless communication facilities shall be located to harmonize with the surrounding community as follows:

A. No facility shall be located on any parcel zoned M-U, R-3, R-2, R-1, RE-1, R-0, RE-2, RE-3, O, or O-1, or zoned any primary district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.94.100.

B. No facility shall be installed within the height restriction areas or planning referral areas of the Columbia or Pine Mountain Lake Airports or any helipad unless the airport or helipad owner/operator indicates that it will not adversely affect the operation of the airport or helipad and the Airport Land Use Commission determines the location is consistent with the Airport Land Use Compatibility Plan.

C. No facility shall be installed at a location where special painting or lighting will be required by the Federal Aviation Administration (FAA) regulations.

D. No facility shall be installed on an exposed ridgeline or at a location readily visible from any locally adopted scenic route, as identified in Figure 16.1 of the Tuolumne County General Plan, Volume II, Technical Background Report, unless it blends with the surrounding existing natural or built environment and a finding is made that no other location is technologically feasible.

17.94.090 Setbacks. Major wireless communication facilities shall adhere to the following setbacks:

A. Facilities shall be set back the distance equal to or greater than the height of the facility from all property lines.

1. When located in non-residential zoning districts and located 200 feet or more from a residential zoning district or residence, a minimum 50 foot setback will be required.
2. A variance is not needed if a service gap situation happens and tower can't meet a setback

B. Facilities shall be set back 200 feet from any parcel zoned M-U, R-3, R-2, R-1, R-0, RE-1, RE-2, RE-3, or any district that is combined with the :H, :HDP, or :D combining district.

C. Facilities shall be set back 10 feet from all roads, rights-of-way, and public easements.

D. Facilities shall be set back 200 feet from any publicly dedicated trail, public park, or public outdoor recreation area.

E. Facilities shall be set back 200 feet from any open space, as defined in Chapter 17.04.

F. Guy-wire anchors for wireless communication towers shall be set back at least 20 feet from any property line.

17.94.100 Service gaps. Notwithstanding the location and setback limitations of this chapter, a major wireless communication facility shall be granted a permit for a location in which it would otherwise be prohibited if the following can be established:

A. The applicant establishes that the facility is necessary to comply with federal law or will fill an existing significant gap (as defined in Chapter 17.04) in the ability of remote users to access the applicant's communication service,

B. That there is no alternative to the proposed location, and

C. That the manner in which it proposes to fill the gap complies in all other respects with this section unless an applicant has established that an inability to comply with any other provision would prevent the facility from being constructed at that location.

As a condition of approval of a Use Permit for a major wireless communication facility to fill a service gap, the approval authority may require the facility to be designed and used as a co-location or multiple-user facility. The County will work with applicants who are using grant funds to address service gaps and may choose to provide accommodations to those applicants related to fees.

17.94.110 Height determination. The maximum height of a wireless communication tower shall be 200 feet or twice the height of the tallest tree within one half mile. The height of a wireless communication tower shall be measured from the ground surface below the center of the base of the tower to the top of the tower itself or to the tip of the highest antenna or piece of equipment attached hereto, whichever is higher. In the case of structure-mounted towers, the height of the tower includes the height of the portion of the structure on which it is mounted. In the case of towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

17.94.120 Visual compatibility.

A. Facility structures and equipment shall be located, designed, and screened to reduce visual obtrusiveness and maintain compatibility with neighboring residences and the character of the community. This requirement shall apply to all applications, except when the applicant submits technical evidence that clearly depicts the need for a facility without screening, inability to camouflage the facility. The requirements for screening may be modified only after evidence is accepted by the decision-making body.

B. The following requirements shall apply to the design and location of all major wireless communication facilities.

1. The visual exterior surface of wireless communication support facilities, including vaults, equipment rooms, utilities, and equipment enclosures, shall be constructed out of non-reflective and non-flammable materials.
2. Support facilities shall not be taller than 15 feet in height and shall be designed to look like a building or facility typically found in the area in which the facility is located.
3. Support facilities proposed on hillsides, hilltops, or other visually sensitive areas shall be located and/or designed as follows:
    a. Sited below the ridgeline;
    b. Designed to minimize their profile;
    c. Placed underground, depressed, or located behind earth berms; or
    d. Designed to resemble a natural feature of the surrounding landscape.
4. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communication site shall be finished in a color that will minimize their visibility to the greatest extent feasible.

The design of communication towers shall include anti-climbing features to reduce the potential for trespass and injury. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner prior to the final building inspection by the Division of Building and Safety.

17.94.130 Signs prohibited. The use of any portion of a communication facility for signs other than warning or equipment information is prohibited.

17.94.140 Lighting. Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights. Exterior lighting shall be kept off except when personnel are present and shall not illuminate the site at any other time. Lighting required by the Airport Land Use Commission (ALUC) is exempt.

17.94.150 Roads and parking. To minimize ground disturbance, major wireless communication facilities shall be served by the minimum roads needed to provide safe access and minimum parking areas needed to serve maintenance vehicles, as follows:

A. Existing roads and parking areas shall be used, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Prevention Bureau and the Department of Public Works.

B. Any new roads built to serve the facility shall meet the width and structural requirements of the Fire Prevention Bureau and the Department of Public Works.

C. Any new parking areas constructed shall have an all-weather surface and shall be no larger than 350 square feet unless otherwise required by the Fire Prevention Bureau of the Department of Public Works.

17.94.160 Vegetation protection and facility screening. Major wireless communication facilities shall maintain and enhance existing native vegetation and install suitable landscaping to screen the facility, as described below. See Section 17.94.050 for the landscape and maintenance plan and tree protection plan requirements.

A. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter, as follows:

1. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas as shown on the landscape plan and within the drip line of any trees required to be preserved. Such areas shall be fenced to the satisfaction of the Director. Trash, construction debris, or spoils shall not be placed within these fences nor shall the fences henceforth be opened or moved until the project is complete and written approval to take the fences down has been received from the Director.
2. All underground lines shall be routed such that a minimum amount of damage is done to tree root systems.

B. All areas disturbed during construction other than the access road or parking areas shall be replanted with vegetation compatible with vegetation in the surrounding area to the satisfaction of the Director.

C. All vegetation on the site shall be maintained in a healthy and attractive condition. If any vegetation dies, it shall be replaced within six months as follows:

1. Vegetation planted as implementation of the landscape plan shall be replaced with species of the same size and suitable variety.
2. Native vegetation that dies as a result of construction or operation of the communication facility may be replaced at the discretion of the Director with similar species of a size acceptable to the Director to ensure rapid return to the preexisting condition.

D. No vegetation shall be removed after completion of construction of the major wireless communication facility that would increase the visibility of the facility itself or the access road and power or communication lines serving it, except when required by the Fire Prevention Bureau to abate a fire hazard or authorized by the Director to prevent blocking transmission capabilities.

17.94.170 Fire prevention. Major wireless communication facilities shall be designed and operated to minimize the risk of igniting a fire or intensifying one that otherwise occurs. The following measures shall be implemented when determined necessary by the Fire Prevention Bureau:

A. At a minimum, one-hour fire-resistant interior surfaces shall be used in the construction of all buildings.

B. Monitored automatic fire extinguishing systems approved by the Fire Prevention Bureau and rapid entry systems shall be installed in all equipment, buildings, and enclosures.

C. Vegetation clearance for fire hazard reduction may be required around all new structures and along access roads as determined by the Fire Prevention Bureau.

D. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to the final inspection under the building permit.

17.94.180 Noise. Major wireless communication facilities shall be constructed and operated to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby public parks and trails. All the following measures shall be implemented to minimize disruption:

A. Construction activities shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday, and County holidays, unless otherwise approved by the Director.

B. All generators shall be enclosed within buildings.

C. Noise attenuation measures shall be included to reduce noise levels to an exterior noise level consistent with the requirements of the Tuolumne County General Plan at each property line.

D. Exterior testing of equipment and maintenance activities shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system.

17.94.190 Radio frequency emissions regulations. Major wireless communication facilities shall be sited, constructed, and operated so they comply with the radio frequency emission regulations of the Federal Communications Commission. A major wireless communion facility shall not emit radio frequency emissions to exceed those permitted by the Federal Communications Commission regulations.

17.94.200 Co-located and multiple-user facilities. The alternatives analysis required under Section 17.94.050(B)(6) shall address the potential for co-location at an existing or new site and the potential to locate facilities as close as possible to the intended service area.

A. All co-located and multiple-user wireless communication facilities shall be designed to promote and enable facility and site sharing, including parking areas, access roads, utilities and equipment buildings, to minimize overall visual impact to the community.

B. Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good-faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing, and copies shall be provided to the Community Development Department. Co-location is not required in cases where the addition of the new services or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go offline for a significant period. An applicant shall submit an engineering report substantiating the fact that an existing tower or structure cannot support co-location of additional equipment.

C. If the establishment of facilities on a site or parcel already improved with an existing microwave band or other public service use or facility is anticipated to create interference, approval shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

D. A co-located facility shall be a permitted use not subject to a County discretionary permit if the co-located facility on which the co-located facility is proposed was subject to a discretionary permit by the County and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the co-located facility in compliance with the California Environmental Quality Act (Division 13, commencing with Section 21000, of the Public Resources Code); the requirements of Section 21166 do not apply; and the co-located facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

17.94.210 Abandonment of facility. A major wireless communication facility that has not been used for 18 months shall be deemed abandoned and shall be removed in accordance with the agreement to maintain and remove the facility referenced in Section 17.94.220.

17.94.220. Agreement and security to maintain and remove facility. An agreement to maintain the major wireless communication facility or to remove it upon abandonment of the facility or if it becomes structurally obsolete shall be signed

by the owner of the property on which the facility is proposed and be submitted along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the director to guarantee maintenance and removal of the major wireless communication facility to the director prior to issuance of a building permit for the communication facility. The amount of the security shall be based upon a County-approved (either verified by County-appointed engineer or approved by the Director) engineer's estimate submitted by the property owner for the cost of maintaining the facility over the life of the facility and the cost to remove the facility. The agreement shall bind the property owner and the property owner's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of this chapter and any conditions of approval of the Use Permit. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the County for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform. It shall also specifically authorize the County or its agents to enter into the agreement on behalf of the County. If the owner of the property is bonding with another agency, Tuolumne County must be able to access that bond money, otherwise a separate bond with the County is required. If payment is not made, and the required service is not performed, a lien will be rendered by the County on the real property for the actual cost to the County to abate the situation resulting from the failure of performance of the terms of the agreement.

17.94.230 Indemnification. The property owner, and the successor in interest, shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney fees and costs awards) arising out of, or in connection with the County's issuance of, an entitlement to establish or modify a wireless communication facility. This indemnification obligation shall extend to any effort to attack, set aside, void, or otherwise reverse or modify the issuance or modification of an entitlement under this chapter, including claims that the County acted negligently.

Chapter 17.94

WIRELESS COMMUNICATIONS FACILITIES

Sections:

17.94.010 Purpose.
17.94.020 Applicability.
17.94.030 Exempt facilities.
17.94.040 Permit required.
17.94.050 Application for a Use Permit
17.94.060 Procedures for processing a Use Permit application.
17.94.070 Review and consideration of a Use Permit application.
17.94.080 Location.
17.94.090 Setbacks.
17.94.100 Service gaps.
17.94.110 Height determination.
17.94.120 Visual compatibility.
17.94.130 Signs prohibited.
17.94.140 Lighting.
17.94.150 Roads and parking.
17.94.160 Vegetation protection and facility screening.
17.94.170 Fire Prevention.
17.94.180 Noise.
17.94.190 Radio frequency emission regulations
17.94.200 Co-located and multiple-user facilities.
17.94.210 Abandonment of facility.
17.94.220 Agreement and security to maintain and remove facility.
17.94.230 Indemnification.

17.94.010 Purpose. The purpose of this chapter is to provide a uniform and comprehensive set of standards for Major wireless communication facilities (as defined in Section 17.04.927 of this Code of Ordinances). The regulations contained herein are designed to protect and promote public safety, community welfare, and the visual quality of the County of Tuolumne, as set forth in the goals, policies, and programs of the Tuolumne County General Plan, while at the same time providing for the installation of new communication facilities. It is also the intent of this chapter to ensure a balance between public concerns and private interests in establishing wireless communication and related facilities.

17.94.020 Applicability. The provisions of this chapter apply only to major wireless communication facilities and modifications to preexisting major wireless communication facilities.

17.94.030 Exempt facilities. The following facilities are exempt from the provisions of this chapter:

A. Minor wireless communication facilities (as defined in Chapter 17.04).

B. Preexisting major wireless communication facilities, except that substantial modifications to such facilities shall comply with the provisions of this chapter.

C. Major wireless communication facilities added to an approved co-located or multiple-user wireless communication facility.

D. Major wireless communication facilities located within the interior of a structure or on the exterior of a structure, including, but not limited to, a building or water tank, which do not change the outward appearance of the structure when viewed from 25 feet away. As used in this subsection, structure shall not include a wireless communication tower.

E. Major wireless communication facilities located on an electrical transmission tower or utility pole that do not substantially change the

appearance of the structure, as determined by the Community Development Department Director (Director). Substantial change is defined in Chapter 17.04.

F. Major wireless communication facilities located on parcels on tribal lands or under the jurisdiction of a public entity, including federal, state, or local government agencies; public utilities; special service districts; or other public agencies.

G. Wireless communication facilities used by government agencies, public utilities, or other public agencies where the height does not exceed 100 feet.

H. Wireless communication facilities, including community networks or neighborhood repeaters, where the principal use of the facility is to receive and transmit communication services to occupants other than those of the parcel on which the facility is located, subject to the following provisions, as determined by the Director:

1. The facility shall be located, designed, and screened to reduce visual obtrusiveness and maintain consistency with the height of neighboring residences or other structures.
2. A plan for a wireless communication facility—community network or neighborhood repeater—shall be submitted to the Community Development Department providing the following information:
    a. A map showing the location of the proposed facility and all land uses adjacent to the site.
    b. A map identifying the boundaries of the area that will be served by the proposed facility and all related facilities within the county that are part of the same network of coverage as the proposed facility.
    c. Proof of legal access to the parcel on which the proposed facility is to be located.
    d. The design of the facility and any accessory equipment, including a visual simulation with mock-ups or photo-montages, to demonstrate that it will blend with its surroundings and that any communication towers include "anti-climbing" features to reduce the potential for trespass and injury. The visual simulation shall be drawn to scale, showing views of the facility from public areas and private residences, from four points that together form a 360 degree view and as otherwise required by the Director. All photo montages must cover all public vantage points at ground level, located five feet above grade. If public vantage points aren't available, the photos shall be taken from the nearest property line. The photos for the visual simulation must be taken close enough to accurately depict the impact of the designed facility on adjacent parcels and clearly reflect the existing conditions on the parcel on which the facility is proposed.
    e. A plan identifying the source of power to the proposed facility.

I. A temporary mobile wireless communication facility on a site for which a Use Permit for a permanent wireless communication facility has been issued. Such temporary facilities may be permitted for a maximum of 90 days subject to administrative approval by the Director. A 90-day extension may be granted by the Director upon written request of the applicant. Three 90-day extensions may be granted for a sum of not more than one year.

The mobile facility shall not exceed the height approved for the permanent facility and shall not be located on the site until all required fire safety measures have been implemented, as determined by the Fire Marshal.

J. A temporary wireless communication tower used for emergencies during a declared local, state or federal state of emergency or exempt towers for weather or fire monitoring cameras. Such temporary facilities may be permitted for a maximum of 90 days subject to administrative approval by the Director. A 90-day extension may be granted by the Director upon written request of the applicant. Three 90-day extensions may be granted for a sum of not more than one year.

K. Removal of wireless telecommunication facilities.

17.94.040 Permit required.

A. Major wireless communication facilities are declared to be conditional uses and require the issuance of Use Permits in all zoning districts.

B. Major wireless communication facilities shall be prohibited in the M-U, R-3, R-2, R-1, R-0, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.94.100.

17.94.050 Application for a Use Permit.

A. An application for a Use Permit shall be filed with the Director on a form prescribed by the Director along with required information and fees, as established in Title 3 of this Code.

B. In addition to the application requirements in Chapter 17.102, an application for a Use Permit for a major wireless communication facility shall be accompanied by the following information:

1. A map showing the location of the proposed facility and all land uses surrounding the site within 1,000 feet of the boundaries of the parcel on which the facility is proposed or on adjacent parcels, whichever is greater.
2. The design of the facility, including a cross-section or silhouette of the facility.
3. A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from the perimeter of the property, from each of the four points. All photo montages must cover all public vantage points at ground level, located five feet above grade. The visual analysis must accurately depict the impact of the designed facility on adjacent parcels and clearly reflect the existing conditions on the parcel on which the facility is proposed. The Director may require adjustments to the viewpoints, scale, or other aspects of a visual impact analysis until simulations are provided that provide adequate information to decision makers.
4. Maps identifying the boundaries of the area that will be served by the proposed facility.
5. A map identifying all related facilities within a five-mile radius of the project site that are part of the same network of coverage as the proposed facility.
6. An alternative site analysis that identifies the list of sites that were vetted and rejected by the applicant with a short description of why they were not suitable. The applicant shall fill out and submit the County's Alternative Sites Form along with the application for the Use Permit.
7. A title report.
8. Proof of legal access to the parcel on which the proposed facility is to be located.
9. Information addressing security considerations, including exterior lighting, fencing, gates, and access.
10. Maps identifying the location of existing major wireless communication facilities within a two-mile radius of the proposed facility.
11. A plan identifying the source of power to the proposed facility. If electrical service is proposed, the plan shall include the location of

proposed overhead or underground distribution lines to extend service to the proposed facility.

12. A landscape and maintenance plan identifying all existing vegetation, and/or landscaping that is to be retained on the site, any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas, and the program for maintaining landscaping in a healthy and attractive condition. The Director may waive the requirement for a landscape and maintenance plan in instances where the solutions for maintaining landscaping do not exist on site or where landscaping is not appropriate or feasible.
13. A tree protection plan for trees larger than six inches in diameter at a height of four and one-half feet when such trees are present on the project site. This plan shall be prepared by a certified arborist or registered forester and give specific measures to protect trees during project construction (see Section 17.94.170 [A], which identifies specific measures for tree protection). The Director may allow planting and maintenance of new trees in instances where protecting one or more existing trees is not feasible.
14. If the applicant will not be providing wireless communication services itself, either:
    a. A signed agreement with a provider of wireless communication services or a letter of intent to use the proposed facilities from such a provider shall be submitted with the application, or
15. A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with the applicable regulations of the Federal Communications Commission.
16. Other information as required by the Director that is necessary to conduct environmental review in accordance with the California Environmental Quality Act (CEQA). The Director may waive one or more of the items of information listed herein if similar information is already on file with the Community Development Department or to waive any requirements that are not applicable to the project site or specific site conditions.

C. The Director is authorized at their discretion to execute a contract with an independent technical expert to review applications where the facility design or location has technological or siting challenges. The Director shall determine if a review by a technical expert is required within 30 days of the submittal of an application. The applicant shall pay all the costs of said review, including any administrative costs incurred by the County. Failure of the applicant to pay the costs of such review shall render the application incomplete. Applicant may designate portions of the application that is proprietary information by clearly identifying them in the application. The Director shall determine if the applicant's request for proprietary treatment of an application material is reasonable before disclosing the information to a technical expert or to any third party.

17.94.060 Procedures for processing a Use Permit application.

A. Processing of a Use Permit application for a major wireless communication facility shall be in accordance with Chapter 17.104, except as provided in Subdivisions B and C.

B. For applications involving co-location or modification subject to Section 6409(a) of the federal Spectrum Act, a decision shall be rendered within 60 days of application submission. The 60-day clock begins when:

1. The applicant submits an application; and

2. The applicant submits written documentation addressing the applicable eligible facilities request criteria, including that the proposed modification would not cause a "substantial change" to the existing structure.

C. Notice of any public hearing for a Use Permit for a major wireless communication facility shall be given in accordance with Section 17.102.110, except the notice to adjacent property owners shall be mailed to owners of all property within 1,000 feet of the boundaries of the parcel on which the facility is proposed or to owners of adjacent parcels, whichever is greater.

17.94.070 Review and consideration of a Use Permit application. Any application for a Use Permit for a major wireless communication facility shall be reviewed for compliance with the provisions herein. In considering the application, the decision-making body shall not approve or conditionally approve an application that has not demonstrated that all the provisions can be met.

17.94.080 Location. Major wireless communication facilities shall be located to harmonize with the surrounding community as follows:

A. No facility shall be located on any parcel zoned M-U, R-3, R-2, R-1, RE-1, R-0, RE-2, RE-3, O, or O-1, or zoned any primary district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.94.100.

B. No facility shall be installed within the height restriction areas or planning referral areas of the Columbia or Pine Mountain Lake Airports or any helipad unless the airport or helipad owner/operator indicates that it will not adversely affect the operation of the airport or helipad and the Airport Land Use Commission determines the location is consistent with the Airport Land Use Compatibility Plan.

C. No facility shall be installed at a location where special painting or lighting will be required by the Federal Aviation Administration (FAA) regulations.

D. No facility shall be installed on an exposed ridgeline or at a location readily visible from any locally adopted scenic route, as identified in Figure 16.1 of the Tuolumne County General Plan, Volume II, Technical Background Report, unless it blends with the surrounding existing natural or built environment and a finding is made that no other location is technologically feasible.

17.94.090 Setbacks. Major wireless communication facilities shall adhere to the following setbacks:

A. Facilities shall be set back the distance equal to or greater than the height of the facility from all property lines.

1. When located in non-residential zoning districts and located 200 feet or more from a residential zoning district or residence, a minimum 50 foot setback will be required.
2. A variance is not needed if a service gap situation happens and tower can't meet a setback

B. Facilities shall be set back 200 feet from any parcel zoned M-U, R-3, R-2, R-1, R-0, RE-1, RE-2, RE-3, or any district that is combined with the :H, :HDP, or :D combining district.

C. Facilities shall be set back 10 feet from all roads, rights-of-way, and public easements.

D. Facilities shall be set back 200 feet from any publicly dedicated trail, public park, or public outdoor recreation area.

E. Facilities shall be set back 200 feet from any open space, as defined in Chapter 17.04.

F. Guy-wire anchors for wireless communication towers shall be set back at least 20 feet from any property line.

17.94.100 Service gaps. Notwithstanding the location and setback limitations of this chapter, a major wireless communication facility shall be granted a permit for a location in which it would otherwise be prohibited if the following can be established:

A. The applicant establishes that the facility is necessary to comply with federal law or will fill an existing significant gap (as defined in Chapter 17.04) in the ability of remote users to access the applicant's communication service,

B. That there is no alternative to the proposed location, and

C. That the manner in which it proposes to fill the gap complies in all other respects with this section unless an applicant has established that an inability to comply with any other provision would prevent the facility from being constructed at that location.

As a condition of approval of a Use Permit for a major wireless communication facility to fill a service gap, the approval authority may require the facility to be designed and used as a co-location or multiple-user facility. The County will work with applicants who are using grant funds to address service gaps and may choose to provide accommodations to those applicants related to fees.

17.94.110 Height determination. The maximum height of a wireless communication tower shall be 200 feet or twice the height of the tallest tree within one half mile. The height of a wireless communication tower shall be measured from the ground surface below the center of the base of the tower to the top of the tower itself or to the tip of the highest antenna or piece of equipment attached hereto, whichever is higher. In the case of structure-mounted towers, the height of the tower includes the height of the portion of the structure on which it is mounted. In the case of towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

17.94.120 Visual compatibility.

A. Facility structures and equipment shall be located, designed, and screened to reduce visual obtrusiveness and maintain compatibility with neighboring residences and the character of the community. This requirement shall apply to all applications, except when the applicant submits technical evidence that clearly depicts the need for a facility without screening, inability to camouflage the facility. The requirements for screening may be modified only after evidence is accepted by the decision-making body.

B. The following requirements shall apply to the design and location of all major wireless communication facilities.

1. The visual exterior surface of wireless communication support facilities, including vaults, equipment rooms, utilities, and equipment enclosures, shall be constructed out of non-reflective and non-flammable materials.
2. Support facilities shall not be taller than 15 feet in height and shall be designed to look like a building or facility typically found in the area in which the facility is located.
3. Support facilities proposed on hillsides, hilltops, or other visually sensitive areas shall be located and/or designed as follows:
    a. Sited below the ridgeline;
    b. Designed to minimize their profile;
    c. Placed underground, depressed, or located behind earth berms; or
    d. Designed to resemble a natural feature of the surrounding landscape.
4. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communication site shall be finished in a color that will minimize their visibility to the greatest extent feasible.

The design of communication towers shall include anti-climbing features to reduce the potential for trespass and injury. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner prior to the final building inspection by the Division of Building and Safety.

17.94.130 Signs prohibited. The use of any portion of a communication facility for signs other than warning or equipment information is prohibited.

17.94.140 Lighting. Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights. Exterior lighting shall be kept off except when personnel are present and shall not illuminate the site at any other time. Lighting required by the Airport Land Use Commission (ALUC) is exempt.

17.94.150 Roads and parking. To minimize ground disturbance, major wireless communication facilities shall be served by the minimum roads needed to provide safe access and minimum parking areas needed to serve maintenance vehicles, as follows:

A. Existing roads and parking areas shall be used, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Prevention Bureau and the Department of Public Works.

B. Any new roads built to serve the facility shall meet the width and structural requirements of the Fire Prevention Bureau and the Department of Public Works.

C. Any new parking areas constructed shall have an all-weather surface and shall be no larger than 350 square feet unless otherwise required by the Fire Prevention Bureau of the Department of Public Works.

17.94.160 Vegetation protection and facility screening. Major wireless communication facilities shall maintain and enhance existing native vegetation and install suitable landscaping to screen the facility, as described below. See Section 17.94.050 for the landscape and maintenance plan and tree protection plan requirements.

A. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter, as follows:

1. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas as shown on the landscape plan and within the drip line of any trees required to be preserved. Such areas shall be fenced to the satisfaction of the Director. Trash, construction debris, or spoils shall not be placed within these fences nor shall the fences henceforth be opened or moved until the project is complete and written approval to take the fences down has been received from the Director.
2. All underground lines shall be routed such that a minimum amount of damage is done to tree root systems.

B. All areas disturbed during construction other than the access road or parking areas shall be replanted with vegetation compatible with vegetation in the surrounding area to the satisfaction of the Director.

C. All vegetation on the site shall be maintained in a healthy and attractive condition. If any vegetation dies, it shall be replaced within six months as follows:

1. Vegetation planted as implementation of the landscape plan shall be replaced with species of the same size and suitable variety.
2. Native vegetation that dies as a result of construction or operation of the communication facility may be replaced at the discretion of the Director with similar species of a size acceptable to the Director to ensure rapid return to the preexisting condition.

D. No vegetation shall be removed after completion of construction of the major wireless communication facility that would increase the visibility of the facility itself or the access road and power or communication lines serving it, except when required by the Fire Prevention Bureau to abate a fire hazard or authorized by the Director to prevent blocking transmission capabilities.

17.94.170 Fire prevention. Major wireless communication facilities shall be designed and operated to minimize the risk of igniting a fire or intensifying one that otherwise occurs. The following measures shall be implemented when determined necessary by the Fire Prevention Bureau:

A. At a minimum, one-hour fire-resistant interior surfaces shall be used in the construction of all buildings.

B. Monitored automatic fire extinguishing systems approved by the Fire Prevention Bureau and rapid entry systems shall be installed in all equipment, buildings, and enclosures.

C. Vegetation clearance for fire hazard reduction may be required around all new structures and along access roads as determined by the Fire Prevention Bureau.

D. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to the final inspection under the building permit.

17.94.180 Noise. Major wireless communication facilities shall be constructed and operated to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby public parks and trails. All the following measures shall be implemented to minimize disruption:

A. Construction activities shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday, and County holidays, unless otherwise approved by the Director.

B. All generators shall be enclosed within buildings.

C. Noise attenuation measures shall be included to reduce noise levels to an exterior noise level consistent with the requirements of the Tuolumne County General Plan at each property line.

D. Exterior testing of equipment and maintenance activities shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system.

17.94.190 Radio frequency emissions regulations. Major wireless communication facilities shall be sited, constructed, and operated so they comply with the radio frequency emission regulations of the Federal Communications Commission. A major wireless communion facility shall not emit radio frequency emissions to exceed those permitted by the Federal Communications Commission regulations.

17.94.200 Co-located and multiple-user facilities. The alternatives analysis required under Section 17.94.050(B)(6) shall address the potential for co-location at an existing or new site and the potential to locate facilities as close as possible to the intended service area.

A. All co-located and multiple-user wireless communication facilities shall be designed to promote and enable facility and site sharing, including parking areas, access roads, utilities and equipment buildings, to minimize overall visual impact to the community.

B. Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good-faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing, and copies shall be provided to the Community Development Department. Co-location is not required in cases where the addition of the new services or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go offline for a significant period. An applicant shall submit an engineering report substantiating the fact that an existing tower or structure cannot support co-location of additional equipment.

C. If the establishment of facilities on a site or parcel already improved with an existing microwave band or other public service use or facility is anticipated to create interference, approval shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

D. A co-located facility shall be a permitted use not subject to a County discretionary permit if the co-located facility on which the co-located facility is proposed was subject to a discretionary permit by the County and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the co-located facility in compliance with the California Environmental Quality Act (Division 13, commencing with Section 21000, of the Public Resources Code); the requirements of Section 21166 do not apply; and the co-located facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

17.94.210 Abandonment of facility. A major wireless communication facility that has not been used for 18 months shall be deemed abandoned and shall be removed in accordance with the agreement to maintain and remove the facility referenced in Section 17.94.220.

17.94.220. Agreement and security to maintain and remove facility. An agreement to maintain the major wireless communication facility or to remove it upon abandonment of the facility or if it becomes structurally obsolete shall be signed

by the owner of the property on which the facility is proposed and be submitted along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the director to guarantee maintenance and removal of the major wireless communication facility to the director prior to issuance of a building permit for the communication facility. The amount of the security shall be based upon a County-approved (either verified by County-appointed engineer or approved by the Director) engineer's estimate submitted by the property owner for the cost of maintaining the facility over the life of the facility and the cost to remove the facility. The agreement shall bind the property owner and the property owner's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of this chapter and any conditions of approval of the Use Permit. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the County for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform. It shall also specifically authorize the County or its agents to enter into the agreement on behalf of the County. If the owner of the property is bonding with another agency, Tuolumne County must be able to access that bond money, otherwise a separate bond with the County is required. If payment is not made, and the required service is not performed, a lien will be rendered by the County on the real property for the actual cost to the County to abate the situation resulting from the failure of performance of the terms of the agreement.

17.94.230 Indemnification. The property owner, and the successor in interest, shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney fees and costs awards) arising out of, or in connection with the County's issuance of, an entitlement to establish or modify a wireless communication facility. This indemnification obligation shall extend to any effort to attack, set aside, void, or otherwise reverse or modify the issuance or modification of an entitlement under this chapter, including claims that the County acted negligently.

ARTICLE 5 - Chapter 17.100

PERMITS AND PROCEDURES

Sections:

17.100.010 Purpose.
17.100.020 Zoning Clearance.
17.100.030 Site Development Permit.
17.100.040 Planned Unit Development.
17.100.050 Use Permit.
17.100.060 Temporary Use Permit.
17.100.070 Minor Modifications.
17.100.080 Reasonable Accommodation.
17.100.090 Variance.
17.100.100 Emergency Permits.
17.100.110 General Plan and Zoning Ordinance.
17.100.120 Home Occupation Permit.
17.100.130 Similar Use Determination.
17.100.140 Specific Plan.
17.100.150 Community Plan.

17.100.010 Purpose. The purpose of this Chapter is to establish permit types and procedures necessary for the efficient processing of land use and development applications, permits, and other approvals.

17.100.020 Zoning Clearance. The Zoning Clearance process is intended to ensure that all new and modified uses and structures comply with applicable provisions of this Zoning Ordinance, using administrative procedures and a thorough but typically "over-the-counter" planning approval for Building Permits, and other County applications that require approval from a different County department and can be processed by the Community Development Department in a relatively short time.

A. Applicability. A Zoning clearance by the Director or designee is required for the following actions:

1. Ministerial actions:
   a. All structures that require a Building Permit.
   b. Housing projects in R-0, R-2, R-3, M-U, C-1, and C-O that comply with the County's adopted Objective Site and Design Standards that request relief from minimum lot size, building intensity, floor rea ratio, parking requirements, and setbacks.
2. Discretionary actions:
   a. All planning permit approvals to ensure compliance with applicable conditions of approval.
   b. ABC license
   c. Stormwater review from Public Works department
   d. Other County applications that may be subject to the provisions of this County Code of Ordinances, including, but not limited to, encroachment, and grading and improvement plans.

B. Application. Zoning Clearance does not require a separate application through the Community Development Department.

C. Approving Authority. A zoning clearance is processed as part of the related County action, such as a Building Permit application.

D. Notification. No public hearing or public notice is required for review of a Zoning Clearance.

E. Conditions of Approval. The Director or designee may impose requirements on discretionary actions that require Zoning Clearance to ensure compliance with this Zoning Ordinance and to prevent adverse or detrimental impact to the surrounding neighborhood.

F. Findings for Approval. Zoning Clearance shall be granted only when the Director or designee finds the proposal to be in conformance with all applicable provisions of this Zoning Ordinance.

G. Notice of Decision. Approval of a Zoning Clearance shall be issued as part of the related action, such as a Building Permit application. No separate written notice of decision is required by the Community Development Department.

H. Effective Date. A Zoning Clearance is effective immediately following approval of the related action, such as a Building Permit application.

I. Appeals. Zoning Clearances are a ministerial action and are not subject to appeal, regardless of whether a related action is appealable.

J. Expiration. An approved Zoning Clearance does not expire, but may be associated with other entitlements that may expire.

K. Amendments. Any amendments affecting an approved Zoning Clearance shall be handled as a new Zoning Clearance review.

17.100.030 Site Development Permit. The Site Development Permit process is intended to ensure that certain types of proposed developments will serve to achieve a design that is consistent with the purpose for that land use.

A. Applicability.

1. Permit Required. A Site Development Permit shall be secured prior to construction or expansion (of a use or structure) of the following unless exempted as provided in this section:
    a. Building projects in any C-K (commercial recreational), C-O (neighborhood commercial), C-1 (general commercial), C-2 (heavy commercial), C-S (special commercial), BP (business park), M-1 (light industrial), M-2 (heavy industrial), K (general recreational), R-0 (small lot single-family residential), R-2 (medium-density residential), R-3 (multiple-family residential) or MU (Mixed-Use) District.
2. Exceptions. No Site Development Permit shall be required:
    a. When the Director issues a written waiver before construction consisting of exterior repair, construction consisting exclusively of interior remodeling, construction that adds less than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less, or construction that adds appurtenances, such as fences or overhangs, to exterior areas used for the operation of a permitted use on the site prior to the addition;
    b. When the Director issues a written waiver before development for which a Development Agreement, Use Permit, or Planned Unit Development Permit has been issued;
    c. For construction of residential units;
    d. For construction of an emergency shelter in any R-2, R-3, C-O, C-1, or M-U District;
    e. Commercial structures consistent with zoning designation and general plan land use designations that are less than 10,000 square feet in floor area and meet objective site and design standards. The project

shall not involve the use of significant amounts of hazardous substances, shall have all the necessary public services and facilities available or can be made available, shall not be within 200 feet of a residential property, shall have primary access from a state highway, county-maintained road, or special district-maintained road, shall meet standards for parking, lighting, and accessibility, and shall demonstrate community design consistency related to roof, façade, windows and doors, color, and architectural details. The project shall also not result in a condition described in Cal. Code Regs. Tit. 14, § 15300.2.

B. Application.

1. Application Filing and Processing. Applications for a Site Development Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. Application Requirements. Evaluation of the application's request for a Site Development Permit will require plans, elevations, and other information as necessary to show the location and details of the proposed use of land or structures.
4. Application Completeness Review. An application completeness review will be conducted within 30 days of application submittal. The determination of whether further environmental review is required will be made as part of the completeness review.

C. Approving Authority. Site Development Permits shall be approved by the specified approving authority as designated in Table 17.96.1, Approving Authority for Land Use Permits. These permits may be granted by the Director or referred to the Planning Commission. The decision to refer the application to the Commission will be based on potential project impacts. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Site Development Permit application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Site Development Permits referred to the Planning Commission. No public hearing is required for Site Development Permits where the Director is the approving authority.

E. Conditions of Approval. The approving authority shall review the application and may impose conditions in order to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

F. Findings for Approval. Before approving or conditionally approving any such application; the approving authority shall find that under the circumstances of the particular case; the proposed development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. No Site Development Permit shall be issued unless it is consistent with the Tuolumne County General Plan.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Director.
2. The action taken by the Director.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Site Development Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be

suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Site Development Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Site Development Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Extension of Time. The expiration date of a Site Development Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Amendments. An applicant may request an amendment to a Site Development Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.040 Planned Unit Development. The purpose of a Planned Unit Development Permit process is intended to encourage the creative use of land by permitting carefully controlled relief from the strict application of some provisions for development in this code. It is the intent of this section to carry out the general purposes of this code by continuing to observe adequate standards related to public safety, health, and general welfare without inhibiting the advantages of modern imaginative site planning and to implement the following objectives:

- To provide a more desirable living environment;
- To encourage creative approaches to the development of land;
- To encourage the observation of and the appropriate use of open space;
- To encourage variety in the physical development of the county; and
- To conserve cultural and natural resources.

A. Applicability. Within any principal zoning district with which a Planned Unit Development Combining (PD) District has been overlain, the structures permitted and the regulations applying to such structures as set forth in this code may be modified or supplemented by a Planned Unit Development Permit.

B. Application.

1. Application Filing and Processing. Applications for a rezoning and Planned Unit Development Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Planned unit developments shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve or deny an application for a planned unit development.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Planned Unit Development Permits.

E. Conditions of Approval. In approving a Planned Unit Development Permit, the approving body shall require that the use and development of the property conform with a site plan, architectural drawings, and statements submitted in support of the application or with such modifications thereof as may be deemed necessary to protect the public health, safety, or general welfare and to secure the objectives of the General Plan. The approving body may impose conditions as may be necessary to achieve these purposes:

1. Setbacks, yard areas, and open spaces.
2. Fences, walls, and screening.
3. Building materials, building scale, built-in fire protection, and architectural treatments.
4. Parking, parking areas, and vehicular ingress and egress in addition to the minimum requirements of Chapter 17.30, Off Street Parking.
5. Common and private open space, landscape, and maintenance of landscape and grounds.
6. Such other conditions as may be determined to ensure that development will be in accordance with the intent and purposes of this section and the General Plan.

F. Findings for Approval. Before approving or conditionally approving any application for a Planned Unit Development Permit, the Planning Commission and Board of Supervisors shall make the following findings:

1. The proposed planned unit development is consistent with the Tuolumne County General Plan;
2. The proposed planned unit development will not overburden existing public facilities;
3. The size and terrain of the parcel are suitable for the proposed planned unit development;
4. Under the circumstances of the particular case, the proposed planned unit development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed development, or be detrimental or injurious to property or improvements in the neighborhood;
5. Under the circumstances of the particular case, the advantages of an efficient, integrated, and well-planned development are sufficient to justify exemption from the normal application of this code; and
6. Under the circumstances of this particular case, the public benefit derived from the development proposed in the Planned Unit Development Permit can be quantified and is sufficient to justify exemption from the normal application of this code.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Planning Commission or Board.
2. The action taken by the Planning Commission or Board.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Planned unit developments shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Planned developments shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions. When a Planned Unit Development Permit is approved in conjunction with the execution of a development agreement, the time limits shall be extended for the period provided for in the development agreement, but not beyond the duration of the agreement.

K. Extension of Time. The expiration date of a Planned Unit Development Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Amendments. An applicant may request an amendment to a Planned Unit Development Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.050 Use Permit. The Use Permit process is intended to allow the proper integration in the community of uses that may be suitable only on certain conditions in specific locations in a zoning district or when a site has certain unusual characteristics.

A. Applicability. A Use Permit is required prior to establishment or construction of any use so designated in the applicable zoning district. Use Permits may be transferred by the permittee to another person but not to another location.

B. Application.

1. Application Filing and Processing. Applications for a Use Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Use Permits shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to

approve, conditionally approve, modify, or deny a Use Permit application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Use Permits.

E. Conditions of Approval. In approving an application for a Use Permit, the approving authority may impose reasonable and appropriate conditions to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include:

1. Requirements for special building setbacks, open spaces, buffers, fences, walls, and screening.
2. Requirements for installation and maintenance of landscaping and erosion-control measures.
3. Requirements for street and other infrastructure improvements and related dedications.
4. Regulation of vehicular ingress, egress, and traffic circulation.
5. Regulation of hours of operation or other characteristics of operation.
6. Requirements for security.
7. Requirements for periodic review.
8. Other conditions as may be deemed necessary to make the findings required by this section.

F. Findings for Approval. A Use Permit may only be granted when the following findings are made by the approving authority:

1. The proposed use is in accordance with the provisions of this section.
2. The proposed use is consistent with the General Plan.
3. The proposed use can be accommodated within the current capacity of existing municipal facilities.
4. The size and terrain of the parcel can accommodate the proposed use without negative effects to the environment.
5. Under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be injurious to property and improvements in the neighborhood.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant, interested parties having requested notices in writing, and record owners of real property within 300 feet of the subject parcel as measured from the property line. The notice shall include:

1. The application request as acted upon by the Planning Commission.
2. The action taken by the Planning Commission.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Use Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Use Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Extension of Time. The expiration date of a Use Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Abandonment of Use.

1. If the use for which a Use Permit has been granted ceases for a period of 18 months, said use shall be considered to be abandoned and the Use Permit shall become null and void. Reestablishment of an abandoned use shall require the issuance of a new Use Permit.
2. Uses that were established under Use Permits issued prior to the effective date of the ordinance codified in this section and which have ceased, may be reestablished within a period of 18

months from the effective date of the ordinance codified in this section. Uses that are not reestablished within that time period shall be deemed abandoned.

M. Amendments. An applicant may request an amendment to a Use Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.060 Temporary Use Permit. The Temporary Use Permit process establishes a process for review and approval of certain uses that are intended to be of limited duration and will not permanently alter the character or physical facilities of the site where they occur.

A. Applicability. A Temporary Use Permit is required for each individual, agency, organization, institution, or business wishing to conduct a temporary activity or use in conformance with the standards of this section.

B. Application.

1. Application Filing and Processing. Applications for a Temporary Use Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Temporary Use Permits shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Temporary Use Permit application.

D. Notification. No public hearing or notice is required for processing of a Temporary Use Permit.

E. Conditions of Approval. In approving an application for a Temporary Use Permit, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this code, ensure consistency with the goals and policies of the General Plan, and justify making the necessary findings. Conditions may include:

1. Hours of operation.
2. Walls, fences, and lighting necessary to reduce possible detrimental effects to surrounding properties and to protect the public health, safety, and welfare of the County.
3. The issuance of a cash performance bond deposited with the County to defray the County's costs of providing services or cleaning up the property in the event the permittee fails to do so.
4. An additional insured endorsement of public liability insurance, naming Tuolumne County as an additional named insured, and which includes coverage for the effective dates of the permit with a minimum limit of liability of $1 million per claim or occurrence.

F. Findings for Approval. Prior to approving a Temporary Use Permit as prescribed by this section, the approving authority shall make all the following findings:

1. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare.
2. The proposed site will accommodate the temporary use without hindering the lawful use of other properties in the vicinity.
3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate.
4. Adequate temporary parking will be available either on site or at an acceptable alternate location.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Temporary Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Temporary Use Permits shall expire one year from the date the original approval was granted, unless a shorter period is specified in the terms of the permit approval. Temporary Use Permits may be renewed in accordance with Section 17.100.080.N.

K. Extensions of Time. No extensions are permitted for Temporary Use Permits.

L. Amendments. Amendments to an approved Temporary Use Permit shall be processed as a new application.

M. Conflicting Regulations. Where this Chapter prescribes regulations more restrictive than the land use district in which a temporary use is proposed, the provisions of this Chapter shall apply.

N. Annual Renewal of Temporary Use Permit.

1. Request for Renewal. A request for renewal of a Temporary Use Permit must be filed in writing, along with any required fees, with the Director a minimum of 30 days prior to the expiration date of the approved permit.
2. Temporary Use Permits may be granted a renewal if all of the following conditions are met:
    a. There has been no change in the number of the specified events under the approved Temporary Use Permit.
    b. There has been no change in the duration or operation of the specified events under the approved Temporary Use Permit.
    c. All events have been conducted in accordance with the time and duration specified under the approved Temporary Use Permit. Failure to conduct an approved event as specified in any year will result in termination of the Temporary Use Permit and no renewal shall be granted.
    d. Upon review of the Temporary Use Permit, the Director may modify the permit at any time to ensure compatibility with existing uses, changes in underlying land use designations, or compliance with the terms of the approved permit.

17.100.070 Minor Modifications. The Minor Modification process establishes an alternate means of granting relief from the requirements of this Title when so doing would be consistent with the purposes of the Zoning Ordinance and it is not possible or practical to approve a variance.

A. Applicability. The Director may grant modifications as specifically identified in any other section of this Title and as follows:

1. Dimensional Requirements. Relief from dimensional requirements of property development standards specified in this Title, not to exceed 10 percent of the requirement. Types of standards for which modifications may be approved by the Director include:
    a. Setbacks. Front, side, and rear yard setback standards.
    b. Parking. The dimensional standards for parking spaces, aisles, driveways, landscaping, garages, and parking facility design.
    c. Fences. Standards for the location, height, and design of fences.
    d. Lot Coverage. Standards for the maximum amount of lot coverage.
    e. Landscaping. Standards for required landscaping and plantings.
    f. Transparency. Required ground-floor building transparency.
    g. Other Standards. Up to 10 percent of other development standards

not listed in Section 17.100.090.B, Application.

2. Exclusions. Modification of the following standards may not be granted:
    a. Lot area, width, or depth.
    b. Residential density.
    c. Maximum floor-area ratio (FAR).

B. Application.

1. Concurrent Processing. If a request for a Minor Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.
2. Application Requirements. An application for a Modification shall be filed with the Planning Department, in accordance with Section 17.98.050, Applications and Fees.
3. In addition to any other application requirements, the application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modification are satisfied. The applicant shall also submit plans delineating the requested modification.

C. Approving Authority. Minor Modifications shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Minor Modification application.

D. Notification. No public hearing or notice is required to process a Minor Modification.

E. Conditions of Approval. In approving a modification, the approval authority may impose any conditions deemed necessary to:

1. Ensure that that the proposal conforms in all significant respects with the General Plan and any other applicable plans or policies adopted by the Board of Supervisors;
2. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;
3. Achieve the findings for a modification granted; or
4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.
5. The approval authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

F. Findings for Approval. A decision to grant a Modification shall be based on the following findings.

1. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
2. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
3. Granting the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Director.
2. The action taken by the Director.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Minor Modifications shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration, Extensions, and Amendments. Modifications granted under this section may only be extended or revised as provided for in Chapter 17.98.

17.100.080 Reasonable Accommodation. In accordance with the Fair Housing Act and with the California Fair Employment and Housing Act, the County provides for reasonable accommodation in the application of zoning regulations to provide equal opportunity to persons with disabilities, as defined in those acts, to use a dwelling.

A. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this zoning ordinance or other county requirement, policy, or practice acts as a barrier to fair-housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the acts.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting; development and use of housing or housing-related facilities that would eliminate regulatory barriers; and provide a person with a disability equal opportunity to housing of their choice.
3. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
4. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. Application Requirements. Evaluation of the applicant's request for reasonable accommodation will require written statements and evidence identifying:
    a. The Zoning Ordinance provision from which accommodation is being requested; and
    b. The basis for the claim that the individual, who is or will be the occupant of the dwelling, for which the accommodation is requested, is considered disabled under the Fair Housing Act, and why the accommodation is necessary to make the specific housing available to the individual.

C. Approving Authority. Requests for reasonable accommodation shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a reasonable accommodation request application.

D. Notification. No public hearing or notice is required for processing a reasonable accommodation request.

E. Conditions of Approval. In granting a request for reasonable accommodation, the approval authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded if the person for whom the accommodation was requested no longer resides on the property.

F. Findings for Approval. A reasonable accommodation may only be approved or conditionally approved by the decision-making

body when all the following findings are made by the approving authority:

1. The housing that is the subject of the request will be used by an individual considered disabled under the acts;
2. The special needs created by the disability warrant the accommodation;
3. There is an identified potential benefit to the disabled resident that can be accomplished by the requested accommodation;
4. The requested accommodation will not create potential significant adverse impacts on surrounding land uses;
5. There are no feasible alternative accommodations that provide an equivalent level of benefit that will reduce the impact on surrounding land uses;
6. The requested accommodation will not impose an undue financial or administrative burden on the County.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Requests for reasonable accommodation shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration and Extension of Time. Approved reasonable accommodation requests expire with transfer of ownership of the property and, if applicable, as detailed in the findings for approval.

K. Amendments. Any amendments affecting an approved request for reasonable accommodation shall be handled as a new reasonable accommodation request.

17.100.090 Variance. Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

A. Applicability. A Variance is required for any request to modify the requirements of this Title greater than those adjustments allowed through other permit or approval procedures. Variances do not apply to land use or density and shall not waive or modify a specific procedural requirement. In no case shall cost to the applicant be the primary reason for granting a variance. The provisions of this section shall not apply to public safety regulations based on authority mandated by state law or other ordinances.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Variances shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Variance application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Variances.

E. Conditions of Approval. In approving an application for a variance, the approving authority may impose reasonable and appropriate conditions to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include:

1. Requirements for special building setbacks, open spaces, buffers, fences, walls, and screening.
2. Requirements for installation and maintenance of landscaping and erosion-control measures.

3. Requirements for street and other infrastructure improvements and related dedications.
4. Regulation of vehicular ingress, egress, and traffic circulation.
5. Regulation of hours of operation or other characteristics of operation.
6. Requirements for increased security.
7. Requirements for periodic review.
8. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
9. Other conditions as may be deemed necessary to make the findings required by this section.

F. Findings for Approval. A variance may only be granted when the following conditions are met:

1. The special circumstances or conditions were not created or caused by the applicant.
2. Granting the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. Granting of the variance does not authorize a use or activity that is not otherwise expressly authorized by the zone where the property is located.
4. Granting the variance will not under the circumstances of the particular case, be detrimental to the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant, interested parties having requested notices in writing, and record owners of real property within 300 feet of the subject parcel as measured from the property line. The notice shall include:

1. The application request as acted upon by the Planning Commission.
2. The action taken by the Planning Commission.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Use Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Use Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Amendments. An applicant may request an amendment to a Use Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.100 Emergency Permits. The purpose of this section is to establish procedures for the issuance of Emergency Permits.

A. Applicability. The procedures of this section apply where persons or public agencies seek a permit for emergency work where the circumstances of an emergency do not allow sufficient time for the permit process otherwise applicable to the work needed to address an emergency.

B. Application. Applications for permits for emergency work shall be made to the Director by letter or email during business hours if time allows, or by telephone or in person if time does not allow. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;

4. The remedial, protective, or preventative work required to deal with the emergency;
5. The circumstances during the emergency that appear to justify the course(s) of action taken, including the probable consequences of failing to act; and
6. Any other information deemed necessary by the Director.

C. Approving Authority. The Director is the approval authority for Emergency Permits.

D. Notification. Prior to issuance of an Emergency Permit, when feasible, the Director shall provide public notice of the emergency work with the extent and type of notice determined on the basis of the nature of the emergency itself.

1. Verification of Emergency. The Director or designee shall verify the facts, including the existence and nature of the emergency, insofar as time allows.
2. The Emergency Permit shall be a written document that includes the following information:
    a. The date of issuance;
    b. An expiration date;
    c. The scope of work to be performed; and
    d. Terms and conditions of the permit.

E. The Director may grant a permit for emergency work, including an expiration date and the requirement for a regular permit application later, if the Director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit; and
2. Public comment on the proposed emergency action has been reviewed if time allows.

F. The Director shall report on the granting of an Emergency Permit in writing to the Board of Supervisors at their next meeting following the issuance of the emergency permit. The report shall contain a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time the application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. The report of the Director shall be informational only. The decision to issue an Emergency Permit is solely at the discretion of the Director.

17.100.110 Amendments to the General Plan and Zoning Ordinance. This section establishes guidelines and procedures for amending the General Plan or Zoning Ordinance. The General Plan and these procedures are to be consistent with state planning laws (California Government Code Section 65300 et seq.) and state General Plan Guidelines. Amendments to the Zoning Ordinance must be consistent with the General Plan.

A. Applicability. The procedures in this section shall apply to:

1. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions, and
2. All proposals to change the text of this Title, a zoning district classification, or a zoning district boundary line shown on the Zoning Map.

B. Application.

1. Application Filing and Processing. Applications for a General Plan Amendment shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. General Plan Amendments shall be approved by the specified approving authority as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, modify, or deny a General Plan Amendment application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all General Plan Amendments or Zoning Ordinance Amendments.

E. General Plan. Findings for Approval. Prior to approving a General Plan Amendment or Zoning Ordinance Amendment, as prescribed by this Chapter, the Board of Supervisors shall

make all the following findings, which shall be made by Resolution:

1. That the amendment will not adversely impact the existing community.
2. That the amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.
3. That the amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.
4. That the amendment provides for the protection of the general health, safety, and welfare of the community.

In approving a General Plan or Zoning Ordinance Amendment, the Board of Supervisors may make modifications to the proposal to ensure that the approval will comply with the required findings.

F. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

1. The application request as acted upon by the Board of Supervisors.
2. The action taken by the Board of Supervisors.

G. Effective Date. General Plan or Zoning Ordinance Amendments shall become effective 30 days following the date of adoption.

H. Appeals. Actions taken by the Board of Supervisors are final and are not subject to appeal.

I. Expiration. Approved General Plan Amendments and Zoning Ordinance Amendments do not expire.

J. General Plan Amendments. Any amendments affecting an approved General Plan Amendment or Zoning Ordinance Amendment, with the exception of clerical errors, shall be handled as a new application.

K. Frequency of General Plan Amendments. Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

L. Additional Notice Required. Pursuant to Government Code Section 65352, at least 45 days prior to Board action on a proposed General Plan Amendment, the Director shall notify the Local Agency Formation Commission (LAFCO), and any area-wide planning agency or federal agency whose operations may be significantly affected by the proposed action, including the Yosemite National Park and Stanislaus National Forest, and each governmental body, commission, or board, including those of any school or special districts, whose jurisdiction lies wholly or partially within the County whose functions include recommending, preparing plans for, or constructing major public works projects.

M. General Plan. Abandonment after Proceedings Have Begun. Any application for an amendment may be withdrawn by the written request of all persons who signed such application prior to the public hearing by the Commission or Board or by verbal statement by the authorized agent of the person who signed such application at the hearing or hearings of the Commission or Board. The Commission or Board may abandon any proceedings for an amendment initiated by the Director, Commission, or Board, provided that any hearing of which public notice has been given shall be held.

17.100.120 Home Occupation Permit. These regulations are provided so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that will ensure their compatibility with the neighborhood. They are intended to protect the rights of the residents to engage in certain home occupations that are harmonious with a residential environment.

A. Applicability. The provisions of this section shall apply to the operation of small, home-operated businesses and occupations in residential dwellings. A home occupation may be permitted as an accessory use in any structure authorized for residential use in the County with a Home Occupation Permit.

1. Prohibited Home Occupations. Certain uses are not compatible with residential activities and shall be prohibited. Prohibited home occupations shall include:
    a. Barber and beauty shops.
    b. Food catering or production, expect in compliance with the

Cottage Food Act (Government Code Section 51035) and Section 17.100.140.F.

c. Massage, except certified massage practitioners.
d. Outdoor storage of equipment, materials, and other accessories specific to the construction trades.
e. Pet sitting and dog walking, except for home office uses associated with this activity.
f. Vehicle storage, cleaning, dismantling, installation, manufacture, repair, service, sale, lease, rental, or dispatching, and driving instruction.
g. Welding.
h. Any use that does not comply with Section 17.100.140.E.

B. Application.

1. Application Filing and Processing. Applications for a permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. For home occupations conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to submittal of an application for a Home Occupation Permit.

C. Approving Authority. The Director is authorized to approve, conditionally approve, modify or deny applications for Home Occupation Permits, and may refer applications for Home Occupation Permits to the Planning Commission for review.

D. Notification. The Director shall post all Home Occupation Permits in a database accessible to the public and at the Community Development Department.

E. Operating Standards. Home occupations shall comply with all the following operating standards at all times:

1. No dwelling shall be built or altered for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
2. No more than two persons other than a member of the immediate family occupying such dwelling shall be employed. Exceptions are allowed for cottage food uses consistent with the State Cottage Food Act (Government Code Section 51035).
3. There shall be no signs other than those permitted by Chapter 17.34, Signs.
4. There shall be no advertisement of the location in a public forum.
5. All merchandise, supplies, equipment, or other materials stored outdoors shall be screened from public view.
6. The storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential areas shall be prohibited.
7. The conduct of any home occupation, including, but not limited to, the storage of goods and equipment, shall not reduce or render unusable areas provided for off-street parking, setbacks, and yard areas as required by the regulations application to the land use district.
8. Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or that increases noise or fire hazards not normally associated with a residential use shall be prohibited.
9. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable state and local laws. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.
10. The use of utilities shall be limited to the usage normally associated with a residential use.

11. A Home Occupation Permit shall not be transferable to another property or dwelling unit or to any subsequent owner of the property or dwelling unit for which the Home Occupation Permit was originally approved.
12. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, nor shall the use require additional parking spaces than provided on site.
13. There shall not be any regular commercial delivery to or from the dwelling where a home occupation is being conducted.
14. No special off-street parking area shall be allowed in connection with the home occupation; however, the driveway may be used for such parking.
15. Storage and parking of vehicles on the premises, used in conjunction with the home occupation, shall be limited to automobiles and light trucks not exceeding 15,000 pounds gross vehicle weight.
16. Home occupation activities shall be conducted indoors.
17. No more than 500 square feet of floor area may be used for storage of materials and supplies used for the home occupation.
18. Noise generated by the conduct of the home occupation shall not exceed that normally associated with a residential use.

F. Cottage Food Operation.

Notwithstanding any of the provisions above, a cottage food operation, as defined by the State of California under the provisions and allowances of Assembly Bill 1616, shall be allowed in any legally established residential unit in Tuolumne County provided the following requirements are met:

1. Each cottage food operation shall conform to all state and county laws, regulations, and requirements.
2. The operator of a cottage food operation shall reside within the residential unit used for such activity as their primary residence.
3. No dwelling shall be built or altered for the purpose of conducting the cottage food operation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a cottage food operation is conducted.
4. No cottage food operation shall be located within 300 feet of another such operation.
5. Between the hours of 7:00 p.m. one day and 8:00 a.m. the following day, no cottage food operation shall sell or offer for sale from the residence food items prepared from that residence.
6. Commercial delivery of items used in a cottage food operation shall be prohibited between the hours of 7:00 p.m. one day and 8:00 a.m. the following day.
7. All cottage food operations shall conform to the requirements and restrictions of the General Plan Noise Element.
8. Customers shall be prohibited from parking vehicles upon the property where they are purchasing products offered for sale by a cottage food operation, unless said property is at least 1 acre in size and occupied by a single-family residence. Customer parking may be permitted on property developed with two or more residential units, provided said property is at least 2 acres in size.
9. Only those individuals residing in the residential unit, as their primary residence, shall participate in a cottage food operation, with the exception that a cottage food operation may be permitted one full-time equivalent employee.
10. Customers of any cottage food operation shall be prohibited from consuming any products purchased from the cottage food operation on the property where such product was produced.
11. Where a cottage food operation is conducted from any residential unit, the operator of the cottage food operation shall police, clean, and maintain the property regarding discarded items that may result from the cottage food operation.

12. The individual granted approval for a cottage food operation being conducted within or upon a property with more than one residential unit shall post signage and enforce requirements prohibiting, at all times, the loitering of one or more persons within or upon the property where the cottage food operation is being conducted.
13. There shall be no display, sale, or advertising signs on the premises.
14. Within 30 days of receipt of a Home Occupation Permit from Tuolumne County for a cottage food operation, the operator of such facility shall present proof of receipt of a permit for same from the County of Tuolumne Environmental Health Services, and Department of Public Health.
15. The cottage food operator shall contact the local waste disposal company to ascertain whether additional trash removal services shall be required for the level of food production being created. The cottage food operator shall provide to the County comments from the local waste disposal company that adequate trash removal shall occur for the level of activities added by the Cottage Food Operation.
16. Violations of Section 17.100.0140.F, Cottage Food Operation, may result in the revocation of the Home Occupation Permit issued by Tuolumne County. Operators who have had their County-issued Home Occupation Permit revoked shall be prohibited for two years from applying for another Home Occupation Permit for a cottage food operation.
17. All merchandise, supplies, equipment, or other materials stored outdoors shall be screened from public view.
18. The storage of hazardous, toxic, or combustible materials shall be in approved containers designated for such materials and shall be screened from public view.
19. Compliance with section 17.100.120.E.9 above.
20. The cottage food operation Home Occupation Permit shall not be transferable to another property or dwelling unit or to any subsequent owner or tenant of the property or dwelling unit for which the Home Occupation Permit was originally granted.
21. For a cottage food operation conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to submittal of an application for a cottage food operation Home Occupation Permit, and shall be submitted with such Home Occupation Permit application.
22. Cottage food operation activities shall be conducted wholly indoors.
23. No more than 500 square feet of floor area may be used for storage of materials and supplies used for or in association with the cottage food operation.
24. Where any cottage food operation employs an individual other than the primary operator, all local, county, state, and federal labor laws shall apply and be conformed with.

17.100.130 Similar Use Determination. The land use table may not include all possible uses. When a specific use is not listed and it is unclear whether the use is permitted, permitted with a permit or Site Development Permit, or not permitted, the Similar Use Determination establishes a process for the review and possible addition of new uses to the land use table.

A. Applicability. A Similar Use Determination is required when a use is not specifically listed in this Zoning Ordinance but may be permitted if it is determined to be similar in nature to a use that is permitted, or permitted with a Use Permit.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. In cases where a specific land use or activity is not defined, the Director shall initially assign the land use or

activity to a classification that is substantially similar in character. Use classifications not listed or not substantially similar to the uses in a specified land use district are prohibited in that district. Similar Use Determinations shall be approved by the specified approving authority responsible for the permit approval, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Similar Use Determination application.

D. Notifications. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Similar Use Determinations when such determinations are referred to the Commission by the Director.

E. Conditions of Approval. In approving an application for a Similar Use Determination, the approving authority may impose conditions in order to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

F. Findings for Approval. Prior to approving a Similar Use Determination as prescribed by this Chapter, the approving authority shall make all the following findings:

1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher intensity of activity, environmental impact, or population density than the uses permitted in the district.
2. The proposed use will be consistent with the purposes of the applicable district.
3. The proposed use will be consistent with the goals and policies of the adopted General Plan, any applicable Specific Plan, and the Zoning Ordinance.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the approval.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Similar Use Determinations shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Approved Similar Use Determinations do not expire.

K. Amendments. Any amendments affecting an approved Similar Use Determination shall be handled as a new application.

L. Record of Determinations. The Community Development Department shall maintain all such determinations on record for review by the general public upon request.

17.100.140 Specific Plan. The purpose of this section is to establish procedures for adoption, maintenance, and administration of specific plans, in accordance with the provisions of Sections 65450 through 65457 of the California Government Code, and as may be required for the implementation of the General Plan. The purpose of a Specific Plan is to establish policies and development standards that address area-specific issues. Specific plans are intended to carry out the General Plan in one of three ways:

1. By providing clearer definition of planning policy applicable to the Specific Plan area;
2. Regulating land use for a particular geographic area in greater detail than that provided by the Zoning Ordinance; and/or
3. Bringing together detailed policies and regulations into a focused development scheme.

B. Intent. Specific plans are intended to:

1. Provide a planning framework to guide future public and private developments and promote flexibility while ensuring a coherent community design.
2. Encourage creative approaches to the use of land, through variation in the location of buildings and the

appropriate mix of land use activities and dwelling types.

3. Promote and create public and private open space as an integral part of land development design.
4. Provide development regulations for an area without changing countywide ordinances.
5. Provide the ability to respond to changing conditions in the Specific Plan area without the need for a Zoning Ordinance Amendment.

C. Applicability. The following shall serve as a guide for the appropriate use of specific plans:

1. Where unique results or treatments are desired or in areas having sensitive environmental qualities;
2. Where there is a complicated mixture of conditions such as new development, deteriorated structures, underutilized land, and mixed uses;
3. Where there is a need to incorporate considerable detail in a proposed development project that would justify its approval; and/or
4. Where it is more cost-effective to include, with the proposed project, a Master Environmental Impact Report so that subsequent projects within the Specific Plan area would require no further environmental documentation or require only focused environmental reports.

D. Consistency with General Plan. Specific plans shall be consistent with the General Plan.

E. Density Bonus.

1. Specific plans shall be consistent with the density standard prescribed by the General Plan. Transfer of density may occur in the Specific Plan provided that the total density attributable to the Specific Plan area shall not be exceeded, except as specified in Section 17.100.140.D.2.
2. As an incentive to preserving large areas of protected open space, preserving historically and culturally significant resources, and/or developing inclusionary housing programs for the provision of affordable housing, the Board of Supervisors may approve a density bonus of up to 5 percent within medium- and high-density residential land use areas. This bonus may be over and above any other housing bonus incentives provided in this Zoning Ordinance.

F. Specific Plan Content. A Specific Plan may include written text, maps, diagrams, and descriptions of allowable uses. At a minimum, specific plans shall include:

1. A statement of the relationship of the Specific Plan to the General Plan.
2. A map indicating the distribution, location, and extent of land uses, including open space, within the area covered by the plan.
3. All permitted uses and land use densities.
4. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
5. A map and/or text specifying the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, energy, and other essential facilities in the Specific Plan area.
6. Public works projects, programs, and implementation measures necessary to carry out the Specific Plan's stated purpose.
7. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the above noted provisions of the Specific Plan.

G. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

H. Approval Authority. Specific Plans shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Specific Plan application.

I. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Specific Plan applications.

J. Findings for Approval. Prior to approving a Specific Plan as prescribed by this section, the approving authority shall make the following findings:

1. The Specific Plan is consistent with the intent of the goals and policies of the General Plan as a whole and is not inconsistent with any element thereof.
2. The Specific Plan prescribes controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.
3. The Specific Plan provides property development rights while protecting environmentally sensitive land uses and species.
4. The Specific Plan provides for the protection of the health, safety, and/or general welfare of the community.

K. Adoption.

1. Upon approval of the final Specific Plan by the Board of Supervisors, the Land Use Map shall be amended to identify the area covered by the plan. The Board of Supervisor's approval of the final Specific Plan and the establishment of Specific Plan (SP) zoning shall be by Ordinance.
2. The approved final Specific Plan shall be filed in the office of the clerk of the Board and in the Community Development Department.

L. Amendments. Specific Plans may be amended or repealed in the same manner as originally adopted.

M. Relationship to the Zoning Ordinance. Development standards, procedural regulations, and other provisions of this Title shall apply within a Specific Plan except where they conflict with provisions of the Specific Plan. In that case, the Specific Plan shall supersede the Zoning Ordinance.

17.100.150 Community Plan. The purpose of this section is to establish procedures for adoption, maintenance, and administration of Community Plans as may be desired by the County for the tailoring of goals, policies, and implementation programs for certain communities in the county. The purpose of a Community Plan is to work in concert with the General Plan and provide additional detail and direction for development and services in those communities.

A. Applicability.

1. Community Plans shall be initiated by the County.
2. The following shall serve as a guide for the appropriate use of Community Plans:
    a. Where unique results or treatments are desired or in areas having sensitive environmental qualities; and/or
    b. Where there is a complicated mixture of conditions, such as new development, deteriorated structures, underutilized land, and mixed uses; and/or
    c. Where it is more cost-effective to include, with the proposed Community Plan, a Master Environmental Impact Report so that subsequent projects within the Community Plan area would require no further environmental documentation or require only focused environmental reports.

B. Consistency with General Plan. Community Plans shall be consistent with the General Plan.

C. Community Plan Content. A Community Plan may include written text, maps, diagrams, and descriptions of background information on the community, and goals, policies, and implementation programs.

D. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

E. Approval Authority. Community Plans shall be approved by the specified approving authority, as designated in Table 17.96.1,

Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Community Plan application.

F. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Community Plan applications.

G. Findings for Approval. Prior to approving a Community Plan as prescribed by this section, the approving authority shall make all the following findings:

1. The Community Plan is consistent with the intent of the goals and policies of the General Plan as a whole and is not inconsistent with any element thereof.
2. The Community Plan provides property development rights while protecting environmentally sensitive land uses and species.
3. The Community Plan provides for the protection of the health, safety, and general welfare of the community.

H. Adoption.

1. Upon approval of the final Community Plan by the Board of Supervisors, the Land Use Map shall be amended to identify the area covered by the plan.
2. The approved final Community Plan shall be filed in the office of the clerk of the Board of Supervisors and in the Community Development Department.

I. Amendments. Community Plans may be amended or repealed in the same manner as originally adopted.

ARTICLE 5 - Chapter 17.100

PERMITS AND PROCEDURES

Sections:

17.100.010 Purpose.
17.100.020 Zoning Clearance.
17.100.030 Site Development Permit.
17.100.040 Planned Unit Development.
17.100.050 Use Permit.
17.100.060 Temporary Use Permit.
17.100.070 Minor Modifications.
17.100.080 Reasonable Accommodation.
17.100.090 Variance.
17.100.100 Emergency Permits.
17.100.110 General Plan and Zoning Ordinance.
17.100.120 Home Occupation Permit.
17.100.130 Similar Use Determination.
17.100.140 Specific Plan.
17.100.150 Community Plan.

17.100.010 Purpose. The purpose of this Chapter is to establish permit types and procedures necessary for the efficient processing of land use and development applications, permits, and other approvals.

17.100.020 Zoning Clearance. The Zoning Clearance process is intended to ensure that all new and modified uses and structures comply with applicable provisions of this Zoning Ordinance, using administrative procedures and a thorough but typically "over-the-counter" planning approval for Building Permits, and other County applications that require approval from a different County department and can be processed by the Community Development Department in a relatively short time.

A. Applicability. A Zoning clearance by the Director or designee is required for the following actions:

1. Ministerial actions:
   a. All structures that require a Building Permit.
   b. Housing projects in R-0, R-2, R-3, M-U, C-1, and C-O that comply with the County's adopted Objective Site and Design Standards that request relief from minimum lot size, building intensity, floor rea ratio, parking requirements, and setbacks.
   c. Discretionary actions:
      a. All planning permit approvals to ensure compliance with applicable conditions of approval.
      b. ABC license
      c. Stormwater review from Public Works department
      d. Other County applications that may be subject to the provisions of this County Code of Ordinances, including, but not limited to, encroachment, and grading and improvement plans.

B. Application. Zoning Clearance does not require a separate application through the Community Development Department.

C. Approving Authority. A zoning clearance is processed as part of the related County action, such as a Building Permit application.

D. Notification. No public hearing or public notice is required for review of a Zoning Clearance.

E. Conditions of Approval. The Director or designee may impose requirements on discretionary actions that require Zoning Clearance to ensure compliance with this Zoning Ordinance and to prevent adverse or detrimental impact to the surrounding neighborhood.

F. Findings for Approval. Zoning Clearance shall be granted only when the Director or designee finds the proposal to be in conformance with all applicable provisions of this Zoning Ordinance.

G. Notice of Decision. Approval of a Zoning Clearance shall be issued as part of the related action, such as a Building Permit application. No separate written notice of decision is required by the Community Development Department.

H. Effective Date. A Zoning Clearance is effective immediately following approval of the related action, such as a Building Permit application.

I. Appeals. Zoning Clearances are a ministerial action and are not subject to appeal, regardless of whether a related action is appealable.

J. Expiration. An approved Zoning Clearance does not expire, but may be associated with other entitlements that may expire.

K. Amendments. Any amendments affecting an approved Zoning Clearance shall be handled as a new Zoning Clearance review.

17.100.030 Site Development Permit. The Site Development Permit process is intended to ensure that certain types of proposed developments will serve to achieve a design that is consistent with the purpose for that land use.

A. Applicability.

1. Permit Required. A Site Development Permit shall be secured prior to construction or expansion (of a use or structure) of the following unless exempted as provided in this section:
    a. Building projects in any C-K (commercial recreational), C-O (neighborhood commercial), C-1 (general commercial), C-2 (heavy commercial), C-S (special commercial), BP (business park), M-1 (light industrial), M-2 (heavy industrial), K (general recreational), R-0 (small lot single-family residential), R-2 (medium-density residential), R-3 (multiple-family residential) or MU (Mixed-Use) District.
2. Exceptions. No Site Development Permit shall be required:
    a. When the Director issues a written waiver before construction consisting of exterior repair, construction consisting exclusively of interior remodeling, construction that adds less than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less, or construction that adds appurtenances, such as fences or overhangs, to exterior areas used for the operation of a permitted use on the site prior to the addition;
    b. When the Director issues a written waiver before development for which a Development Agreement, Use Permit, or Planned Unit Development Permit has been issued;
    c. For construction of residential units;
    d. For construction of an emergency shelter in any R-2, R-3, C-O, C-1, or M-U District;
    e. Commercial structures consistent with zoning designation and general plan land use designations that are less than 10,000 square feet in floor area and meet objective site and design standards. The project

shall not involve the use of significant amounts of hazardous substances, shall have all the necessary public services and facilities available or can be made available, shall not be within 200 feet of a residential property, shall have primary access from a state highway, county-maintained road, or special district-maintained road, shall meet standards for parking, lighting, and accessibility, and shall demonstrate community design consistency related to roof, façade, windows and doors, color, and architectural details. The project shall also not result in a condition described in Cal. Code Regs. Tit. 14, § 15300.2.

B. Application.

1. Application Filing and Processing. Applications for a Site Development Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. Application Requirements. Evaluation of the application's request for a Site Development Permit will require plans, elevations, and other information as necessary to show the location and details of the proposed use of land or structures.
4. Application Completeness Review. An application completeness review will be conducted within 30 days of application submittal. The determination of whether further environmental review is required will be made as part of the completeness review.

C. Approving Authority. Site Development Permits shall be approved by the specified approving authority as designated in Table 17.96.1, Approving Authority for Land Use Permits. These permits may be granted by the Director or referred to the Planning Commission. The decision to refer the application to the Commission will be based on potential project impacts. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Site Development Permit application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Site Development Permits referred to the Planning Commission. No public hearing is required for Site Development Permits where the Director is the approving authority.

E. Conditions of Approval. The approving authority shall review the application and may impose conditions in order to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

F. Findings for Approval. Before approving or conditionally approving any such application; the approving authority shall find that under the circumstances of the particular case; the proposed development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. No Site Development Permit shall be issued unless it is consistent with the Tuolumne County General Plan.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Director.
2. The action taken by the Director.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Site Development Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be

suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Site Development Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Site Development Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Extension of Time. The expiration date of a Site Development Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Amendments. An applicant may request an amendment to a Site Development Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.040 Planned Unit Development. The purpose of a Planned Unit Development Permit process is intended to encourage the creative use of land by permitting carefully controlled relief from the strict application of some provisions for development in this code. It is the intent of this section to carry out the general purposes of this code by continuing to observe adequate standards related to public safety, health, and general welfare without inhibiting the advantages of modern imaginative site planning and to implement the following objectives:

- To provide a more desirable living environment;
- To encourage creative approaches to the development of land;
- To encourage the observation of and the appropriate use of open space;
- To encourage variety in the physical development of the county; and
- To conserve cultural and natural resources.

A. Applicability. Within any principal zoning district with which a Planned Unit Development Combining (PD) District has been overlain, the structures permitted and the regulations applying to such structures as set forth in this code may be modified or supplemented by a Planned Unit Development Permit.

B. Application.

1. Application Filing and Processing. Applications for a rezoning and Planned Unit Development Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Planned unit developments shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve or deny an application for a planned unit development.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Planned Unit Development Permits.

E. Conditions of Approval. In approving a Planned Unit Development Permit, the approving body shall require that the use and development of the property conform with a site plan, architectural drawings, and statements submitted in support of the application or with such modifications thereof as may be deemed necessary to protect the public health, safety, or general welfare and to secure the objectives of the General Plan. The approving body may impose conditions as may be necessary to achieve these purposes:

1. Setbacks, yard areas, and open spaces.
2. Fences, walls, and screening.
3. Building materials, building scale, built-in fire protection, and architectural treatments.
4. Parking, parking areas, and vehicular ingress and egress in addition to the minimum requirements of Chapter 17.30, Off Street Parking.
5. Common and private open space, landscape, and maintenance of landscape and grounds.
6. Such other conditions as may be determined to ensure that development will be in accordance with the intent and purposes of this section and the General Plan.

F. Findings for Approval. Before approving or conditionally approving any application for a Planned Unit Development Permit, the Planning Commission and Board of Supervisors shall make the following findings:

1. The proposed planned unit development is consistent with the Tuolumne County General Plan;
2. The proposed planned unit development will not overburden existing public facilities;
3. The size and terrain of the parcel are suitable for the proposed planned unit development;
4. Under the circumstances of the particular case, the proposed planned unit development will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed development, or be detrimental or injurious to property or improvements in the neighborhood;
5. Under the circumstances of the particular case, the advantages of an efficient, integrated, and well-planned development are sufficient to justify exemption from the normal application of this code; and
6. Under the circumstances of this particular case, the public benefit derived from the development proposed in the Planned Unit Development Permit can be quantified and is sufficient to justify exemption from the normal application of this code.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Planning Commission or Board.
2. The action taken by the Planning Commission or Board.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Planned unit developments shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Planned developments shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions. When a Planned Unit Development Permit is approved in conjunction with the execution of a development agreement, the time limits shall be extended for the period provided for in the development agreement, but not beyond the duration of the agreement.

K. Extension of Time. The expiration date of a Planned Unit Development Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Amendments. An applicant may request an amendment to a Planned Unit Development Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.050 Use Permit. The Use Permit process is intended to allow the proper integration in the community of uses that may be suitable only on certain conditions in specific locations in a zoning district or when a site has certain unusual characteristics.

A. Applicability. A Use Permit is required prior to establishment or construction of any use so designated in the applicable zoning district. Use Permits may be transferred by the permittee to another person but not to another location.

B. Application.

1. Application Filing and Processing. Applications for a Use Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Use Permits shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to

approve, conditionally approve, modify, or deny a Use Permit application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Use Permits.

E. Conditions of Approval. In approving an application for a Use Permit, the approving authority may impose reasonable and appropriate conditions to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include:

1. Requirements for special building setbacks, open spaces, buffers, fences, walls, and screening.
2. Requirements for installation and maintenance of landscaping and erosion-control measures.
3. Requirements for street and other infrastructure improvements and related dedications.
4. Regulation of vehicular ingress, egress, and traffic circulation.
5. Regulation of hours of operation or other characteristics of operation.
6. Requirements for security.
7. Requirements for periodic review.
8. Other conditions as may be deemed necessary to make the findings required by this section.

F. Findings for Approval. A Use Permit may only be granted when the following findings are made by the approving authority:

1. The proposed use is in accordance with the provisions of this section.
2. The proposed use is consistent with the General Plan.
3. The proposed use can be accommodated within the current capacity of existing municipal facilities.
4. The size and terrain of the parcel can accommodate the proposed use without negative effects to the environment.
5. Under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be injurious to property and improvements in the neighborhood.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant, interested parties having requested notices in writing, and record owners of real property within 300 feet of the subject parcel as measured from the property line. The notice shall include:

1. The application request as acted upon by the Planning Commission.
2. The action taken by the Planning Commission.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Use Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Use Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Extension of Time. The expiration date of a Use Permit may be extended in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.

L. Abandonment of Use.

1. If the use for which a Use Permit has been granted ceases for a period of 18 months, said use shall be considered to be abandoned and the Use Permit shall become null and void. Reestablishment of an abandoned use shall require the issuance of a new Use Permit.
2. Uses that were established under Use Permits issued prior to the effective date of the ordinance codified in this section and which have ceased, may be reestablished within a period of 18

months from the effective date of the ordinance codified in this section. Uses that are not reestablished within that time period shall be deemed abandoned.

M. Amendments. An applicant may request an amendment to a Use Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.060 Temporary Use Permit. The Temporary Use Permit process establishes a process for review and approval of certain uses that are intended to be of limited duration and will not permanently alter the character or physical facilities of the site where they occur.

A. Applicability. A Temporary Use Permit is required for each individual, agency, organization, institution, or business wishing to conduct a temporary activity or use in conformance with the standards of this section.

B. Application.

1. Application Filing and Processing. Applications for a Temporary Use Permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Temporary Use Permits shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Temporary Use Permit application.

D. Notification. No public hearing or notice is required for processing of a Temporary Use Permit.

E. Conditions of Approval. In approving an application for a Temporary Use Permit, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this code, ensure consistency with the goals and policies of the General Plan, and justify making the necessary findings. Conditions may include:

1. Hours of operation.
2. Walls, fences, and lighting necessary to reduce possible detrimental effects to surrounding properties and to protect the public health, safety, and welfare of the County.
3. The issuance of a cash performance bond deposited with the County to defray the County's costs of providing services or cleaning up the property in the event the permittee fails to do so.
4. An additional insured endorsement of public liability insurance, naming Tuolumne County as an additional named insured, and which includes coverage for the effective dates of the permit with a minimum limit of liability of $1 million per claim or occurrence.

F. Findings for Approval. Prior to approving a Temporary Use Permit as prescribed by this section, the approving authority shall make all the following findings:

1. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare.
2. The proposed site will accommodate the temporary use without hindering the lawful use of other properties in the vicinity.
3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate.
4. Adequate temporary parking will be available either on site or at an acceptable alternate location.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Temporary Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Temporary Use Permits shall expire one year from the date the original approval was granted, unless a shorter period is specified in the terms of the permit approval. Temporary Use Permits may be renewed in accordance with Section 17.100.080.N.

K. Extensions of Time. No extensions are permitted for Temporary Use Permits.

L. Amendments. Amendments to an approved Temporary Use Permit shall be processed as a new application.

M. Conflicting Regulations. Where this Chapter prescribes regulations more restrictive than the land use district in which a temporary use is proposed, the provisions of this Chapter shall apply.

N. Annual Renewal of Temporary Use Permit.

1. Request for Renewal. A request for renewal of a Temporary Use Permit must be filed in writing, along with any required fees, with the Director a minimum of 30 days prior to the expiration date of the approved permit.
2. Temporary Use Permits may be granted a renewal if all of the following conditions are met:
    a. There has been no change in the number of the specified events under the approved Temporary Use Permit.
    b. There has been no change in the duration or operation of the specified events under the approved Temporary Use Permit.
    c. All events have been conducted in accordance with the time and duration specified under the approved Temporary Use Permit. Failure to conduct an approved event as specified in any year will result in termination of the Temporary Use Permit and no renewal shall be granted.
    d. Upon review of the Temporary Use Permit, the Director may modify the permit at any time to ensure compatibility with existing uses, changes in underlying land use designations, or compliance with the terms of the approved permit.

17.100.070 Minor Modifications. The Minor Modification process establishes an alternate means of granting relief from the requirements of this Title when so doing would be consistent with the purposes of the Zoning Ordinance and it is not possible or practical to approve a variance.

A. Applicability. The Director may grant modifications as specifically identified in any other section of this Title and as follows:

1. Dimensional Requirements. Relief from dimensional requirements of property development standards specified in this Title, not to exceed 10 percent of the requirement. Types of standards for which modifications may be approved by the Director include:
    a. Setbacks. Front, side, and rear yard setback standards.
    b. Parking. The dimensional standards for parking spaces, aisles, driveways, landscaping, garages, and parking facility design.
    c. Fences. Standards for the location, height, and design of fences.
    d. Lot Coverage. Standards for the maximum amount of lot coverage.
    e. Landscaping. Standards for required landscaping and plantings.
    f. Transparency. Required ground-floor building transparency.
    g. Other Standards. Up to 10 percent of other development standards

not listed in Section 17.100.090.B, Application.

2. Exclusions. Modification of the following standards may not be granted:
    a. Lot area, width, or depth.
    b. Residential density.
    c. Maximum floor-area ratio (FAR).

B. Application.

1. Concurrent Processing. If a request for a Minor Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Planning Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.
2. Application Requirements. An application for a Modification shall be filed with the Planning Department, in accordance with Section 17.98.050, Applications and Fees.
3. In addition to any other application requirements, the application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modification are satisfied. The applicant shall also submit plans delineating the requested modification.

C. Approving Authority. Minor Modifications shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Minor Modification application.

D. Notification. No public hearing or notice is required to process a Minor Modification.

E. Conditions of Approval. In approving a modification, the approval authority may impose any conditions deemed necessary to:

1. Ensure that that the proposal conforms in all significant respects with the General Plan and any other applicable plans or policies adopted by the Board of Supervisors;
2. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;
3. Achieve the findings for a modification granted; or
4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.
5. The approval authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

F. Findings for Approval. A decision to grant a Modification shall be based on the following findings.

1. The Modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
2. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
3. Granting the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the Director.
2. The action taken by the Director.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Minor Modifications shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration, Extensions, and Amendments. Modifications granted under this section may only be extended or revised as provided for in Chapter 17.98.

17.100.080 Reasonable Accommodation. In accordance with the Fair Housing Act and with the California Fair Employment and Housing Act, the County provides for reasonable accommodation in the application of zoning regulations to provide equal opportunity to persons with disabilities, as defined in those acts, to use a dwelling.

A. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this zoning ordinance or other county requirement, policy, or practice acts as a barrier to fair-housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the acts.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting; development and use of housing or housing-related facilities that would eliminate regulatory barriers; and provide a person with a disability equal opportunity to housing of their choice.
3. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
4. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. Application Requirements. Evaluation of the applicant's request for reasonable accommodation will require written statements and evidence identifying:
    a. The Zoning Ordinance provision from which accommodation is being requested; and
    b. The basis for the claim that the individual, who is or will be the occupant of the dwelling, for which the accommodation is requested, is considered disabled under the Fair Housing Act, and why the accommodation is necessary to make the specific housing available to the individual.

C. Approving Authority. Requests for reasonable accommodation shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a reasonable accommodation request application.

D. Notification. No public hearing or notice is required for processing a reasonable accommodation request.

E. Conditions of Approval. In granting a request for reasonable accommodation, the approval authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded if the person for whom the accommodation was requested no longer resides on the property.

F. Findings for Approval. A reasonable accommodation may only be approved or conditionally approved by the decision-making

body when all the following findings are made by the approving authority:

1. The housing that is the subject of the request will be used by an individual considered disabled under the acts;
2. The special needs created by the disability warrant the accommodation;
3. There is an identified potential benefit to the disabled resident that can be accomplished by the requested accommodation;
4. The requested accommodation will not create potential significant adverse impacts on surrounding land uses;
5. There are no feasible alternative accommodations that provide an equivalent level of benefit that will reduce the impact on surrounding land uses;
6. The requested accommodation will not impose an undue financial or administrative burden on the County.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties having requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Requests for reasonable accommodation shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration and Extension of Time. Approved reasonable accommodation requests expire with transfer of ownership of the property and, if applicable, as detailed in the findings for approval.

K. Amendments. Any amendments affecting an approved request for reasonable accommodation shall be handled as a new reasonable accommodation request.

17.100.090 Variance. Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

A. Applicability. A Variance is required for any request to modify the requirements of this Title greater than those adjustments allowed through other permit or approval procedures. Variances do not apply to land use or density and shall not waive or modify a specific procedural requirement. In no case shall cost to the applicant be the primary reason for granting a variance. The provisions of this section shall not apply to public safety regulations based on authority mandated by state law or other ordinances.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. Variances shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Variance application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Variances.

E. Conditions of Approval. In approving an application for a variance, the approving authority may impose reasonable and appropriate conditions to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include:

1. Requirements for special building setbacks, open spaces, buffers, fences, walls, and screening.
2. Requirements for installation and maintenance of landscaping and erosion-control measures.

3. Requirements for street and other infrastructure improvements and related dedications.
4. Regulation of vehicular ingress, egress, and traffic circulation.
5. Regulation of hours of operation or other characteristics of operation.
6. Requirements for increased security.
7. Requirements for periodic review.
8. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
9. Other conditions as may be deemed necessary to make the findings required by this section.

F. Findings for Approval. A variance may only be granted when the following conditions are met:

1. The special circumstances or conditions were not created or caused by the applicant.
2. Granting the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. Granting of the variance does not authorize a use or activity that is not otherwise expressly authorized by the zone where the property is located.
4. Granting the variance will not under the circumstances of the particular case, be detrimental to the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant, interested parties having requested notices in writing, and record owners of real property within 300 feet of the subject parcel as measured from the property line. The notice shall include:

1. The application request as acted upon by the Planning Commission.
2. The action taken by the Planning Commission.
3. Findings as listed for the permit.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Use Permits shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration.

1. Use Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 17.98.120, Permit Time Limits, Expiration, and Extensions.
2. Exceptions. A Use Permit for a public utility installation may be valid for a longer period if specified by the approving authority.

K. Amendments. An applicant may request an amendment to a Use Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 17.98.130, Amendments to Previously Approved Permits.

17.100.100 Emergency Permits. The purpose of this section is to establish procedures for the issuance of Emergency Permits.

A. Applicability. The procedures of this section apply where persons or public agencies seek a permit for emergency work where the circumstances of an emergency do not allow sufficient time for the permit process otherwise applicable to the work needed to address an emergency.

B. Application. Applications for permits for emergency work shall be made to the Director by letter or email during business hours if time allows, or by telephone or in person if time does not allow. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency, shall include the following:

1. The nature of the emergency;
2. The cause of the emergency, insofar as this can be established;
3. The location of the emergency;

4. The remedial, protective, or preventative work required to deal with the emergency;
5. The circumstances during the emergency that appear to justify the course(s) of action taken, including the probable consequences of failing to act; and
6. Any other information deemed necessary by the Director.

C. Approving Authority. The Director is the approval authority for Emergency Permits.

D. Notification. Prior to issuance of an Emergency Permit, when feasible, the Director shall provide public notice of the emergency work with the extent and type of notice determined on the basis of the nature of the emergency itself.

1. Verification of Emergency. The Director or designee shall verify the facts, including the existence and nature of the emergency, insofar as time allows.
2. The Emergency Permit shall be a written document that includes the following information:
    a. The date of issuance;
    b. An expiration date;
    c. The scope of work to be performed; and
    d. Terms and conditions of the permit.

E. The Director may grant a permit for emergency work, including an expiration date and the requirement for a regular permit application later, if the Director finds that:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit; and
2. Public comment on the proposed emergency action has been reviewed if time allows.

F. The Director shall report on the granting of an Emergency Permit in writing to the Board of Supervisors at their next meeting following the issuance of the emergency permit. The report shall contain a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time the application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. The report of the Director shall be informational only. The decision to issue an Emergency Permit is solely at the discretion of the Director.

17.100.110 Amendments to the General Plan and Zoning Ordinance. This section establishes guidelines and procedures for amending the General Plan or Zoning Ordinance. The General Plan and these procedures are to be consistent with state planning laws (California Government Code Section 65300 et seq.) and state General Plan Guidelines. Amendments to the Zoning Ordinance must be consistent with the General Plan.

A. Applicability. The procedures in this section shall apply to:

1. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions, and
2. All proposals to change the text of this Title, a zoning district classification, or a zoning district boundary line shown on the Zoning Map.

B. Application.

1. Application Filing and Processing. Applications for a General Plan Amendment shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. General Plan Amendments shall be approved by the specified approving authority as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, modify, or deny a General Plan Amendment application.

D. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all General Plan Amendments or Zoning Ordinance Amendments.

E. General Plan. Findings for Approval. Prior to approving a General Plan Amendment or Zoning Ordinance Amendment, as prescribed by this Chapter, the Board of Supervisors shall

make all the following findings, which shall be made by Resolution:

1. That the amendment will not adversely impact the existing community.
2. That the amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.
3. That the amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.
4. That the amendment provides for the protection of the general health, safety, and welfare of the community.

In approving a General Plan or Zoning Ordinance Amendment, the Board of Supervisors may make modifications to the proposal to ensure that the approval will comply with the required findings.

F. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

1. The application request as acted upon by the Board of Supervisors.
2. The action taken by the Board of Supervisors.

G. Effective Date. General Plan or Zoning Ordinance Amendments shall become effective 30 days following the date of adoption.

H. Appeals. Actions taken by the Board of Supervisors are final and are not subject to appeal.

I. Expiration. Approved General Plan Amendments and Zoning Ordinance Amendments do not expire.

J. General Plan Amendments. Any amendments affecting an approved General Plan Amendment or Zoning Ordinance Amendment, with the exception of clerical errors, shall be handled as a new application.

K. Frequency of General Plan Amendments. Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

L. Additional Notice Required. Pursuant to Government Code Section 65352, at least 45 days prior to Board action on a proposed General Plan Amendment, the Director shall notify the Local Agency Formation Commission (LAFCO), and any area-wide planning agency or federal agency whose operations may be significantly affected by the proposed action, including the Yosemite National Park and Stanislaus National Forest, and each governmental body, commission, or board, including those of any school or special districts, whose jurisdiction lies wholly or partially within the County whose functions include recommending, preparing plans for, or constructing major public works projects.

M. General Plan. Abandonment after Proceedings Have Begun. Any application for an amendment may be withdrawn by the written request of all persons who signed such application prior to the public hearing by the Commission or Board or by verbal statement by the authorized agent of the person who signed such application at the hearing or hearings of the Commission or Board. The Commission or Board may abandon any proceedings for an amendment initiated by the Director, Commission, or Board, provided that any hearing of which public notice has been given shall be held.

17.100.120 Home Occupation Permit. These regulations are provided so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that will ensure their compatibility with the neighborhood. They are intended to protect the rights of the residents to engage in certain home occupations that are harmonious with a residential environment.

A. Applicability. The provisions of this section shall apply to the operation of small, home-operated businesses and occupations in residential dwellings. A home occupation may be permitted as an accessory use in any structure authorized for residential use in the County with a Home Occupation Permit.

1. Prohibited Home Occupations. Certain uses are not compatible with residential activities and shall be prohibited. Prohibited home occupations shall include:
    a. Barber and beauty shops.
    b. Food catering or production, expect in compliance with the

Cottage Food Act (Government Code Section 51035) and Section 17.100.140.F.

c. Massage, except certified massage practitioners.
d. Outdoor storage of equipment, materials, and other accessories specific to the construction trades.
e. Pet sitting and dog walking, except for home office uses associated with this activity.
f. Vehicle storage, cleaning, dismantling, installation, manufacture, repair, service, sale, lease, rental, or dispatching, and driving instruction.
g. Welding.
h. Any use that does not comply with Section 17.100.140.E.

B. Application.

1. Application Filing and Processing. Applications for a permit shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.
3. For home occupations conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to submittal of an application for a Home Occupation Permit.

C. Approving Authority. The Director is authorized to approve, conditionally approve, modify or deny applications for Home Occupation Permits, and may refer applications for Home Occupation Permits to the Planning Commission for review.

D. Notification. The Director shall post all Home Occupation Permits in a database accessible to the public and at the Community Development Department.

E. Operating Standards. Home occupations shall comply with all the following operating standards at all times:

1. No dwelling shall be built or altered for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
2. No more than two persons other than a member of the immediate family occupying such dwelling shall be employed. Exceptions are allowed for cottage food uses consistent with the State Cottage Food Act (Government Code Section 51035).
3. There shall be no signs other than those permitted by Chapter 17.34, Signs.
4. There shall be no advertisement of the location in a public forum.
5. All merchandise, supplies, equipment, or other materials stored outdoors shall be screened from public view.
6. The storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential areas shall be prohibited.
7. The conduct of any home occupation, including, but not limited to, the storage of goods and equipment, shall not reduce or render unusable areas provided for off-street parking, setbacks, and yard areas as required by the regulations application to the land use district.
8. Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or that increases noise or fire hazards not normally associated with a residential use shall be prohibited.
9. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable state and local laws. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.
10. The use of utilities shall be limited to the usage normally associated with a residential use.

11. A Home Occupation Permit shall not be transferable to another property or dwelling unit or to any subsequent owner of the property or dwelling unit for which the Home Occupation Permit was originally approved.
12. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, nor shall the use require additional parking spaces than provided on site.
13. There shall not be any regular commercial delivery to or from the dwelling where a home occupation is being conducted.
14. No special off-street parking area shall be allowed in connection with the home occupation; however, the driveway may be used for such parking.
15. Storage and parking of vehicles on the premises, used in conjunction with the home occupation, shall be limited to automobiles and light trucks not exceeding 15,000 pounds gross vehicle weight.
16. Home occupation activities shall be conducted indoors.
17. No more than 500 square feet of floor area may be used for storage of materials and supplies used for the home occupation.
18. Noise generated by the conduct of the home occupation shall not exceed that normally associated with a residential use.

F. Cottage Food Operation.

Notwithstanding any of the provisions above, a cottage food operation, as defined by the State of California under the provisions and allowances of Assembly Bill 1616, shall be allowed in any legally established residential unit in Tuolumne County provided the following requirements are met:

1. Each cottage food operation shall conform to all state and county laws, regulations, and requirements.
2. The operator of a cottage food operation shall reside within the residential unit used for such activity as their primary residence.
3. No dwelling shall be built or altered for the purpose of conducting the cottage food operation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a cottage food operation is conducted.
4. No cottage food operation shall be located within 300 feet of another such operation.
5. Between the hours of 7:00 p.m. one day and 8:00 a.m. the following day, no cottage food operation shall sell or offer for sale from the residence food items prepared from that residence.
6. Commercial delivery of items used in a cottage food operation shall be prohibited between the hours of 7:00 p.m. one day and 8:00 a.m. the following day.
7. All cottage food operations shall conform to the requirements and restrictions of the General Plan Noise Element.
8. Customers shall be prohibited from parking vehicles upon the property where they are purchasing products offered for sale by a cottage food operation, unless said property is at least 1 acre in size and occupied by a single-family residence. Customer parking may be permitted on property developed with two or more residential units, provided said property is at least 2 acres in size.
9. Only those individuals residing in the residential unit, as their primary residence, shall participate in a cottage food operation, with the exception that a cottage food operation may be permitted one full-time equivalent employee.
10. Customers of any cottage food operation shall be prohibited from consuming any products purchased from the cottage food operation on the property where such product was produced.
11. Where a cottage food operation is conducted from any residential unit, the operator of the cottage food operation shall police, clean, and maintain the property regarding discarded items that may result from the cottage food operation.

12. The individual granted approval for a cottage food operation being conducted within or upon a property with more than one residential unit shall post signage and enforce requirements prohibiting, at all times, the loitering of one or more persons within or upon the property where the cottage food operation is being conducted.
13. There shall be no display, sale, or advertising signs on the premises.
14. Within 30 days of receipt of a Home Occupation Permit from Tuolumne County for a cottage food operation, the operator of such facility shall present proof of receipt of a permit for same from the County of Tuolumne Environmental Health Services, and Department of Public Health.
15. The cottage food operator shall contact the local waste disposal company to ascertain whether additional trash removal services shall be required for the level of food production being created. The cottage food operator shall provide to the County comments from the local waste disposal company that adequate trash removal shall occur for the level of activities added by the Cottage Food Operation.
16. Violations of Section 17.100.0140.F, Cottage Food Operation, may result in the revocation of the Home Occupation Permit issued by Tuolumne County. Operators who have had their County-issued Home Occupation Permit revoked shall be prohibited for two years from applying for another Home Occupation Permit for a cottage food operation.
17. All merchandise, supplies, equipment, or other materials stored outdoors shall be screened from public view.
18. The storage of hazardous, toxic, or combustible materials shall be in approved containers designated for such materials and shall be screened from public view.
19. Compliance with section 17.100.120.E.9 above.
20. The cottage food operation Home Occupation Permit shall not be transferable to another property or dwelling unit or to any subsequent owner or tenant of the property or dwelling unit for which the Home Occupation Permit was originally granted.
21. For a cottage food operation conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to submittal of an application for a cottage food operation Home Occupation Permit, and shall be submitted with such Home Occupation Permit application.
22. Cottage food operation activities shall be conducted wholly indoors.
23. No more than 500 square feet of floor area may be used for storage of materials and supplies used for or in association with the cottage food operation.
24. Where any cottage food operation employs an individual other than the primary operator, all local, county, state, and federal labor laws shall apply and be conformed with.

17.100.130 Similar Use Determination. The land use table may not include all possible uses. When a specific use is not listed and it is unclear whether the use is permitted, permitted with a permit or Site Development Permit, or not permitted, the Similar Use Determination establishes a process for the review and possible addition of new uses to the land use table.

A. Applicability. A Similar Use Determination is required when a use is not specifically listed in this Zoning Ordinance but may be permitted if it is determined to be similar in nature to a use that is permitted, or permitted with a Use Permit.

B. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

C. Approving Authority. In cases where a specific land use or activity is not defined, the Director shall initially assign the land use or

activity to a classification that is substantially similar in character. Use classifications not listed or not substantially similar to the uses in a specified land use district are prohibited in that district. Similar Use Determinations shall be approved by the specified approving authority responsible for the permit approval, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Similar Use Determination application.

D. Notifications. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Similar Use Determinations when such determinations are referred to the Commission by the Director.

E. Conditions of Approval. In approving an application for a Similar Use Determination, the approving authority may impose conditions in order to achieve the purposes of this Zoning Ordinance, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

F. Findings for Approval. Prior to approving a Similar Use Determination as prescribed by this Chapter, the approving authority shall make all the following findings:

1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher intensity of activity, environmental impact, or population density than the uses permitted in the district.
2. The proposed use will be consistent with the purposes of the applicable district.
3. The proposed use will be consistent with the goals and policies of the adopted General Plan, any applicable Specific Plan, and the Zoning Ordinance.

G. Notice of Decision. Written notice of decision shall be provided within five business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

1. The application request as acted upon by the approving authority.
2. The action taken by the approving authority.
3. Findings as listed for the approval.
4. The deadlines, criteria, and fees for filing an appeal.

H. Effective Date. Similar Use Determinations shall become effective on the day immediately following expiration of the appeal period when no timely appeal has been filed. Upon filing a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

I. Appeals. Appeal of an action made pursuant to this Chapter shall be filed in accordance with Chapter 17.102.

J. Expiration. Approved Similar Use Determinations do not expire.

K. Amendments. Any amendments affecting an approved Similar Use Determination shall be handled as a new application.

L. Record of Determinations. The Community Development Department shall maintain all such determinations on record for review by the general public upon request.

17.100.140 Specific Plan. The purpose of this section is to establish procedures for adoption, maintenance, and administration of specific plans, in accordance with the provisions of Sections 65450 through 65457 of the California Government Code, and as may be required for the implementation of the General Plan. The purpose of a Specific Plan is to establish policies and development standards that address area-specific issues. Specific plans are intended to carry out the General Plan in one of three ways:

1. By providing clearer definition of planning policy applicable to the Specific Plan area;
2. Regulating land use for a particular geographic area in greater detail than that provided by the Zoning Ordinance; and/or
3. Bringing together detailed policies and regulations into a focused development scheme.

B. Intent. Specific plans are intended to:

1. Provide a planning framework to guide future public and private developments and promote flexibility while ensuring a coherent community design.
2. Encourage creative approaches to the use of land, through variation in the location of buildings and the

appropriate mix of land use activities and dwelling types.

3. Promote and create public and private open space as an integral part of land development design.
4. Provide development regulations for an area without changing countywide ordinances.
5. Provide the ability to respond to changing conditions in the Specific Plan area without the need for a Zoning Ordinance Amendment.

C. Applicability. The following shall serve as a guide for the appropriate use of specific plans:

1. Where unique results or treatments are desired or in areas having sensitive environmental qualities;
2. Where there is a complicated mixture of conditions such as new development, deteriorated structures, underutilized land, and mixed uses;
3. Where there is a need to incorporate considerable detail in a proposed development project that would justify its approval; and/or
4. Where it is more cost-effective to include, with the proposed project, a Master Environmental Impact Report so that subsequent projects within the Specific Plan area would require no further environmental documentation or require only focused environmental reports.

D. Consistency with General Plan. Specific plans shall be consistent with the General Plan.

E. Density Bonus.

1. Specific plans shall be consistent with the density standard prescribed by the General Plan. Transfer of density may occur in the Specific Plan provided that the total density attributable to the Specific Plan area shall not be exceeded, except as specified in Section 17.100.140.D.2.
2. As an incentive to preserving large areas of protected open space, preserving historically and culturally significant resources, and/or developing inclusionary housing programs for the provision of affordable housing, the Board of Supervisors may approve a density bonus of up to 5 percent within medium- and high-density residential land use areas. This bonus may be over and above any other housing bonus incentives provided in this Zoning Ordinance.

F. Specific Plan Content. A Specific Plan may include written text, maps, diagrams, and descriptions of allowable uses. At a minimum, specific plans shall include:

1. A statement of the relationship of the Specific Plan to the General Plan.
2. A map indicating the distribution, location, and extent of land uses, including open space, within the area covered by the plan.
3. All permitted uses and land use densities.
4. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
5. A map and/or text specifying the proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, energy, and other essential facilities in the Specific Plan area.
6. Public works projects, programs, and implementation measures necessary to carry out the Specific Plan's stated purpose.
7. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the above noted provisions of the Specific Plan.

G. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

H. Approval Authority. Specific Plans shall be approved by the specified approving authority, as designated in Table 17.96.1, Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Specific Plan application.

I. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Specific Plan applications.

J. Findings for Approval. Prior to approving a Specific Plan as prescribed by this section, the approving authority shall make the following findings:

1. The Specific Plan is consistent with the intent of the goals and policies of the General Plan as a whole and is not inconsistent with any element thereof.
2. The Specific Plan prescribes controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.
3. The Specific Plan provides property development rights while protecting environmentally sensitive land uses and species.
4. The Specific Plan provides for the protection of the health, safety, and/or general welfare of the community.

K. Adoption.

1. Upon approval of the final Specific Plan by the Board of Supervisors, the Land Use Map shall be amended to identify the area covered by the plan. The Board of Supervisor's approval of the final Specific Plan and the establishment of Specific Plan (SP) zoning shall be by Ordinance.
2. The approved final Specific Plan shall be filed in the office of the clerk of the Board and in the Community Development Department.

L. Amendments. Specific Plans may be amended or repealed in the same manner as originally adopted.

M. Relationship to the Zoning Ordinance. Development standards, procedural regulations, and other provisions of this Title shall apply within a Specific Plan except where they conflict with provisions of the Specific Plan. In that case, the Specific Plan shall supersede the Zoning Ordinance.

17.100.150 Community Plan. The purpose of this section is to establish procedures for adoption, maintenance, and administration of Community Plans as may be desired by the County for the tailoring of goals, policies, and implementation programs for certain communities in the county. The purpose of a Community Plan is to work in concert with the General Plan and provide additional detail and direction for development and services in those communities.

A. Applicability.

1. Community Plans shall be initiated by the County.
2. The following shall serve as a guide for the appropriate use of Community Plans:
    a. Where unique results or treatments are desired or in areas having sensitive environmental qualities; and/or
    b. Where there is a complicated mixture of conditions, such as new development, deteriorated structures, underutilized land, and mixed uses; and/or
    c. Where it is more cost-effective to include, with the proposed Community Plan, a Master Environmental Impact Report so that subsequent projects within the Community Plan area would require no further environmental documentation or require only focused environmental reports.

B. Consistency with General Plan. Community Plans shall be consistent with the General Plan.

C. Community Plan Content. A Community Plan may include written text, maps, diagrams, and descriptions of background information on the community, and goals, policies, and implementation programs.

D. Application.

1. Application Filing and Processing. Applications for a variance shall be filed and processed in accordance with Chapter 17.98.
2. Application Fees. Application fees shall be collected in accordance with Section 17.98.050, Applications and Fees.

E. Approval Authority. Community Plans shall be approved by the specified approving authority, as designated in Table 17.96.1,

Approving Authority for Land Use Permits. The designated approving authority is authorized to approve, conditionally approve, modify, or deny a Community Plan application.

F. Notification. Public notice pursuant to Section 17.98.110, Public Hearing and Public Notice, is required for all Community Plan applications.

G. Findings for Approval. Prior to approving a Community Plan as prescribed by this section, the approving authority shall make all the following findings:

1. The Community Plan is consistent with the intent of the goals and policies of the General Plan as a whole and is not inconsistent with any element thereof.
2. The Community Plan provides property development rights while protecting environmentally sensitive land uses and species.
3. The Community Plan provides for the protection of the health, safety, and general welfare of the community.

H. Adoption.

1. Upon approval of the final Community Plan by the Board of Supervisors, the Land Use Map shall be amended to identify the area covered by the plan.
2. The approved final Community Plan shall be filed in the office of the clerk of the Board of Supervisors and in the Community Development Department.

I. Amendments. Community Plans may be amended or repealed in the same manner as originally adopted.

TABLE 1.1: DISTRIBUTION OF GENERAL PLAN LAND USE DESIGNATIONS			
GENERAL PLAN DESIGNATION		ACREAGE	% OF TOTAL ACREAGE
17.	Timber Production (TPZ)	85,652	5.89%
18.	Public (P)	1,125,238	77.36%
19.	Open Space (O)	736	0.05%
20.	Parks and Recreation (R/P)	5,287	0.36%
Total Acreage*		**1,454,562**	**(100%)**
*Values may not sum to totals due to rounding, right-of-way, and inconsistencies in the digital data.			

Urban Land Use Designations:

1. Low Density Residential (LDR)

Purpose - The LDR designation provides for family-oriented neighborhoods that feature single-family, detached homes on individual parcels. A second dwelling unit per parcel is also permitted to provide for the caring of family members and to promote affordable housing. This designation is applied to urban or urbanizing areas suitable for single-family residential neighborhoods, with individual lots ranging in area from 7,500 square feet to two acres.

General Uses - Typical land uses allowed include: detached single-family dwellings, secondary dwellings, residential accessory uses, parks, child care facilities and public facilities.

Minimum Parcel Size - 7,500 net square feet. The minimum parcel size may be reduced for the provision of affordable housing in accordance with the Tuolumne County Ordinance Code

Building Intensity - Six (6) dwellings units per acre is the maximum building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code. The maximum FAR for buildings on parcels that are at least 7,500 square feet (net acreage) in area is 0.5. The maximum FAR for buildings on parcels that are less than 7,500 square feet (net acreage) is 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. The maximum FAR may be exceeded for affordable housing units in accordance with the Tuolumne County Ordinance Code]

2. Medium Density Residential (MDR)

Purpose - The MDR designation provides for medium density developments, such as duplexes, triplexes and fourplexes, while preserving more open space than development in the High Density Residential designation. This designation is applied within urban areas where some lower- to higher-density multiple family housing may also be appropriate.

General Uses - Typical land uses allowed include: detached and attached single-family dwellings, smaller-scale multiple family dwellings, such as duplexes, triplexes and fourplexes, residential accessory uses, parks, child care facilities, and public facilities.

Minimum Parcel Size - 7,500 net square feet for parcels zoned R-2 and 2,500 net square feet for parcels zoned R-0. The minimum parcel size may be reduced for the provision of affordable housing in accordance with the Tuolumne County Ordinance Code.

Building Intensity - Twelve (12) dwelling units per acre is the maximum building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code. Additional units are also possible



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3. High Density Residential (HDR)

Purpose - The HDR designation provides for residential neighborhoods of grouped or clustered single-family dwellings, duplexes, apartments, dwelling groups, condominiums, mobilehome parks and townhouses to economically and efficiently meet a variety of urban housing needs while insuring, through site review procedures, that such developments will have the least possible impact on the natural environment, be designed and built in accordance with the latest engineering and site layout standards and offer the most possible amenities which contribute to a high quality of life for the residents of such housing. This designation is applied within urban areas where residential development will be near transportation corridors, downtowns, defined community centers, major commercial centers, schools and community services.

General Uses - Typical land uses allowed include: detached and attached single-family dwellings, secondary dwellings, all types of multiple family dwellings, such as duplexes, apartments and senior housing projects, residential accessory uses, parks, child care facilities, and public facilities.

Minimum Parcel Size - 12,500 net square feet for parcels zoned R-3 and 2,500 net square feet for parcels zoned R-0. The minimum parcel size may be reduced for the provision of affordable housing in accordance with the Tuolumne County Ordinance Code.

Building Intensity - Fifteen (15) dwelling units per acre is the maximum building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code. Additional units are also possible through a density bonus for approved undeveloped projects that are modified to be consistent with the Distinctive Communities Growth Scenario. The maximum FAR for buildings on parcels that are zoned R-3 and at least 12,500 square feet (net acreage) in area is 0.5. The maximum FAR for buildings on parcels zoned R-3 that are less than 12,500 square feet (net acreage) is 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. The maximum FAR for buildings on parcels that are zoned R-0 and at least 2,500 square feet (net acreage) is 0.75 if the parcel is improved with a single dwelling unit or if the parcel is improved with two primary dwelling units or one duplex. The maximum FAR may be exceeded for affordable housing units in accordance with the Tuolumne County Ordinance Code.

4. Neighborhood Commercial (NC)

Purpose - The NC designation provides for limited commercial uses in areas which are intended to serve the nearby residential areas. This designation is found within urban areas, near population centers, to provide small scale retail and office operations, in enclosed buildings not exceeding 50 feet in height.

General Uses - Development within this designation will provide a broad range of convenience and comparison goods and services, such as banks, barber shops, clothing sales, drug stores and grocery stores. These small-scale

Footnotes to TABLE 1.2: "MAXIMUM DENSITY AND INTENSITY STANDARDS"

1. "Population density" is the number of residential units permitted on a single parcel multiplied by the "mean household size" as determined by the 2010 U.S. Census. In the case of single family dwellings, the "mean household size" is 2.29 persons. For multiple family dwellings, it is 2.40 persons. For example: LDR = 6 x 2.29 = 13.74 persons per acre; HDR = 15 x 2.40 = 36 persons per acre; AG = (2 x 2.29)/37 = 0.12 persons per acre. The maximum population density standards established herein may be exceeded through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code or for agricultural laborer housing in accordance with the California Health and Safety Code or the California Government Code or to implement the policies and programs of the Housing Element. The maximum population density standards established herein may be modified by the requirements of the overlay land use designations.

2. "Building intensity" defines the intensity of the land use. The building intensity of residential land uses is established by the maximum number of dwelling units allowed per parcel or per acre and also by the ratio of the coverage of all buildings on a parcel which is known as the floor area ratio (FAR). The FAR is also used to establish the building intensity for non-residential land uses. The maximum building intensity standards established herein may be exceeded for affordable housing units, through a density bonus for the provision of child care facilities by commercial and industrial development in accordance with the California Government Code, or as otherwise provided by State statutes or for agricultural laborer housing in accordance with the California Health and Safety Code or the California Government Code. The maximum building intensity standards established herein may be modified by the requirements of the overlay land use designations.

3. Additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code.

4. The MU designation is intended to allow a mixture of commercial, residential and recreational land uses.

5. In addition to the floor area ratio (FAR), building intensity will be regulated for permitted or conditionally permitted uses by development standards, such as parking, landscaping and building setbacks.

6. Under the TPZ designation, residential uses shall be limited to not exceed one (1) dwelling per 37 acres and shall be reviewed for consistency with the Z'Berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, as amended.

7. Additional building coverage is possible through the density bonus regulations of the California Government Code related to the provision of child care facilities, or as otherwise provided by State statutes.

8. To facilitate clustering and innovation in the layout of residential development, these standards provide for averaging the number of allowable dwelling units or parcels on a site, consisting of one or more parcels, provided the total number of units does not exceed the maximum number allowed under the site's respective land use designations.

9. Additional units are possible for agricultural laborer housing in accordance with the California Health and Safety Code or the California Government Code.

10. The maximum FAR for parcels less than 12,500 square feet (net acreage) in the HDR land use designation is 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence.

11. The maximum FAR for parcels less than 7,500 square feet (net acreage) in the LDR and MDR land use designations is 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence.

12. Additional dwelling units are permitted in the NC, GC, HC, R/P and SC land use designations to allow single room occupancies in hotels and motels in the C-K, C-O, C-1 and C-2 zoning districts to implement the Housing Element and are not subject to residential building intensity but are subject to the floor area ratio (FAR) established herein.

13. Parcels zoned R-0 within MDR or HDR designated areas have a minimum parcel size of 2,500 square feet and FAR of 0.75 when improved with a single dwelling unit or with 2 primary dwelling units or one duplex. The maximum dwelling units per acre for MDR and HDR apply.

TABLE 1.3: GENERAL PLAN LAND USE DESIGNATIONS AND COMPATIBLE TITLE 17 ZONING CLASSIFICATIONS	
GENERAL PLAN DESIGNATION	**COMPATIBLE ZONING**
All Designations	**O** Open Space **O-1** Open Space - 1 **P** Public All Combining Districts
HDR High Density Residential	**R-0** Small Lot Single-Family Residential **R-3** Multiple Family Residential
MDR Medium Density Residential	**R-0** Small Lot Single-Family Residential **R-2** Medium Density Residential
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RR Rural Residential	**RE-5** Residential Estate - 5 acres **A-10** General Agricultural - 10 acres
LR Large Lot Residential	**RE-10** Residential Estate - 10 acres **A-20** General Agricultural - 20 acres
AG Agricultural	**AE-37** Exclusive Agricultural - 37 acres **AE-80*** Exclusive Agricultural - 80 acres **AE-160*** Exclusive Agricultural - 160 acres
TPZ Timber Production	**TPZ** Timberland Production Zone
O Open Space	**O** Open Space **O-1** Open Space - 1
P Public	**P** Public
R/P Parks and Recreation	**K** General Recreational **C-K** Commercial Recreation
NC Neighborhood Commercial	**C-O** Neighborhood Commercial
GC General Commercial	**C-O** Neighborhood Commercial **C-1** General Commercial
HC Heavy Commercial	**C-O** Neighborhood Commercial **C-1** General Commercial **C-2** Heavy Commercial
SC Special Commercial	**C-S** Special Commercial **C-K** Commercial Recreation
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MU Mixed Use	**M-U** Mixed Use
Overlay Designations	
-MPZ Mineral Preserve (Overlay)	Determined by the primary land use designation.
-AIR Airport (Overlay)	Determined by the primary land use designation.

* Denotes proposed zoning district.

TABLE 1.1: DISTRIBUTION OF GENERAL PLAN LAND USE DESIGNATIONS			
GENERAL PLAN DESIGNATION		ACREAGE	% OF TOTAL ACREAGE
17.	Timber Production (TPZ)	85,652	5.89%
18.	Public (P)	1,125,238	77.36%
19.	Open Space (O)	736	0.05%
20.	Parks and Recreation (R/P)	5,287	0.36%
Total Acreage*		**1,454,562**	**(100%)**
*Values may not sum to totals due to rounding, right-of-way, and inconsistencies in the digital data.			

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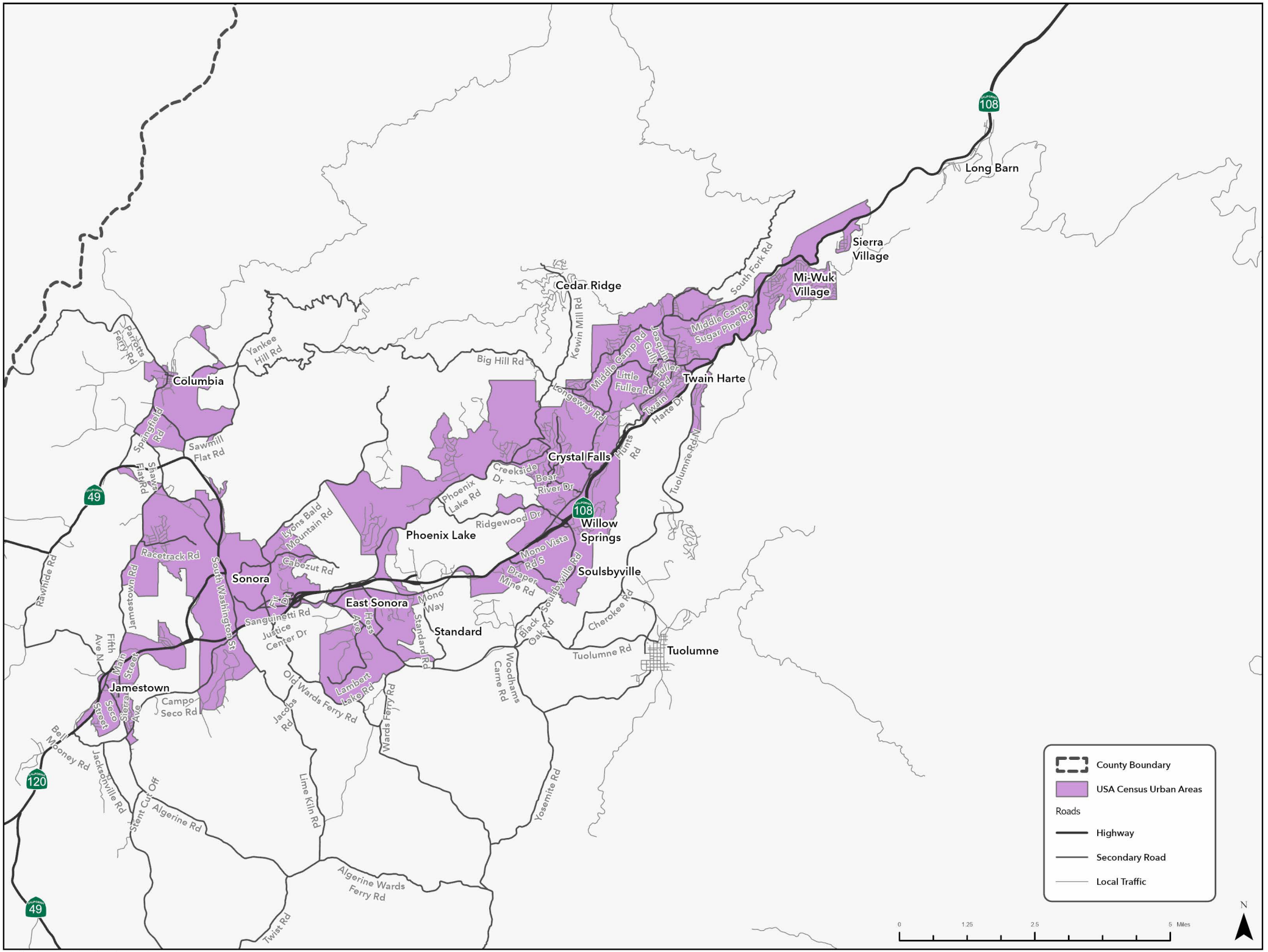
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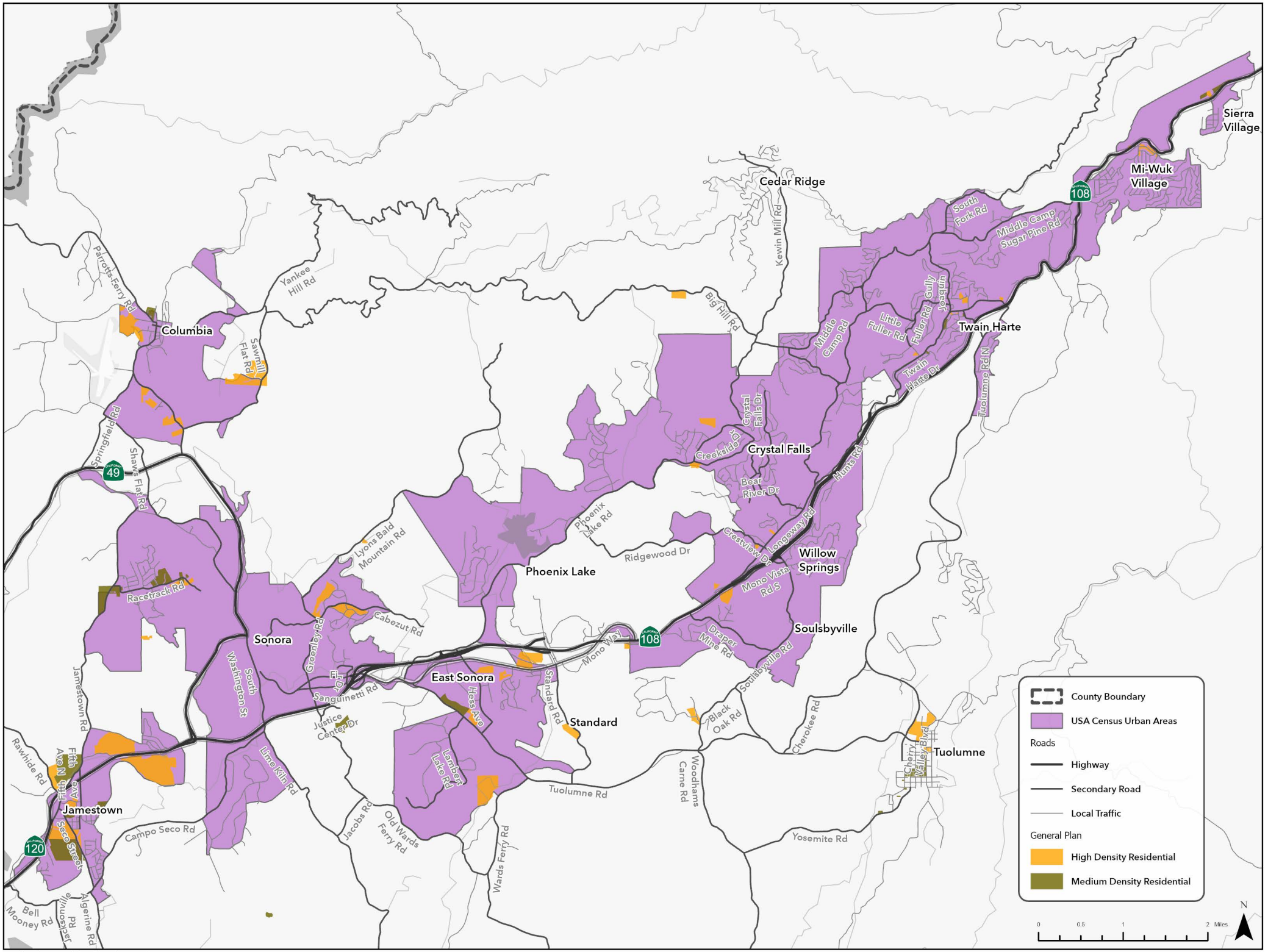
* Denotes proposed zoning district.

Urban Areas of Tuolumne County



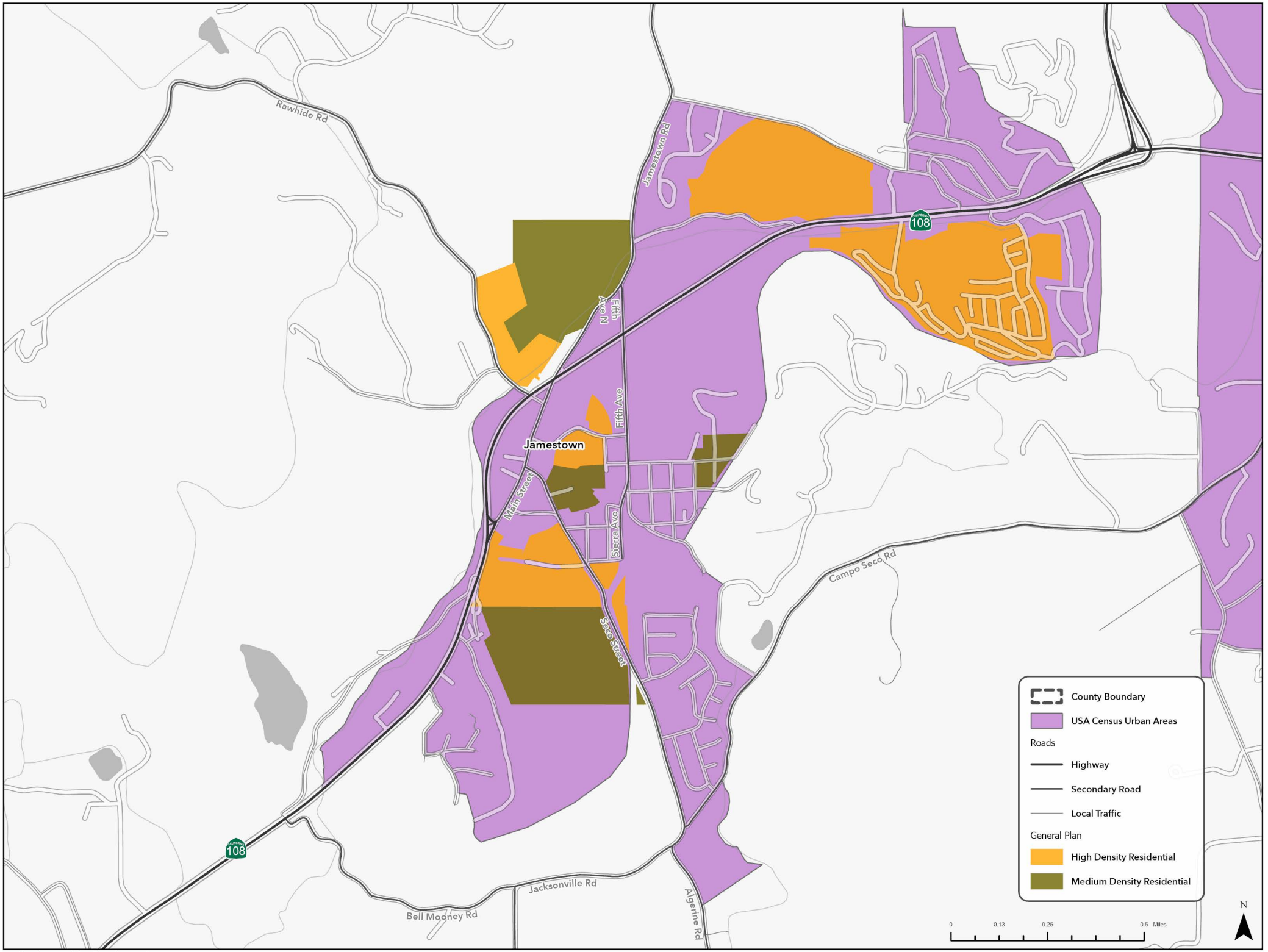
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Urban Areas and General Plan Designations (HDR & MDR only) of Tuolumne County



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Urban Areas and General Plan Designations (HDR & MDR only) of Tuolumne County, Jamestown Detail



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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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

MINUTES OF THE TUOLUMNE COUNTY PLANNING COMMISSION

February 19, 2025, 6:00 PM
Board of Supervisors Chambers County Administration Center
4th Floor 2 S. Green St. Sonora, CA 95370

PRESENT: Chair Jim Jordan; Vice-Chair Jerry Morrow; Commissioners Jim Cherry, Jim Garaventa, Ron Kopf, Sasha Farkas, and Michael Smithwick

ABSENT: None

STAFF: Quincy Yaley, Development Department Director; Cheydi Smith, Planner II

CALL TO ORDER/WELCOME:

Vice-Chair Jim Jordan called the February 19th, 2025, meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

Quincy Yaley, Community Development Director, reported on upcoming TCPC meetings and the development of a Citizens Planning Academy. This initiative will provide community members with a structured opportunity to engage with the department, gain a deeper understanding of the planning process, and develop a common knowledge of development regulations. She also provided an overview of public comment periods related to the night's meeting.

Commissioner Morrow reported on the California County Planning Commissioners' Association.

2. Report from the Agricultural Advisory Committee Representative

Commissioner Morrow reported on the item before the Agricultural Committee on November 21, 2024.

3. Meeting Minutes of September 18th, October 16th, and November 20th, 2024

MOTION: Approval of the Minutes of September 18th, October 16th, and November 20th, 2024
RESULT: **Approved**
MOVED: Commissioner Morrow
SECONDED: Commissioner Ron Kopf
AYES: Vice-Chair Jordan, Commissioners Morrow, Kopf, Cherry, Farkas, Garaventa, and Smithwick.
NOES: None

4. Election of Officers

- **Chair**

MOTION: Appoint Jim Jordan as Chair of the Tuolumne County Planning Commission.
RESULT: **Approved**
MOVED: Commissioner Morrow
SECONDED: Commissioner Smithwick
AYES: Vice-Chair Jordan, Commissioners Morrow, Smithwick, Farkas, Cherry, Garaventa and Kopf
NOES: None

- **Vice Chair**

MOTION: Appoint Jerry Morrow as Vice-Chair of the Tuolumne County Planning Commission.
RESULT: **Approved**
MOVED: Chair Jordan
SECONDED: Commissioner Farkas
AYES: Vice-Chair Jordan, Commissioners Morrow, Smithwick, Farkas, Cherry, Garaventa and Kopf
NOES: None

- **Agricultural Advisory Committee Representative**

MOTION: Appoint Jerry Morrow as Agricultural Advisory Committee Representative
RESULT: **Approved**
MOVED: Commissioner Kopf
SECONDED: Commissioner Garaventa
AYES: Vice-Chair Jordan, Commissioners Morrow, Smithwick, Farkas, Cherry, Garaventa and Kopf
NOES: None

PUBLIC COMMENT:

Chair Jim Jordan opened the 15-minute public comment period, during which anyone wishing to address the Commission on any item not on the printed Agenda could do so. He indicated that there would be a three-minute time limit for public comment.

Commissioner Cherry suggested that the commissioners introduce themselves to the audience.

A public member encouraged the community to attend the Citizens Planning Academy to understand how planning decisions are made. She noted that opposing a project based on personal preference cannot influence an outcome.

Chair Jordan asked if anyone else wished to speak, and seeing no one, he closed the public comment period.

PUBLIC HEARING:

VALLEY DALE,

1. Resolution for a General Plan Amendment to amend the General Plan land use designation of the 4.3± acre site from Public (P) and Estate Residential (ER) to High-Density Residential (HDR).

2. Ordinance for a Zone Change to rezone the 4.3± acre site from R-1 (Single Family Residential) and RE-2 (Residential Estate, Two Acre Minimum) to R-3 (Multiple Family Residential) under Title 17 of the Tuolumne County Ordinance Code.

3. Site Development Permit to allow the development of an apartment complex, consisting of 56 residential units and associated amenities.

4. Approval of the Mitigated Negative Declaration for a General Plan Amendment, Zone Change and Site Development Permit for LUNR-24-2.

The project site consists of six parcels totaling 4.3± acres located at 14562 Peaceful Valley Road, approximately 2,200 feet northwest of the intersection of Peaceful Valley Road and Mono Way. Located within a portion of Section 33, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District 1.

Cheydi Smith, Planner II, and Ms. Yaley gave a PowerPoint presentation on the proposed project location and description.

Chair Morrow requested staff clarification regarding removing old-growth oak trees and the requirement for encroachment permits.

Ms. Yaley stated that the mitigation measure requires a final list of proposed tree removals at the time of the building permit submission. Any old-growth oak trees identified for removal will be subject to an impact fee. She clarified that there will be no new encroachments onto the State highway; however, the project will require an encroachment permit from the County to access Peaceful Valley Road.

A discussion ensued on the required easements and the parking lot design.

Chair Jordan inquired if there were any further questions for staff. Seeing none, he invited the applicant to proceed with their presentation.

Christina Stokes-Johnson delivered a presentation outlining the applicant's development experience, past projects, and tenant eligibility criteria for the proposed development. She reviewed the income ranges allowed under the State Low-Income Housing Tax Credit program, ranging from 30% to 80% of the Area Median Income. Additionally, she highlighted that five of the 56 units will be designated for veterans. She also provided an overview of the tenant screening criteria, covering income limits, credit history, recent evictions, and felony convictions.

The Commission asked Ms. Stokes-Johnson questions regarding funding, construction timeframe, and income limits.

Ms. Stokes-Johnson explained that securing entitlements is a prerequisite for obtaining funding. She noted that they pursue various funding sources to finance the project, with 65% of the funding from the Tax Credit program. She said that the earliest construction could begin would be this time next year, followed by a 16-month construction period, with completion anticipated in early 2028.

Chair Jordan opened the public comment period and indicated that there would be a three-minute time limit for the public comment period.

Eighteen members of the public spoke in opposition to the project. They raised issues related to safety, infrastructure, and neighborhood compatibility. They had significant concerns with the project's design, particularly its single access point, which they felt poses a safety risk in the event of a wildfire. They noted that the proposed density is incompatible with the rural area, leading to overflow parking on the streets and creating pedestrian hazards. Additionally, they expressed concerns about increased traffic, which could lead to bottlenecking and a higher risk of traffic collisions. They noted the project is currently inconsistent with the existing zoning and the expectations of property owners who purchased homes in the area under the assumption that land use would remain compatible with their rural neighborhood. Additionally, they raised concerns about the natural environment, with residents noting the loss of trees and potential runoff during development affecting a nearby creek. Several speakers also stated that because the project would be for lower income tenants, there would be an increase in crime in the neighborhood and unmaintained vehicles.

Chair Jordan asked if anyone else wished to speak on the project. Seeing no one, he closed the public comment period and returned the item to the Commission.

The Commission asked additional questions regarding parking on the site and discussed the proposed project. Some Commissioners raised concerns that the the project may be too large for the proposed location.

MOTION: Recommend approval of General Plan Amendment based on Findings A through E; recommend approval of Zone Change based on Findings A through E; Recommend approval of Site Development Permit based on Findings A through D and subject to conditions 1 through 75; Recommend approval of the Mitigated Negative Declaration for a General Plan Amendment, Zone Change and Site Development Permit for LUNR-24-2 based on Findings A through F.

RESULT: **Approved**
MOVED: Vice-Chair Morrow
SECONDED: Commissioner Garaventa
AYES: Vice-Chair Morrow, Commissioners Garaventa, Farkas, Kopf
NOES: Vice-Chair Jordan, Commissioner Cherry and Smithwick

APPROVED:

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Quincy Yaley, AICP
Community Development Department Director

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