



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

Property Owner/Applicant Contact Information for Items to be Considered by the Tuolumne County Planning Commission at its Meeting of May 6, 2020:

48 Yancy 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

Agenda Item:

- 1. Project Title:** General Plan Amendment GPA19-009
Rezone RZ19-012

Planner's Name: Terrilyn Turner

Property Owner Name: Frank & Ana Rocha

Project Site: 16166 Placer Street, Jamestown

Telephone Number: (209) 768-5621

Project Applicant: Richard James, Land & Structure

Telephone Number: (209) 532-5173
- 2. Project Title:** Conditional Use Permit CUP18-003

Planner's Name: Natalie Rizzi

Property Owner Name: Phillip Davis Trust

Project Site: 15331 Avenida Del Sol, Sonora

Telephone Number: (916) 257-5248

Project Applicant: Conifer Communications

Telephone Number: (209) 743-2339



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AGENDA TUOLUMNE COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR 2 SOUTH GREEN STREET May 6, 2020 6:00PM

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PUBLIC PARTICIPATION PROCEDURES

In order to protect public health and the safety of Tuolumne County citizens, the Tuolumne County Planning Commission Meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in the May 6, 2020 Planning Commission meeting, follow the instructions below. For detailed Zoom instructions go to the Agenda Packet <https://www.tuolumnecounty.ca.gov/AgendaCenter/Tuolumne-County-Planning-Commission-8>.

- 1) Use the link to join the webinar: <https://zoom.us/j/93174854309> (Webinar ID: 931 7485 4309)
- 2) During the public comment period you will have the option to “*raise your hand*” if you would like to comment on a project or during the public comment portion of the meeting.

If participating by computer:

- After clicking the “*raise your hand*” option, please wait until a staff member unmutes your microphone.
- Once staff has unmuted your microphone you will be asked to provide comments.
- A staff member will notify to you when you have 30 seconds remaining and again when your time is up.
- Once your allotted time is up, a staff member will mute your microphone and “*lower your hand*”.

If participating by smartphone:

- If you are participating from your smartphone, you will also have a “*raise your hand*” feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment. Staff will assist as described above.

If participating by telephone:

- If you are participating via telephone call, you will need to press *9 (star 9) to “*raise your hand*”, and when you are unmuted you will hear “*you are unmuted*” allowing you to provide public comment. Staff will assist as described above.

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (communityresources@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting. Comments must be received by the Community Development Department Director no later than 4:00 PM on the afternoon of the noticed meeting.

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Reports
 - a. Commissioners and Staff
 - b. Board of Supervisors Planning Committee Representative
 - c. Agricultural Advisory Committee Representative
2. Minutes of the Meeting of February 19, 2020
3. COVID- 19 Public Comment Procedures

- 4. New Business
 - a. Valley Vista Elevation

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: 6:00 p.m.

NEW ITEMS:

1. ROCHA

1. Resolution for General Plan Amendment GPA19-009 to change the General Plan land use designation of a 6.71± acre parcel from Large Lot Residential (LR) to Estate Residential (ER) and a 1.23± acre parcel from Low Density Residential (LDR) to ER.
2. Ordinance for Zone Change RZ19-012 to rezone a 5.88± acre portion of a parcel from RE-10 (Residential Estate, Ten Acre Minimum) & O-1 (Open Space 1) to RE-2 (Residential Estate, Two Acre Minimum) & O-1 and a 1.23± acre portion of a parcel from RE-1 (Residential Estate, One Acre Minimum) to RE-2 under Title 17 of the Tuolumne County Ordinance Code.

The project site is located at 16166 Placer Street, approximately 650± feet southwest of the intersection of Jacksonville Road and Placer Street, in the community of Jamestown. The project site is within a portion of Sections 22 and 27, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and is within Supervisorial District 5. Assessor's Parcel Numbers 059-243-005 and 059-200-012.

2. DAVIS TRUST

Conditional Use Permit CUP18-003 to replace an existing 68± foot high internet tower with a new 150± foot tall high-speed internet tower, related equipment, and a new 12± foot by 15± foot equipment shed on a 127.1± acre parcel zoned AE-37 (Exclusive Agricultural District, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 15331 Avenida Del Sol, approximately 2,030± feet south of the intersection of Phoenix Lake Road and Avenida Del Sol. The project site is within a portion of Sections 27, 34 and 35, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District 4. Assessor's Parcel Number 038-320-010.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda, or other materials provided by the County to the Planning Commission prior to the meeting are available for review online at www.tuolumnecounty.ca.gov.

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).

IMPORTANT PUBLIC NOTICE: Under the Governor's Executive Order N-25-20, this meeting will allow members of the Planning Commissioners to participate by teleconference; and under Order N-29-20, Accessibility Requirements, if you need swift special assistance during the Planning Commission meeting, please call 209-770-5423.



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

April 22, 2020

48 Yaney Avenue, Sonora
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TO: Tuolumne County Planning Commissioners
FROM: Quincy Yaley, AICP Community Development Department Director
RE: Public Hearing Procedures

In light of current COVID 19 Health Orders and the Planning Commission meeting being held via the Zoom Platform, County Counsel has advised that the Planning Commission may modify the public comment procedures for public hearings at the May 6, 2020 meeting.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Commission may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a “public hearing”, public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each commissioner to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.



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April 24, 2020

TO: Tuolumne County Planning Commission

FROM: Quincy Yaley, AICP, Community Development Department Director
Cheydi Gonzales, Land Use Technician

SUBJECT: Valley Vista Elevations

On December 7, 2010, a decision was rendered by the Tuolumne County Board of Supervisors, approving Tentative Subdivision Map T10-010 based upon the findings and subject to the conditions of approval for The Dry Creeks Subdivision.

On February 3, 2020, elevations for the development was submitted to the Community Development Department pursuant to Condition #25 of Vesting Tentative Subdivision Map T10-010 as listed below:

The developer shall submit elevations for the one hundred forty-nine (149) age-restricted lots in the eastern portion of the project site for review and approval of the Jamestown Area Planning Commission. The proposed elevations shall reflect architecture that is reflective of the historic architecture found in the Mother Lode region and shall include porches or other similar architectural features. Siding on structures shall utilize a combination of materials including horizontal siding, shingles, stucco or stone. No individual style of siding shall dominate the development. Stucco must reflect the historic character of architecture used in the area and shall be used in moderation. All structures shall utilize a color palate that is reflective of the historic architecture of the area such as white, green, tan and brown colors. (CEQA, Section 15041, [Initial Study, "Visual Quality"])

Because the Jamestown Area Planning Commission has been disbanded, the elevations are presented to the Tuolumne County Planning Commission for review and approval.

Pursuant to Condition 25 of T10-010 the proposed elevation drawings address the historic architecture found in the Mother Lode region or other similar features as follows:

- Dwelling units consist of mostly double and triple gable rooflines
- All units consist of horizontal lapped board (siding)
- Porches contain vertical wood balusters with either Doric and traditional columns
- Composite Shingles
- Mostly all "Attached Garages"
- Colors consist of neutral to subtle colors

Staff is requesting the TCPC to review and make a determination as to the proposed elevations consistency with historic architecture found in the Mother Lode region. Attached to this memo are excerpts from the Jamestown Design Guide to aid in your review. Condition 25 did not specify consistency with the Jamestown Design Guide, but these pictures are offered for your review.

Chapter Three

LAND USE COMPOSITION

Building types can be classified according to specific categories for identification and discussion purposes. Because there has not been a system with which to classify the design characteristics of Mother Lode architectural style, the following system has been formulated.

The foothill and mountain mining towns of the Mother Lode grew exponentially as the miners discovered new gold deposits. The typical east-west, north-south grid pattern of street layout was ignored, and town layout corresponded to mining claim boundaries, the presence or absence of bedrock, and variable terrain. Streets, houses, and commercial buildings were built along these more random lines to serve the growing population.

Single-Family Residences

The following features were common to the early one- and two-story residential dwellings:

- Roofs were hipped or gabled or were trimmed inside with bargeboards and bore an ornamental peak at their apex with a moderate to steep pitch on the main building. They were most often covered with wooden shakes or shingles



Residence at 18205 Seco Street.
Photo 2007.

or corrugated iron. Today, fire-proof materials must be used to reduce fire hazard, but include fire-proof shakes and metal.

- Louvered, wooden shutters were found on many dwellings, painted a color contrasting with the main building.
- Siding was commonly shiplap, clapboard, or vertical board and batten. The former were frequently painted white or grey, or red oxide and subtle yellows. Board and batten was most often left unpainted.
- Porches were protected by a shed roof and supported by pillars.



Residence at 18194 Seco Street. Photo 2007.

- Turned porch pillars were common with others being square timbers sometimes chamfered with a draw-knife.
- Most porches had railings with turned or jig-sawed balusters supporting the long railing. Some porches had open latticed trim along the top and sides.

Manufactured homes are now available in a variety of styles and sizes and have many features that may meet these Design Guidelines. This home has an attached garage, with a double-gable roofline and a covered porch.



The illustration to the left depicts a model of a two-story manufactured home with an attached garage. This home features a combination of building materials, including horizontal lapped board and rock siding.



This single-story manufactured home has a single-gable roofline, a covered porch and a two-car garage set back from the road. What makes this manufactured home unique is that it is fully handicap accessible.











1000 sq. ft. | 2.5 baths | 2 cars



1000 sq. ft. | 2.5 baths | 2 cars



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TO: Tuolumne County Planning Commissioners
FROM: Quincy Yaley, AICP Community Development Department Director
RE: Zoom Video and Teleconference for Planning Commission Meetings

In response to increasing risks of exposure to the coronavirus (COVID-19), the Tuolumne County Planning Commission meeting will be conducted and participated via Zoom. Video conferencing via Zoom will allow the Commission and County to adhere to social distancing requirements of the Brown Act and provide a way for the public to provide public comment live during the meeting. The Chair of the meeting will set the time length public comment at each item. You are not required to identify yourself in order to provide comments during the meeting.

Below is the Zoom link and Webinar ID needed to participate or observe the meeting:

- Click the link to join the webinar: <https://zoom.us/j/93174854309>
- Or iPhone one-tap :
 - US: +16699006833,,93174854309# or +13462487799,,93174854309#
- Or Telephone:
 - Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 Webinar ID: 931 7485 4309

The public can view the meeting from their smartphone, on their computer browser, or listen on their telephone. Zoom does not require an account to attend the meeting, but if the public wishes to create one, their basic accounts are free.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the Zoom meeting. The Chair will pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed county staff will notify the Chair that there is no public comment.

Members of the public can also choose to watch the meeting and do not have to comment during the meeting. If a member of the public does not want to provide public comment live, they can provide public comment prior to the meeting via email to the Community Development Department Director at communityresources@tuolumnecounty.ca.gov. If you would like your comments to be included in the record, please send comments to the above email address by 4:00 p.m. of the day of the noticed meeting.

If anyone is having technical difficulties with Zoom, they can visit Zoom's support page for helpful tips: <https://support.zoom.us/hc/en-us/categories/201146643>.

Below are step by step instructions on how to join and interact as an attendee via Zoom.

JOINING A WEBINAR BY LINK

- To join the webinar, click the link that we provided above <https://zoom.us/j/93174854309>
- If you are signed in, change your name if you do not want your default name to appear.
- If you are not signed in, enter a display name.

MANUALLY JOINING A WEBINAR

- Use the 9-digit meeting ID/webinar ID 931 7485 4309
- Sign in to the Zoom Desktop or Mobile App
- Click or tap **Join a Meeting**
- Enter the 9-digit webinar ID, and click **Join** or tap **Join Meeting**
- If prompted, enter your name and email, then click **Join Webinar** or tap **Join**.
- You may change your name if you do not want your default name to appear, as you are not required to state your name.

WAITING FOR HOST TO START THE WEBINAR

- If the host has not started broadcasting the webinar, you'll receive a message letting you know to "Please wait for the host to start the meeting".

PUBLIC COMMENT

- During the public comment period you will have the option to "raise your hand" if you would like to comment on a proposed project or during the public comment portion of the meeting.
- Once you have clicked the "raise your hand" option, please wait until a staff unmutes your microphone.
- Once staff has unmuted you will have three minutes to speak.
- A staff member will verbally communicate to you and the Commissioners when you have 30 seconds remaining and then when your time is up.
- Once your allotted time is up, a staff member will mute and "lower your hand".
- If you are participating from your smartphone, you will also have a "raise their hand" feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment.
- If you are participating via telephone call, you will need to press *9 (star 9) to "raise their hand", and when you are unmuted you will hear "you are unmuted" allowing you to provide public comment.

END OF MEETING

- If you would like to leave the meeting before it ends, click **Leave meeting**. If you leave, you can rejoin if the webinar is still in progress, as long as the host has not locked the webinar.

SURFACE/MINERAL**RIGHTS OWNER:** Frank and Ana Rocha**APPLICANT:** Frank and Ana Rocha**DATE:** April 15, 2020

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Resolution for General Plan Amendment GPA19-009 to change the General Plan land use designation of a 6.71± acre parcel from Large Lot Residential (LR) to Estate Residential (ER) and a 1.23± acre parcel from Low Density Residential (LDR) to ER.
2. Ordinance for Zone Change RZ19-012 to rezone a 5.88± acre parcel from RE-10 (Residential Estate, Ten Acre Minimum) & O-1 (Open Space-1) to RE-2 (Residential Estate, Two Acre Minimum) & O-1 and a 1.23± acre parcel from RE-1 (Residential Estate, One Acre Minimum) to RE-2 under Title 17 of the Tuolumne County Ordinance Code.

LOCATION: The project site is located at 16166 Placer Street, approximately 650± feet southwest of the intersection of Jacksonville Road and Placer Street, in the community of Jamestown. The project site is within a portion of Sections 22 and 27, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and is within Supervisorial District 5. Assessor's Parcel Numbers 059-243-005 and 059-200-012.

GENERAL PLAN: The project site is designated LR and LDR by the 2018 Tuolumne County General Plan land use diagrams. The Tuolumne County General Plan indicates that the proposed RE-2 zoning district is compatible with the proposed ER designation.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The General Plan Amendment and Zone Change will be used to facilitate a resubdivision to adjust .83± acres from APN 059-243-005 to APN 059-200-012 and to adjust 0.087± acres from APN 059-243-005 to APN 059-200-012. Proposed Parcel "A" will be 5.88± acres after the adjustment and Proposed Parcel "B" will be 2.05± acres after the adjustment. The proposed project will not result in an increase in the number of parcels or an increased development potential of the project site. Following approval of the resubdivision there will not be a significant change in the area of each parcel. The project is not proposing any development. Therefore, it can be seen with certainty that the proposed project will not have a significant effect on the environment.

RECOMMENDATION

1. Community Development Department Staff recommends approval of General Plan Amendment GPA19-009 based upon the following findings and contingent upon adoption of the Master Resolution amending the General Plan:
 - A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.
 - B. The project site is suited to the uses permitted under the proposed land use designation.
 - C. It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.
 - D. Amending the land use designation 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 Resources Agency Staff recommends approval of Zone Change RZ19-009 based upon the following findings:
 - A. The proposed Zone Change is consistent with the Tuolumne County General Plan.
 - B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.
 - C. The project site is suited to the uses permitted under the proposed zoning districts.
 - D. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

GENERAL INFORMATION

Site Description

1. The project site consists of two parcels totaling 8.3± acres. The project site is located at an approximate elevation of 1,360 feet above mean sea level. The project site is fairly level, sloping at approximately 3% towards the south. Proposed Parcel "A" is developed with a 2,730± square foot single-family dwelling with a private well and a private sewage disposal system. Proposed Parcel "B" is undeveloped. Pacific Gas and Electric (PG&E) provides electricity to the site.

Project Description

2. On November 13, 2019 an application was submitted to the Community Development Department for General Plan Amendment GPA19-009 and Zone Change RZ19-012. The proposed General Plan Amendment and Zone Change will be used to facilitate a resubdivision to adjust property lines between the two legal parcels. Approval of the resubdivision, T19-048, will result in two separate parcels which meet the requirements of the General Plan designation of ER and the RE-2 zoning district.

Project Site History

3. On October 21, 2004, the property owner applied to the Tuolumne County Department of Public Works for Grading Permit G2004-53 to allow excavation of 1,700± cubic yards of material for the construction of a 4,000± square foot residential building pad and driveway on the 6.7± acre project site. The application was referred to the Planning Division for environmental review as required by the California Environmental Quality Act (CEQA). Because the project involved excavation and fill for a driveway across a wetland area, Grading Permit G2004-53 was determined to be subject to environmental review under CEQA. That review identified potential impacts to the wetlands resulting from the grading activities. The O-1 (Open Space-1) zoning mitigated the impacts to wetlands on the project site
4. A Negative Declaration was prepared on February 1, 2006, to assess the potential environmental impacts of Grading Permit G2004-53. The mitigation measures included rezoning 0.8± acre to O-1 zoning which served to mitigate impacts to the wetland area on the project site.
5. On May 6, 2006 the applicant applied to rezone the remainder of the parcel from RE-5 (Residential Estate, five acre minimum) to RE-10 (Residential Estate, ten acre minimum) to ensure that the zoning on the parcel would be consistent with the existing LR (Large Lot) General Plan Land Use Designation. Pursuant to Tuolumne County Resolution 223-96, when the zoning is inconsistent with the General Plan on a project site, the County cannot issue a discretionary entitlement, such as a grading permit.

General Plan

6. The proposed General Plan land use designation of the project site is ER. The ER designation provides country-estate type living conditions while maintaining limited areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The minimum parcel size under the ER designation is 2 gross acres. The exhibit map for T19-048 indicates that each of the resulting parcels will be at least 2 gross acres in size.
7. Table 1.3 of the Community Development and Design Element of the General Plan indicates that the proposed RE-2 zoning district is consistent with the proposed ER designation. Parcels to the north and south of the project site contain the LR General Plan land use designation and parcels to the west of the project site contain the RR (Rural Residential) General Plan land use designation (Attachment 1). The purpose of the ER, RR, and LR designations is to “provide country-estate type living conditions while maintaining limited areas of open space dedicated to agricultural pursuits, grazing or left undisturbed.” The ER, RR, and LR designations are found in areas which have limited public services and serve as buffers between urban and urbanizing areas and agricultural land. Typical uses within the ER, RR, and LR designations include one single-family dwelling per parcel, one secondary single-family dwelling, public facilities, and agricultural uses, such as crop production and grazing. Therefore, the proposed ER designation may be found to be consistent with the policies and land use patterns of the area surrounding the project site.

Ordinance Code

8. The proposed zoning district of the site is RE-2. The purpose of the RE-2 district is to provide areas where persons may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. Within 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 one hundred feet in width at the front setback line. The exhibit map for T19-048 indicates that each parcel will meet the minimum size requirements for the RE-2 zoning district.

- The maximum residential density in the RE-2 district is one dwelling unit per two acres. Additional units are possible through a density bonus for the provision of affordable housing, and State ADU legislation allows for one additional single-family dwelling that is 1,200 square feet or smaller. Following approval of the resubdivision, proposed Parcel "A" will contain one single-family dwelling greater than 1,200 square feet. Only one additional single-family dwelling less than 1,200 square feet is able to be developed on this parcel. Proposed Parcel B is vacant and may be developed with one dwelling unit and one additional single-family dwelling, not exceeding 1,200 square feet, in accordance with the State ADU legislation, which are permitted uses under the RE-2 zoning district. See Tables 1 and 2 below for additional information.

Table 1: Existing Site Conditions

APN	Zoning	General Plan	Parcel Size (acres)	Development	Maximum Residential Density (total SFDs)
059-243-005	RE-10 & O-1	LR	6.71	1 SFD with attached Garage	1 SFD + 1 ADU
059-200-012	RE-1	LDR	1.23	Vacant	1 SFD + 1 ADU
		TOTAL	7.94		4

Table 2: Conditions after approval of Tentative Parcel Map T19-011

Proposed Parcel	Zoning	General Plan	Parcel Size (acres)	Development	Maximum Residential Density (total)	Change in Density
A	RE-2 & O-1	ER	5.88	1 SFD with attached Garage	1 SFD & 1 ADU	No Change
B	RE-2 & O-1	ER	2.05	Vacant	1 SFD & 1 ADU	No Change
		TOTAL	7.93		4	No Change

Wildlife and Habitat

- The Tuolumne County Wildlife Habitat Maps indicate that the residential park (rsp) habitat is present on site. Vegetation on site includes live oak and annual grasses. The rsp habitat is considered a fourth priority habitat. Fourth priority habitats include common habitats that are of relatively low value to wildlife, and no mitigation is needed for fourth priority habitats. Review conducted under Grading Permit G2004-53 identified wetland habitat on site. The existing O-1 zoning was implemented to mitigate cumulative impacts to wildlife associated with Grading Permit G2004-53. The 0.8± acres of Open Space-1 is protecting wetland habitat on site. The open space will not be impacted by the proposed project. Therefore, no

additional mitigation for cumulative impacts to wildlife is needed for General Plan Amendment GPA19-009 and Zone Change RZ19-012.

11. The project is not proposing any development. Approval of General Plan Amendment GPA19-019, Zone Change RZ19-012, and Tentative Parcel Map T19-048 will not result in an increased number of parcels or an increased development potential on the site. See the discussion in Tables 1 and 2 above.
12. Section 21083.4 of the Public Resources Code requires counties to determine, through the environmental review process, the significance of impacts to native oak woodlands and, when appropriate, to mitigate those impacts. Oak woodland is defined as a stand of native vegetation containing predominately oak species where the canopy cover is 10 percent or greater. There are no oak woodlands on site, therefore, mitigation is not needed.
13. The California Department of Fish and Wildlife's Natural Diversity Data Base (CNDDDB) maps were consulted for known locations of special status plant and animal species. The CNDDDB maps do not indicate the presence of special status plants or animals within the vicinity of the project site.

Cultural Resources

14. A cultural resource study is required when specific indicators are found on a project site. The cultural resource indicators include such things as containing or being adjacent to a parcel that contains known archaeological or historic sites, or the site contains Table Mountain, tunnels, adits or shafts, waste pile rocks, ditches, rock retaining walls, historic era mining, evidence of Native American habitation, structures older than 50 years, mature non-native vegetation, or is within 100 meters of a river, spring, perennial or intermittent stream, as indicated by a blue line on the USGS quadrangle maps. There is an intermittent stream from the north parcel boundary to the southwest edge of the project site, as shown on the USGS quadrangle maps. A cultural resource study was prepared by Foothill Resources, LTD on February 18, 2005 in conjunction with Grading Permit G2004-53. The cultural resource study did not identify any resources on the project site and no further cultural resource work was recommended. Therefore, no further cultural resource study was required for the proposed project.

Native American Consultation

15. 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. The tribes have 90 days from receipt of the initial notification to request consultation. The Native American Heritage Commission has advised the County that tribes with traditional cultural places that include the project site include the Tuolumne Band of Me-Wuk Indians and the Chicken Ranch Rancheria of Me-Wuk Indians.
16. Letters offering the opportunity to consult regarding General Plan Amendment GPA19-009 and Zone Change RZ19-012 were sent to each of these tribes on March 24, 2020. A second letter was mailed on April 14, 2020, which is approximately 45 days prior to consideration of the application by the Board of Supervisors. The purpose of the second letter is to offer

each tribe the opportunity to comment on the project prior to final action on the application. The Community Development Department did not receive a response from any of the tribes.

Adjoiner Comments

17. The Community Resources Agency notified adjoining property owners within 500 feet of the proposed project via mail. Notices were sent December 3, 2019 to the owners of 23 adjoining parcels. The Community Development Department received one response letter that did not express an opinion.

Advisory Agency Review

18. The application for General Plan Amendment GPA19-001 and Zone Change RZ19-002 has been reviewed by several State and County agencies. The Tuolumne County Fire Prevention Division commented that they had no conditions for the project as proposed. The Engineering Division of the County of Tuolumne Department of Public Works commented that they had no conditions for the project proposed. No other substantial comments were received.

General Plan Amendment Findings

19. Evidence and staff's response to each required finding of the General Plan Amendment application is discussed below.

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

Consistency with the General Plan is discussed and demonstrated in #6 and #7 above in this report.

- B. *The project site is suited to the uses permitted under the proposed land use designation*

Consistency with the uses permitted under the proposed designation is discussed and demonstrated in #6 and #7 above in this report.

- C. *It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.*

The ER designation is consistent with parcels directly west and north of the project site and the ER designation is consistent with parcels directly east of the project site. See #7 above in this report for additional information.

Zone Change Findings

20. Chapter 17.70 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a zone change. Below are the required findings, and the staff's responses to each point:

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

ROCHA

Consistency with the General Plan is discussed and demonstrated in #6 and #7 above in this report.

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

Consistency with the Tuolumne County Ordinance Code is discussed and demonstrated in #8, and #9 above in this report.

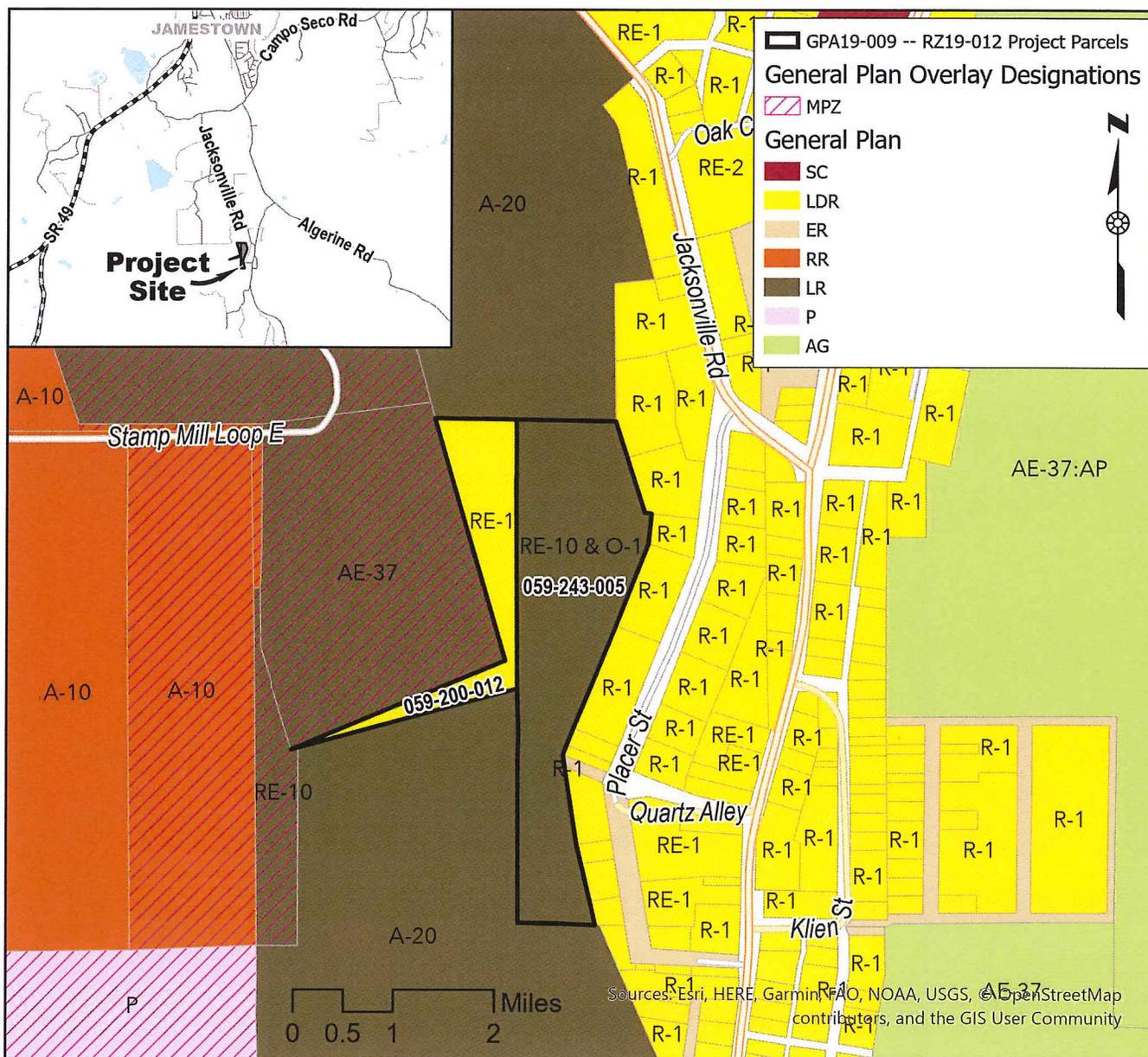
- C. The project site is suited to the uses permitted under the proposed zoning district.*

The existing uses on the site are consistent with the proposed RE-2 zoning districts. See #8 and #9 above in this report for more information.

PREPARED BY: Terrilyn Turner, Land Use Technician

S:\Planning\PROJECTS\General Plan Amendment\2019\GPA19-19-009 (RZ19-012) Rocha\Application Review\Final Agenda Report.doc

Attachment 1: Agenda Map



Projects: GPA19-009 & RZ19-012

Owner/Applicant: Frank and Ana Rocha

APNs: 059-243-005 & 059-200-012

7.94±Ac.

Current Zoning & General Plan: RE-1, RE-10 & O-1 zoning; LDR (Light Density Residential) & LR (Large Lot Residential) designations per the Tuolumne County General Plan land use diagrams

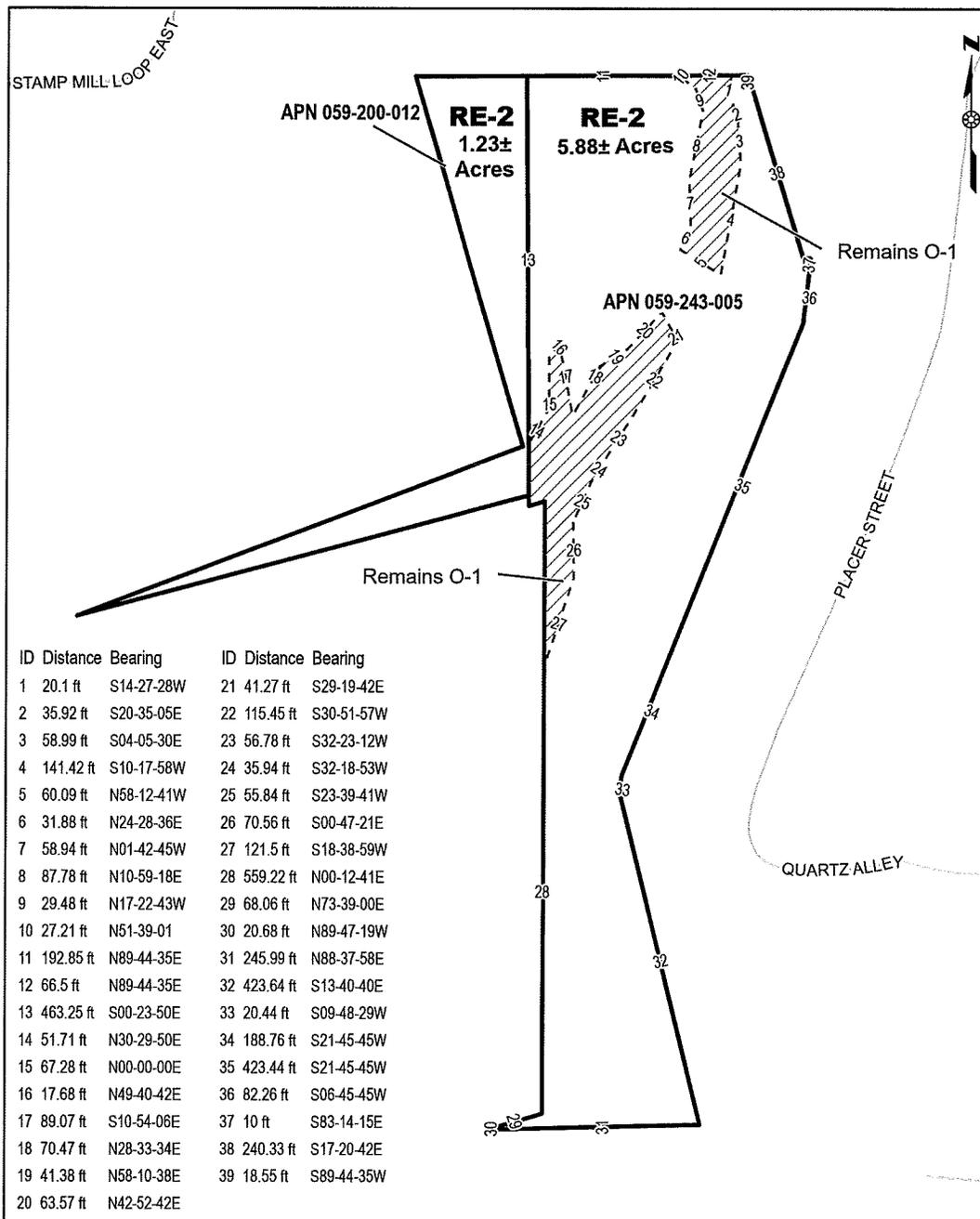
Project Description:

--Resolution for General Plan Amendment GPA19-009 to change the General Plan land use designation of a 6.71± acre parcel from Large Lot Residential (LR) to Estate Residential (ER) and a 1.23± acre parcel from Low Density Residential (LDR) to ER.

--Ordinance for Zone Change RZ19-012 to rezone a 5.88± acre portion of a parcel from RE-10 & O-1 to RE-2 & O-1 and a 1.23± acre portion of a parcel from RE-1 to RE-2

Supervisorial District No. 5

Exhibit "A"



APN: 059-243-005

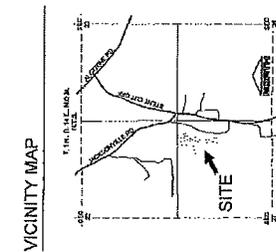
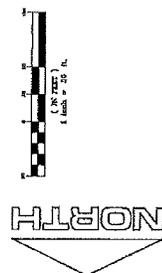
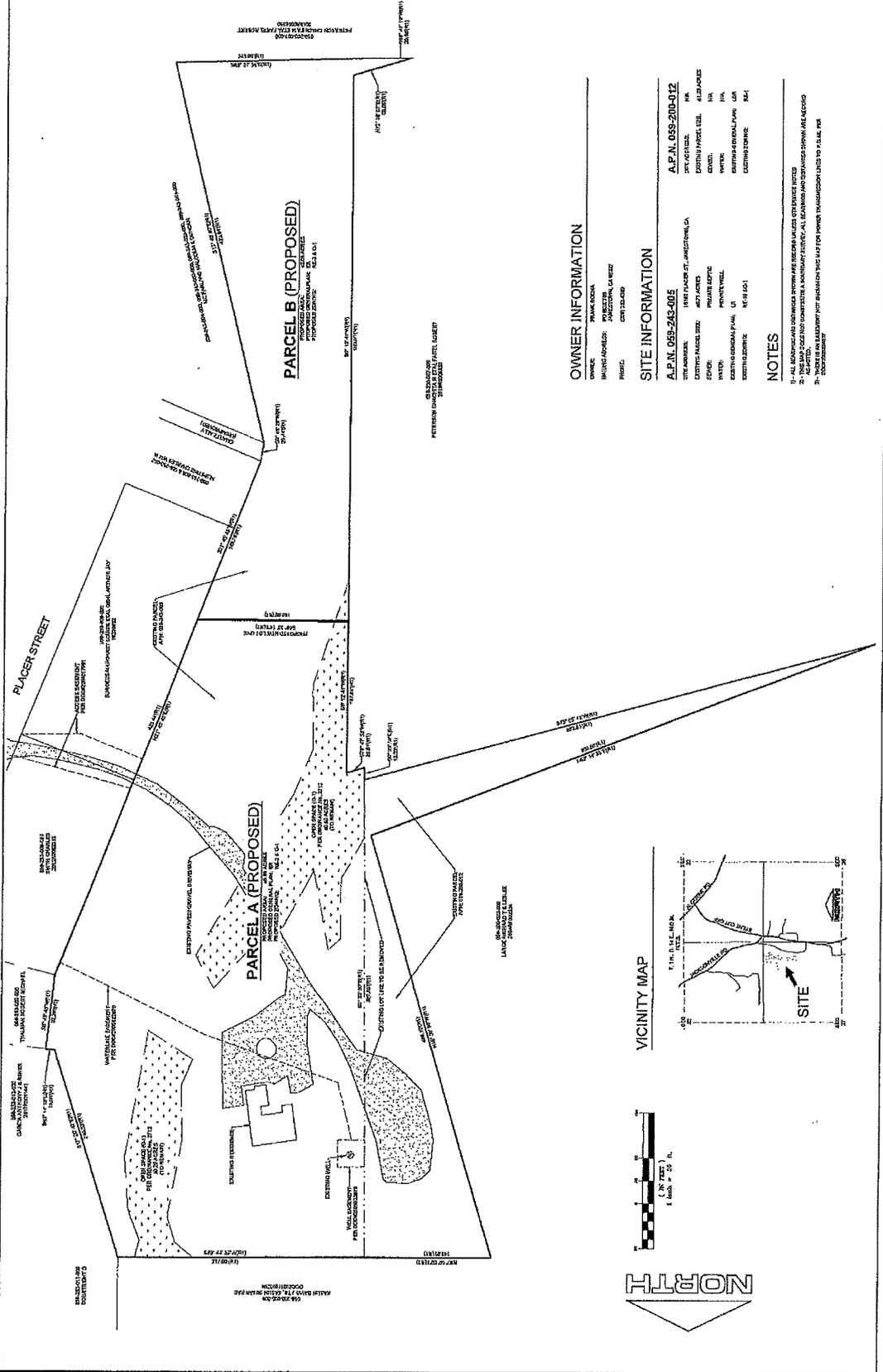
A portion of that Zielian Placer Mine as shown on Subdivision Map Book 11 at Page 47, in the Official Record of Tuolumne County.

APN: 059-200-012

That property described in Document No. 2005024557 filed and recorded on November 16, 2005 in the Official Record of Tuolumne County.

Attachment 2: Resubdivision Exhibit Map

RESUBDIVISION, GENERAL PLAN AMENDMENT & ZONE CHANGE PLAT FOR:
FRANK ROCHA



OWNER INFORMATION
 OWNER: FRANK ROCHA
 PROJECT ADDRESS: 16166 PLACER ST., JAMESTOWN, CA 95327
 PROJECT: RESUBDIVISION

SITE INFORMATION
 A.P.N. 059-243-005
 SITE ADDRESS: 16166 PLACER ST., JAMESTOWN, CA
 DISTRICT: PRIVATE RESIDENTIAL
 ZONE: PRIVATE RESIDENTIAL
 COUNTY: BUTTE COUNTY
 COUNTY OFFICE: 16166 PLACER ST., JAMESTOWN, CA 95327

NOTES
 1- ALL DIMENSIONS SHOWN ARE MEASURED FROM THE CORNER OF THE PLAT.
 2- THE MAP IS FOR INFORMATION ONLY. ALL DIMENSIONS AND DISTANCES SHOWN ARE MEASURED FROM THE CORNER OF THE PLAT.
 3- THERE IS NO WARRANTY FOR ACCURACY OF THIS MAP FOR PURPOSES OF THIS PLAT.

OWNER INFORMATION
 A.P.N. 059-243-005
 SITE ADDRESS: 16166 PLACER ST., JAMESTOWN, CA 95327
 DISTRICT: PRIVATE RESIDENTIAL
 ZONE: PRIVATE RESIDENTIAL
 COUNTY: BUTTE COUNTY
 COUNTY OFFICE: 16166 PLACER ST., JAMESTOWN, CA 95327

100 SOUTH RIVERVIEW DRIVE, PAMONA, CALIFORNIA, 91767-2013 FAX: 714 261-2200

REVISIONS:

NO.	DATE	DESCRIPTION

OWNER INFORMATION:
 Frank Rocha
 PO Box 779
 16166 Placer St.
 Jamestown, CA 95327
 Ph: (209) 352-6369

SITE INFORMATION:
 A.P.N. 059-243-005
 16166 Placer St.
 Jamestown, CA 95327

PROJECT INFORMATION:
 A Residential General Plan Amendment & Zone Change Plat for
 Frank Rocha
 16166 Placer St.
 Jamestown, CA 95327
 Ph: (209) 352-6369

OWNER INFORMATION
 OWNER: FRANK ROCHA
 PROJECT ADDRESS: 16166 PLACER ST., JAMESTOWN, CA 95327
 PROJECT: RESUBDIVISION

SITE INFORMATION
 A.P.N. 059-243-005
 SITE ADDRESS: 16166 PLACER ST., JAMESTOWN, CA
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 SITE ADDRESS: 16166 PLACER ST., JAMESTOWN, CA 95327
 DISTRICT: PRIVATE RESIDENTIAL
 ZONE: PRIVATE RESIDENTIAL
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RECEIVED



OFFICE OF ENVIRONMENTAL COORDINATOR

Quincy Yaley, AICP
Environmental Coordinator

NOTICE OF EXEMPTION

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

PROJECT TITLE: General Plan Amendment GPA19-009 and
Zone Change RZ19-012

**PROJECT
PROPONENT:** Frank and Ana Rocha

LOCATION: The project site is located at 16166 Placer Street, approximately 650± feet southwest of the intersection of Jacksonville Road and Placer Street, in the community of Jamestown. The project site is within a portion of Sections 22 and 27, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and is within Supervisorial District 5. Assessor's Parcel Numbers 059-243-005 and 059-200-012.

COUNTY: Tuolumne

**PROJECT
DESCRIPTION:**

1. Resolution for General Plan Amendment GPA19-009 to change the General Plan land use designation of a 6.71± acre parcel from Large Lot Residential (LR) to Estate Residential (ER) and a 1.23± acre parcel from Low Density Residential (LDR) to ER.
2. Ordinance for Zone Change RZ19-012 to rezone a 5.88± acre parcel from RE-10 (Residential Estate, Ten Acre Minimum) & O-1 (Open Space-1) to RE-2 (Residential Estate, Two Acre Minimum) & O-1 and a 1.23± acre parcel from RE-1 (Residential Estate, One Acre Minimum) to RE-2 under Title 17 of the Tuolumne County Ordinance Code.

**APPROVING
AGENCY:** Tuolumne County

EXEMPT STATUS (check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Exemption (Sec. 15061(b)(3))
- Exemption (Sec.)

RATIONALE FOR EXEMPTION: 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 General Plan Amendment and Zone Change of a 5.88± acre parcel and a 1.23± acre parcel are proposed to facilitate a resubdivision to adjust property lines between two legal parcels. The proposed project will not result in an increase in the number of parcels or an increased development potential. Additionally, the project is not proposing any development. Therefore, it can be seen with certainty that the proposed project will not have a significant effect on the environment.

LEAD AGENCY CONTACT: Terrilyn Turner

TELEPHONE NUMBER: (209) 533-5633

Signature: _____

Quincy Yaley, AICP
Environmental Coordinator

Date: _____

SURFACE/MINERAL

RIGHTS OWNER: Phillip Davis

APPLICANT: Conifer Communications

DATE: March 10, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Conditional Use Permit CUP18-003 to replace an existing 68± foot high internet tower with a new 150± foot tall high-speed internet tower, related equipment, and a new 12± foot by 15± foot equipment shed on a 89.09± acre parcel zoned AE-37 (Exclusive Agricultural District, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 15331 Avenida Del Sol, approximately 2,030± feet south of the intersection of Phoenix Lake Road and Avenida Del Sol. The project site is within a portion of Sections 27, 34 and 35, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District 4. Assessor's Parcel Number 038-320-010.

GENERAL PLAN: The project site is Large Lot Residential (LR) by the Tuolumne County General Plan land use diagrams. The Community Development and Design Element of the 2018 General Plan indicates that the AE-37 zoning district is compatible with the LR land use designation.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. 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.

GENERAL INFORMATION

Site Description

1. The project site is currently developed with a single-family dwelling, barns, a mobile home, sheds, and a 68± foot tall internet service tower. Pacific Gas and Electric Company (PG&E) provides electricity to the site. The parcel is serviced with a private sewage disposal system and a private well. Vegetation on the site includes ponderosa pines, gray pines, live oaks, buck brush, annual grass, and ornamental landscaping. The elevation of the site is approximately 3,000± feet above mean sea level (AMSL).

Project Description

DAVIS TRUST

2. On February 18, 2018, an application was submitted for Conditional Use Permit CUP18-003 for the construction of a wireless communications facility including a 100± foot tall high-speed internet service tower and a new 15± foot by 12± foot equipment shed (Attachment 3). This facility would be used by Conifer Communications to provide high-speed internet to meet the needs of a service gap in the East Sonora and Phoenix Lake area. The tower is proposed to be constructed approximately 750± feet from the western property boundary, which is the closest property boundary to the tower location (Attachment 2).
3. On October 14, 2019 a revised application was submitted to change the tower height to 150± feet tall. Because the application was revised and deemed complete on this date, the project will be processed under the 2018 General Plan.

General Plan

4. The project site is designated Large Lot Residential by the 2018 Tuolumne County General Plan land use diagrams. The LR designation provides country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. The Community Development and Design Element in Volume II of the 2018 General Plan indicates that in addition to the compatible zoning districts listed in Figure 1.3, less intensive residential and agricultural zoning districts are compatible with the residential land use designations. Because the AE-37 zoning is an agricultural district that is less intensive than the LR designation, the AE-37 zoning is consistent with the LR designation. Therefore, the proposed project may be found to be consistent with the 2018 Tuolumne County General Plan.
5. The following goal and policy of the 2018 General Plan also apply to the proposed project:

Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of business and industry.*

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

Approval of CUP18-003 would allow the construction of a wireless communications facility to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

Tuolumne County Zoning Ordinance

6. The project complies with the following requirements in the TCOC:

Zoning Ordinance	
Requirements	Project Compliance
Section 17.08.010 - The purpose of the AE-37 zoning district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses.	A wireless tower is as appropriate development within the AE-37 zoning district. The tower will not impact the ability for agricultural activities to occur on the site.
Section 17.53.040 - Major wireless	The applicant has applied for Conditional

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<p>communication facilities are conditional uses and require the issuance of Use Permits in all zoning districts, except such facilities are prohibited in the M-U, R-3, R-2, R-1, 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 17.53.100 of the Ordinance Code, regarding service gaps.</p>	<p>Use Permit CUP18-003.</p>
<p><u>Section 17.53.050(B)(5) and 17.53.050(B)(10)</u> - A map shall be submitted with the application that identifies 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 and a map identifying other major wireless communication facilities located within a two mile radius of the proposed facility.</p>	<p>The applicant has submitted the required maps (Attachments 4 and 5).</p>
<p><u>Section 17.53.050(B)(9)</u> - Information shall be provided with the application addressing security considerations, including exterior lighting, fencing, gates and access.</p>	<p>The application materials indicate that the tower will be fenced with an 8-foot high chain link fence and anti-climbing features to discourage trespassing.</p>
<p><u>Section 17.53.050(B)(11)</u> - A plan identifying the source of power to the wireless communications facility shall be provided.</p>	<p>PG&E provides electrical service to the project site. The applicant has indicated that the electrical lines will be extended via an overhead line 114± feet to the proposed tower (Attachment 6).</p>
<p><u>Section 17.53.050(B)(12)</u> - A landscape plan providing for the retention of existing vegetation to the maximum extent practicable, illustrating the planting scheme and specifying the maintenance program.</p>	<p>The project proposes to utilize the existing natural vegetation on site as landscaping. See number 11 below for additional information.</p>
<p><u>Sections 17.53.050(B)(15) and (16)</u> - A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with applicable regulations of the Federal Communication Commission (FCC) and a copy of the FCC National Environmental Policy Act (NEPA) Checklist for all service providers that will be using the facility shall be provided.</p>	<p>The proposed tower will operate on an unlicensed spectrum. The Federal Communications Commission does not require a license for using this spectrum. In a spectrum that is designated as "unlicensed" or "licensed-exempt" users can operate without an FCC license but must use certified radio equipment and must comply with the technical requirements, including power limits, of the FCC's Part 15 Rules.</p> <p>The project will be conditioned to use certified radio equipment, comply with technical requirements, and to submit a NEPA Checklist for all service providers other than Conifer Communications that will be using the facility. The County has completed a draft NEPA Checklist for the file.</p>

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<p>Section 17.53.090 - Major wireless communication facilities shall be set back at least one hundred ten percent (110%) of any communications tower height from all property lines, and two hundred feet (200') from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1, or zoned any district when combined with the :H, :HDP or :D combining district or from any publicly dedicated trail, public park or public outdoor recreation area.</p>	<p>The tower meets all applicable setbacks.</p>
<p>Section 17.53.140 – Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights which shall be kept off except when personnel are actually present and shall not illuminate the site at any other time.</p>	<p>This section was not intended to supersede safety requirements deemed necessary by the Tuolumne County Airport Land Use Commission. Therefore, the light required by the ALUC to be placed on top of the tower for air traffic safety may be found to be compatible with Section 17.53.140 of the ordinance code. There is no other lighting proposed.</p>
<p>Section 17.53.210(C) - Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services</p>	<p>The project will be conditioned to make unused space available for colocation.</p>

Conditional Use Permits

7. A Use Permit may only be granted when the following findings are made:
- A. The proposed use is in accordance with the provisions of Chapter 17.68.
 - B. The proposed use is consistent with the County General Plan.
 - C. The proposed use will not overburden existing municipal facilities.
 - D. The size and terrain of the parcel are suitable for the proposed use.
 - E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially, detrimental or injurious to property and improvements in the neighborhood.

Staff has determined that the proposed project meets Findings A through E. An additional finding G may be required based on the decision and option that is chosen. Please see the Visual Quality section below for additional information.

Adjoining Property Owners

8. Owners of property within 1,000 feet of the site were notified of the proposed project by mail. Notices were sent on March 8, 2018 to the owners of 88 adjoining parcels. The County received five response letters. Three of the responses were opposed and two were neutral with some concerns.

The response letters that were received raised the following concerns:

Decreased property value

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Section 15064(e) of the California Environmental Quality Act states that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Concerns expressed over the potential of this project to devalue nearby properties are considered a social or economic impact. Concerns about this issue may be raised during the public hearing process for this project when this project is heard by the Tuolumne County Planning Commission.

Health and safety

The project will be conditioned to use certified radio equipment and comply with the technical requirements, including power limits, of the FCC's Part 15 Rules.

Interference with other services

The project will be conditioned to use certified radio equipment and comply with the technical requirements of the FCC's Part 15 Rules, which includes restrictions on devices causing interference.

Visual Quality

9. The visual character of the proposed project site is dominated by agricultural lands with pine trees, oak trees, and other natural vegetation. There is limited residential development in the vicinity of the project site. The project is proposing a flat metal gray lattice tower with white and gray dishes (Attachment 8). The tower will be located near the top of a ridge along Avenida Del Sol, which cuts through the property (Attachment 2). Although the submittals from the applicant demonstrate that the tower is not readily visible from Ridgewood Court or State Highway 108 near the bypass (Attachment 9), staff believes that due to the increase in height, the tower would be visible. Site inspections by staff have determined that the existing tower is visible from the Ridgewood Court location. An increased height of 82± would result in increased visibility from this location and other public roadways. The proposed 150± foot tall tower would extend above the existing vegetation line on top of the ridge.
10. Section 17.53.120(A)(5) of the TCOC states that all major wireless communication facilities shall be designed as stealth facilities or shall otherwise blend with the surrounding landscape unless evidence is submitted to and accepted by the decision-making body, and a finding is made that locating it on a less visible site is infeasible. The Planning Commission has 3 options to ensure consistency with Section 17.53.120(A)(5) of the TCOC. The options are as follows:

Option 1: Stealth Facility

The first option the tower to be designed as a stealth tower. Section 17.04.787 of the TCOC defines "stealth facility" as structure which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure or is freestanding. Example of stealth facilities include those designed to look like trees, water towers, or rocks. This option would require submittal of revised elevational plans at the time of application for a building permit. The Land Use and Natural Resources (LUNR) Division would ensure consistency with this requirement upon review of the building permit application. Conditions 1 through 4 and 6 through 39 would apply to Conditional Use Permit CUP18-003 under option 1.

Option 2: Otherwise Blend

The second option to ensure that the project complies with Section 17.53.120(A)(5) of the TCOC is to require that the facility be designed to otherwise blend with the surrounding

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natural and built environment. The project site is characterized by agricultural lands and natural vegetation, with limited development in the area. The dominating colors are earth tones shades, specifically shades of green and brown. Option 2 would allow for the tower to keep its lattice design but would require the tower and equipment attached to the tower to be painted earth tone shades of greens and browns. The LUNR Division would ensure consistency with this requirement upon review of the building permit application. Conditions 1 through 3 and 6 through 39 would apply to Conditional Use Permit CUP18-003 under option 2.

Option 3: Not Stealth or Blend

A wireless communications facility is not required to be designed as a stealth facility or otherwise blend with the surrounding landscape if evidence is submitted to and accepted by the decision-making body and a finding is made that locating it on a less visible site is infeasible. If the Planning Commission accepts the evidence and can make this finding, the tower can be approved as originally proposed, as shown in Attachments 7 and 8. Under option 3, conditions 1 and 2, 5 through 23, and 25 through 39 would apply to Conditional Use Permit CUP18-003. There would not need to be a change in the design of the project.

Evidence for this finding can be found in the alternative site analysis prepared for the project. The first alternative site that was analyzed was to locate the tower at a higher elevation on Arlene's Hill. This location would result in an increased visual impact due to the higher elevation of the site. Therefore, this site was rejected because the tower would be more readily visible. The second alternative site analyzed was to place the tower on a ridge off Jack Rabbit Trail. This site was rejected because it would require improvements for an access road through an undeveloped area, increasing environmental impacts. The third alternative location that was analyzed was a parcel at the end of Crestridge Avenue in Ridgeview Estates. This location was rejected because it lacks the line of site necessary for the tower to transmit signal. The currently proposed site was chosen because it could provide the necessary service while resulting in the least amount of impacts, including visual impacts.

11. Major wireless communication facilities shall be installed in such a manner as to maintain and enhance existing native vegetation and suitable landscaping shall be installed to screen the facility. The project proposes to utilize the natural vegetation found on site. The proposed site of the communications facility is surrounded by oak trees, pine trees, and other vegetation. Site inspections by staff determined that the existing natural vegetation will be sufficient to screen the support equipment from surrounding views. Therefore, no additional vegetation or landscaping was required for the project. Conditions of approval for the proposed project will ensure that the existing vegetation will be properly maintained.

Traffic, Access and Parking

12. The applicant has indicated that the proposed major wireless communication facility would generate approximately one or two vehicle trips per month for technicians to maintain the facility. Additional vehicle trips should be anticipated in the event of a service outage. This amount of vehicle trips is considered negligible and accessory to the existing uses on the project site. Therefore, no Traffic Impact Mitigation Fee is required to be paid for this project pursuant to Chapter 3.54 of the Ordinance Code.
13. The project site is accessed via Avenida Del Sol. Access to site will be provided via an existing 40± foot wide unobstructed non-exclusive easement for road and utility purposes. No additional grading or work is required for access to the proposed tower site.

Airport Land Use Commission

14. Policy 2.1.5.2(c)(1) of the Tuolumne County Airport Land Use Compatibility Plan and Section 18.24.040 of the TCOC require the Tuolumne County Airport Land Use Commission (ALUC) to review any discretionary entitlement proposal for the construction or alteration of a structure (including antennas) taller than 75 feet above the ground level at the site regardless of the location in Tuolumne County. This project was originally considered by the ALUC on September 6, 2018 where it was determined that the proposed tower is consistent with the Tuolumne County Airport Land Use Compatibility Plan, with one condition (see condition #21 below). The project was heard by the ALUC again on December 5, 2019 to review the revised project description of a 150-foot-tall tower. The ALUC approved the project but recommended that a condition be added to the project to require lighting at the top of the tower to address pilot safety. This condition has been incorporated in the conditions of approval for Conditional Use Permit CUP18-003.

Agricultural Advisory Committee

15. This project was considered by the Agricultural Advisory Committee on September 20, 2018 because a non-agricultural use is being proposed on agriculturally designated land. The Agricultural Advisory Committee determined the proposed use to be consistent with the AG General Plan land use designation and the potential Agricultural use of the site.

Alternative Site Analysis

16. Tuolumne County Ordinance Code requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site. The following alternative sites were considered:
 - A. The first alternative site was to locate the tower on the same peak at a higher elevation on Arlene's Hill. This site was rejected because there would be increased visibility of the tower from State Highway 108 (Attachment 5).
 - B. The second alternative site was to locate the tower on a ridge off Jack Rabbit Trail. This site was rejected because it would require improvements for an access road through an undeveloped area, increasing environmental impacts (Attachment 5).
 - C. The final alternative was to locate the tower at the end of Crestridge Avenue in Ridgewood Estates. This site was rejected because the tower would lack the line of site necessary to transmit signal (Attachment 5).

Biological Resources

17. The Tuolumne County Wildlife Maps indicate that the blue oak pine (bop), mountain hardwood (mhw), residential park (rsp), annual grassland (ags), blue oak woodland (bow), and lake, reservoir or pond (LAK) habitat types are present on the project site. The vegetation found at the site includes ponderosa pines, gray pines, live oaks, buck brush, ornamental landscaping, and non-native annual grass. No trees will be removed for the proposed project; therefore, no tree protection plan was required. The California Natural

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Diversity Database (CNDDDB) maps were consulted for the known locations of special status plant and animals species. No special status plant or animal species have been known to occur within the vicinity of the project site.

Cultural Resources

18. A cultural resource study is required when specific indicators are found on a project site. No cultural resource indicators were found on the project site during site inspections by staff. The search of the Tuolumne County Database of Cultural Resources indicates there are no known cultural resources on the project site. Therefore, no additional cultural resource study was required for the proposed project. Pursuant to Section 14.10.150 of the Ordinance Code, CUP18-003 will be conditioned to require protection of subsurface cultural resources unearthed during the construction process.

Agency Responses

19. The proposed project has been reviewed by several State and County Agencies. The Fire Prevention Bureau and the Survey Division provided comments for this project which are addressed in this report and the project conditions of approval.

Fire Prevention Bureau

The Fire Prevention Bureau has required vegetation clearance for fire hazard reduction around all new structures and along the access road. The Fire Prevention Division stated that they will conduct additional, more in depth reviews at the time of application for a Building Permit.

Survey Division

The Survey Division has advised that this parcel is the remainder created on PM13-10. A Certificate of Compliance is required prior to approval of a building permit for the proposed project.

RECOMMENDATION

1. **Option 1: Tower designed as a stealth facility.** Community Development Department Staff recommends approval of Conditional Use Permit CUP18-003 based upon the following findings and subject to attached conditions 1 through 4 and 6 through 39:
 - A. The proposed project is consistent with the Tuolumne County General Plan.
 - B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
 - C. The proposed project will not overburden existing municipal facilities.
 - D. The size and terrain of the project site are suitable for the proposed use.
 - E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

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- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
2. **Option 2: Tower does not need to be stealth but must be painted earth tone shades of brown and green.** Community Development Department Staff recommends approval of Conditional Use Permit CUP18-003 based upon the following findings and subject to attached conditions 1 through 3 and 6 through 39:
- A. The proposed project is consistent with the Tuolumne County General Plan.
- B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
- C. The proposed project will not overburden existing municipal facilities.
- D. The size and terrain of the project site are suitable for the proposed use.
- E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.
- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
3. **Option 3: Tower does not need to be stealth or painted earth tones.** Approval of Conditional Use Permit CUP18-003 based upon the following findings and subject to attached conditions 1 and 2, 5 through 23, and 25 through 39.
- A. The proposed project is consistent with the Tuolumne County General Plan.
- B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
- C. The proposed project will not overburden existing municipal facilities.
- D. The size and terrain of the project site are suitable for the proposed use.
- E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.
- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.
- G. Locating the tower in another location so as to make it less visible is infeasible; therefore, the proposed tower does not need to be designed as a stealth tower or otherwise blend with the natural and built environment.

TCPC Approval Decision Process:

	Tower Design	Applicable Conditions	Findings	Other
Option 1	Stealth- plans must be revised prior to building permit approval	1-4 and 6-39	1.A through 1.F	Tower must be designed as a stealth facility
Option 2	Tower and attached equipment must be painted earth tones- plans must be revised	1-3 and 6-39	2.A through 2.F	Must be painted earth tone shades of greens and browns
Option 3	Not stealth- tower design is as presented in the Agenda Report- will be gray and white	1-2, 5-23, and 25-39	3.A through 3.G	Evidence of why the tower should not be designed to blend in with the environment must be accepted by the Planning Commission

PREPARED BY: Natalie Rizzi, Land Use Coordinator

S:\Planning\PROJECTS\Conditional Use Permit\2018\CUP18-003 Davis Trust (Conifer Communications)\Application Review\Agenda Report- Davis Trust.doc

**CONDITIONS OF APPROVAL
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CONDITIONAL USE PERMIT CUP18-003**

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the Property Owner and Applicant, and their successors 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 Property Owner, Applicant and their 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 Property Owner, Applicant and their 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, which shall not be unreasonably withheld, conditioned or delayed. 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 the reasonable cost of such resources 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, upon notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 17.53.250)

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

2. BD A Building Permit shall be secured for the wireless communication facility. The facility shall be engineered and constructed in accordance with the California Building Code. “Anti-climbing” features shall be utilized to reduce the potential for trespass and injury. The “anti-climbing” features shall be approved by the Building and Safety Division of the CDD. (TCOC, Sections 15.04.010, 17.53.120(A)(6) and 17.53.150)

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3. LU The tower and equipment attached to the tower shall be painted with earth tone shades of greens and browns to blend with the surrounding vegetation and natural environment. (TCOC, Section 17.53.120(A)(4))
4. LU The wireless communications facility and tower shall be designed as a stealth facility. (TCOC, Section 17.53.120(A)(5))
5. LU The wireless communications facility shall be designed in accordance with the plans submitted on October 14, 2019. The facility is not required to be designed as a stealth facility or painted earth tone shades of green and brown. (TCOC, Section 17.53.120(A)(5))
6. LU An agreement to maintain the cellular tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer's estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.53.220 and 17.53.230)
7. SUR Secure a Certificate of Compliance from the Survey Division of the Department of Public Works prior to issuance of a building permit. (TCOC, Chapter 16.24)
8. ALUC/LU Lighting shall be added to the top of the tower to provide for air pilot safety. The lighting shall be consistent with the applicable FAA guidelines. (Tuolumne County Airport Land Use Compatibility Plan)

Conditions to be met during the construction phase of the cellular communications facility:

9. LU/BD Construction activities associated with the wireless communication facility 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 Community Development Department Director. (TCOC, Section 17.53.190(A))
10. 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)

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11. 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 4 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community 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.

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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)

12. APCD Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to the Tuolumne County Air Pollution Control District 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. (Health and Safety Code, Sections 93105 and 93106)

13. 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)

14. 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)

15. 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)

16. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, 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, Section 7.12.050)

Conditions to be met prior to issuance of a Certificate of Occupancy for the cellular communication facility:

17. LU The final project shall meet all requirements mandated by federal, state or

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local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)

18. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County Planning Commission. The tower and support equipment shall be designed, constructed and painted in accordance with the plans approved by the Tuolumne County Planning Commission. Any significant deviation from the plans shall require approval of supplemental plans submitted by the applicant. (TCOC, Section 17.68.150)
19. LU The applicant shall submit documentation to the Land Use and Natural Resources Division of the Community Development Department listing the radio equipment used at the facility, and how the equipment is certified, and meets the FCC's Part 15 Rules. (TCOC, Section 17.53.050(B)(15))
20. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.53.120(B))

The following conditions also shall apply to the project site:

21. LU/ALUC Provide notification to the FAA in accordance with Section 77.13(a)(1) of the Federal Aviation Regulations at least thirty days prior to construction by filing a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. (Tuolumne County Airport Land Use Compatibility Plan, Policy 2.1.5.2(c)(1))
22. LU Thirty (30) days prior to installation of carrier specific radio equipment and antennas the applicant shall submit the following:
 - A copy of the certification from the Federal Communication Commission (FCC) specifying that the facility's radio frequency emissions will comply with the applicable regulations of the FCC.
 - A copy of the Federal Communications Commission's (FCC) National Environmental Policy Act (NEPA) Checklist for all service providers other than Conifer Communications who will be using the facility.(TCOC, Sections 17.53.050(B)(15) and 17.53.050(B)(16))
23. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.53.140)
24. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be initially

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Painted and thereafter repainted as necessary with earth tones to match the surrounding vegetation and environment. (TCOC, Section 17.53.120(A)(4))

- 25. LU The property owner shall be responsible for the satisfactory storage and removal of all garbage, refuse, rubbish and recyclables accumulated on the premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)

- 26. ED The applicant shall submit an erosion control plan for any construction to take place between October 15 and May 15 of any year. In the absence of such approved and implemented plan, all construction shall cease on or before October 15. (TCOC, Section 12.20.050)

- 27. EH The handling, use or storage of hazardous materials on-site shall be in compliance with Chapter 13.24 of the Tuolumne County Ordinance Code, Chapter 6.95 of the California Health and Safety Code, and Title 19 of the California Code of Regulations. The handling, storage or use of hazardous materials, above threshold quantities, including but not limited to the fuel for the standby generator, shall be permitted by the Tuolumne County Division of Environmental Health, Certified Unified Program Agency. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)

- 28. 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)

- 29. FPD Vegetation clearance for fire hazard reduction shall be required around all new structures and along the access road. (TCOC, Section 17.53.180)

- 30. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.53.170)

- 31. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. (TCOC, Section 17.53.130)

- 32. 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	Noise Level (dB) of Sound Source
------------------------------	---

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	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 L _{eq.} (1 hour) ¹	45 L _{eq.} (1 hour) ¹

¹L_{eq.} 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.53.190(C))

- 33. LU Exterior testing of equipment and maintenance activities shall take place only 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. (TCOC, Section 17.53.190(D))
- 34. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.68.150)
- 35. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.53.220)
- 36. LU 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. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.53.170(B) and 17.53.170(B)(2))
- 37. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.53.170(C) and 17.53.170(D))
- 38. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.53.120(A)(1))
- 39. LU Support facilities shall not be taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the

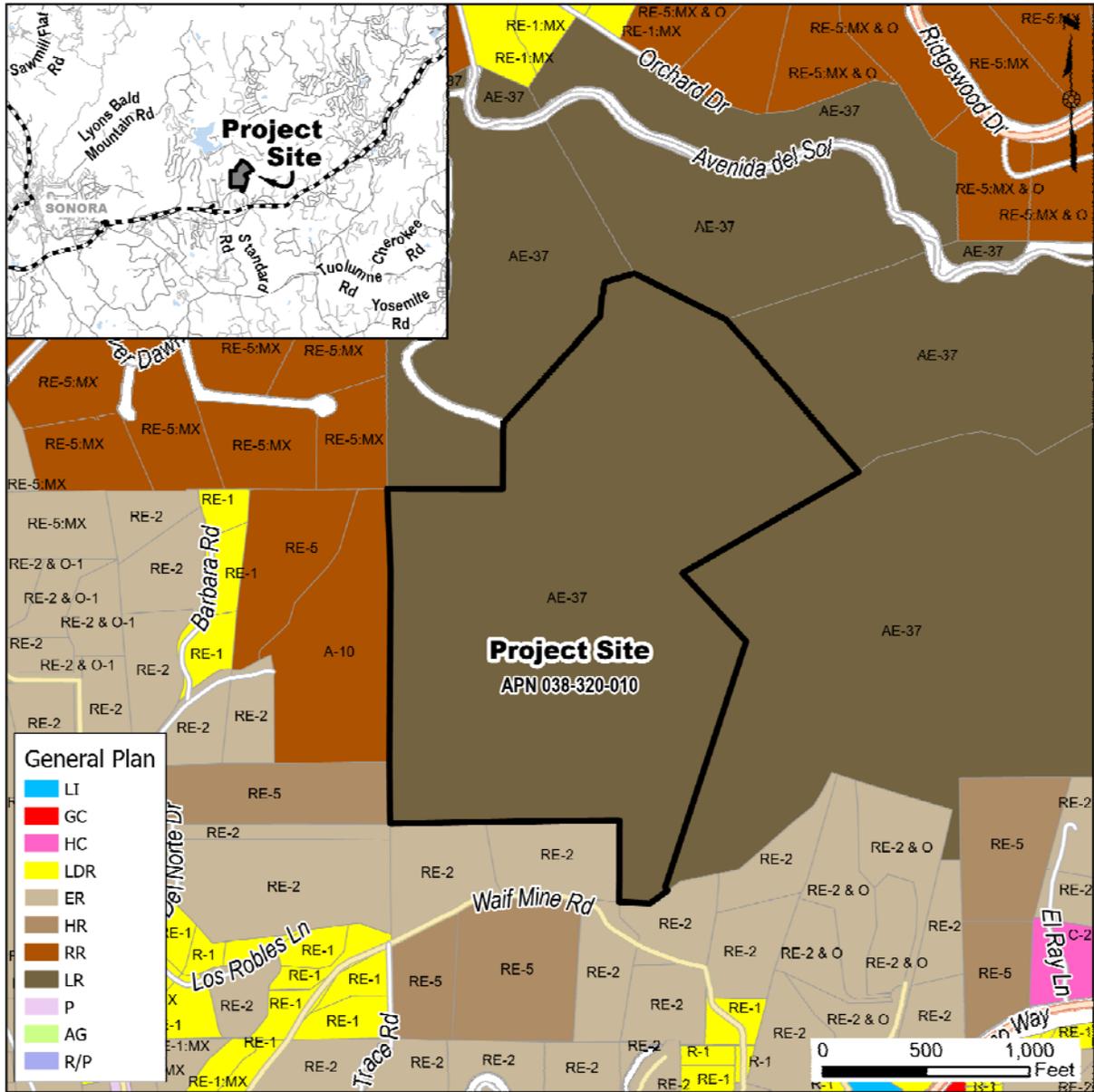
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facility is located. (TCOC, Section 17.53.120(A)(2))

A Notice of Action shall be recorded for Conditions 1 through 39 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. (TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi

Attachment 1: Agenda Map



Owner: Phillip Davis

Applicant: Conifer Communications

APNs: 038-320-010

127.1± Ac.

Project: CUP18-003

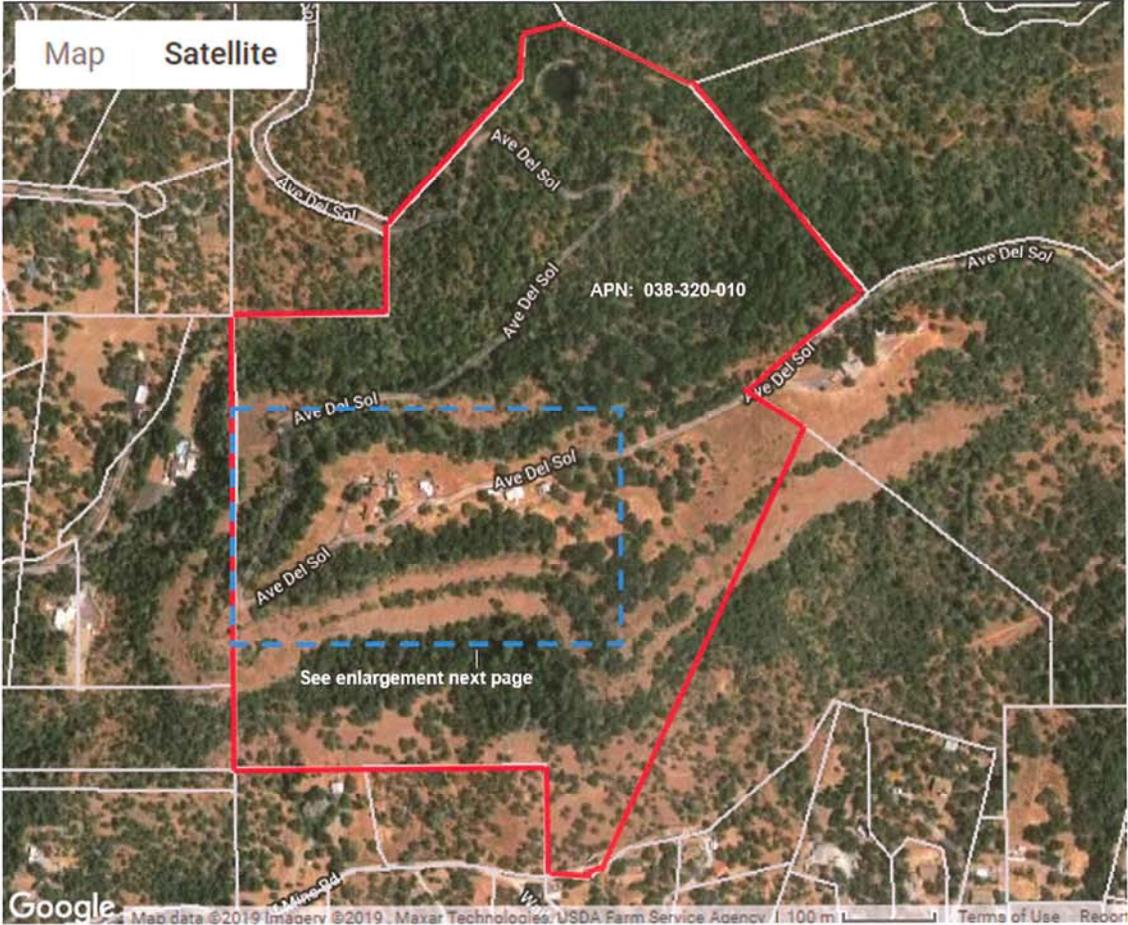
Existing: AE-37 zoning, LR (Large Lot Residential) land use designation

Proposed: To replace an existing 68± foot high internet tower with a new 150± foot tall high-speed internet tower,

related equipment, and a new 12± foot by 15± foot equipment shed

Supervisorsial District No. 4

Attachment 2: Site Plan



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 COUNTY OF TUOLUMNE
 Community Resources Agency



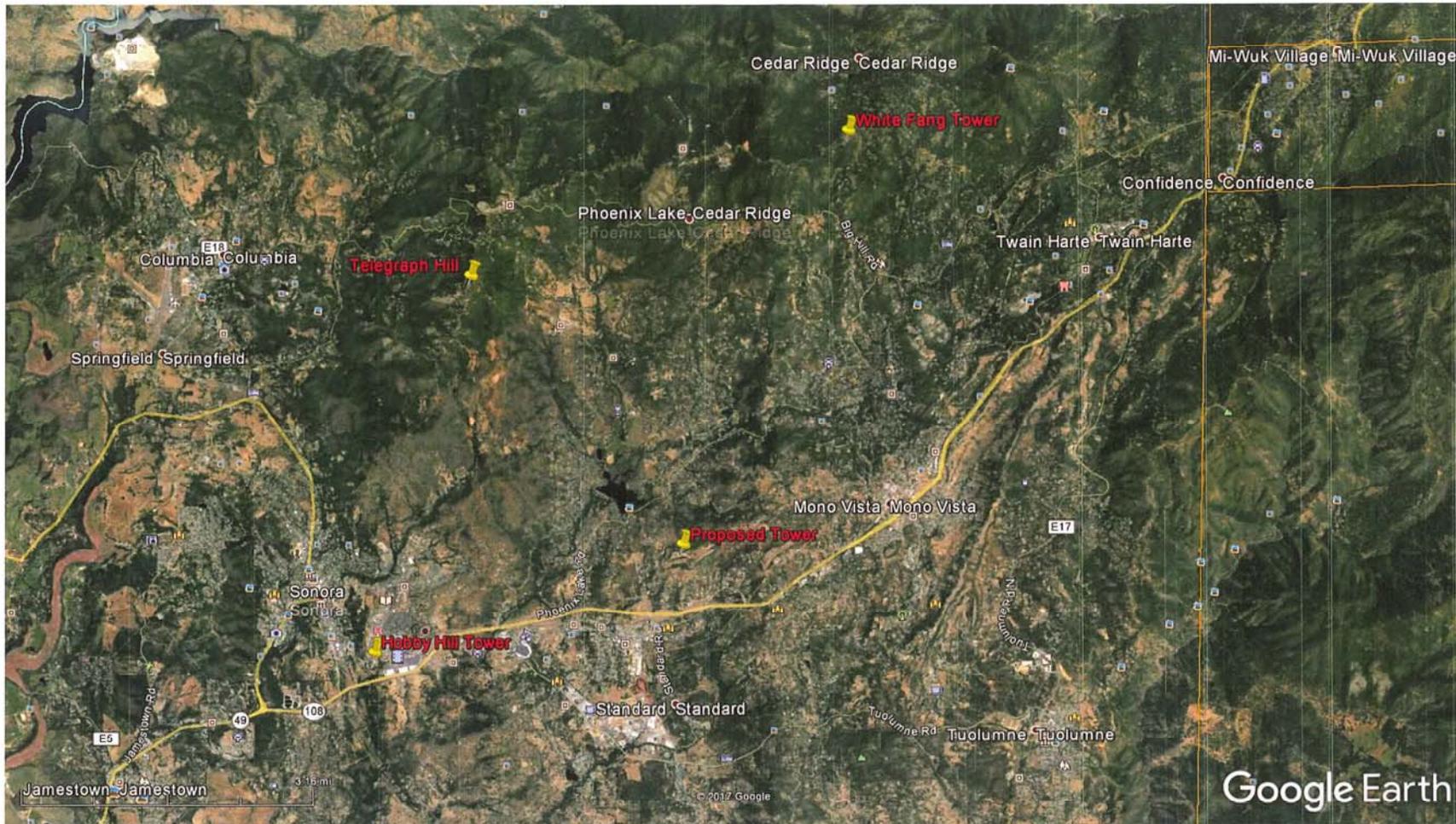
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OCT 14 2019

COUNTY OF TUOLUMNE
Community Resources Agency

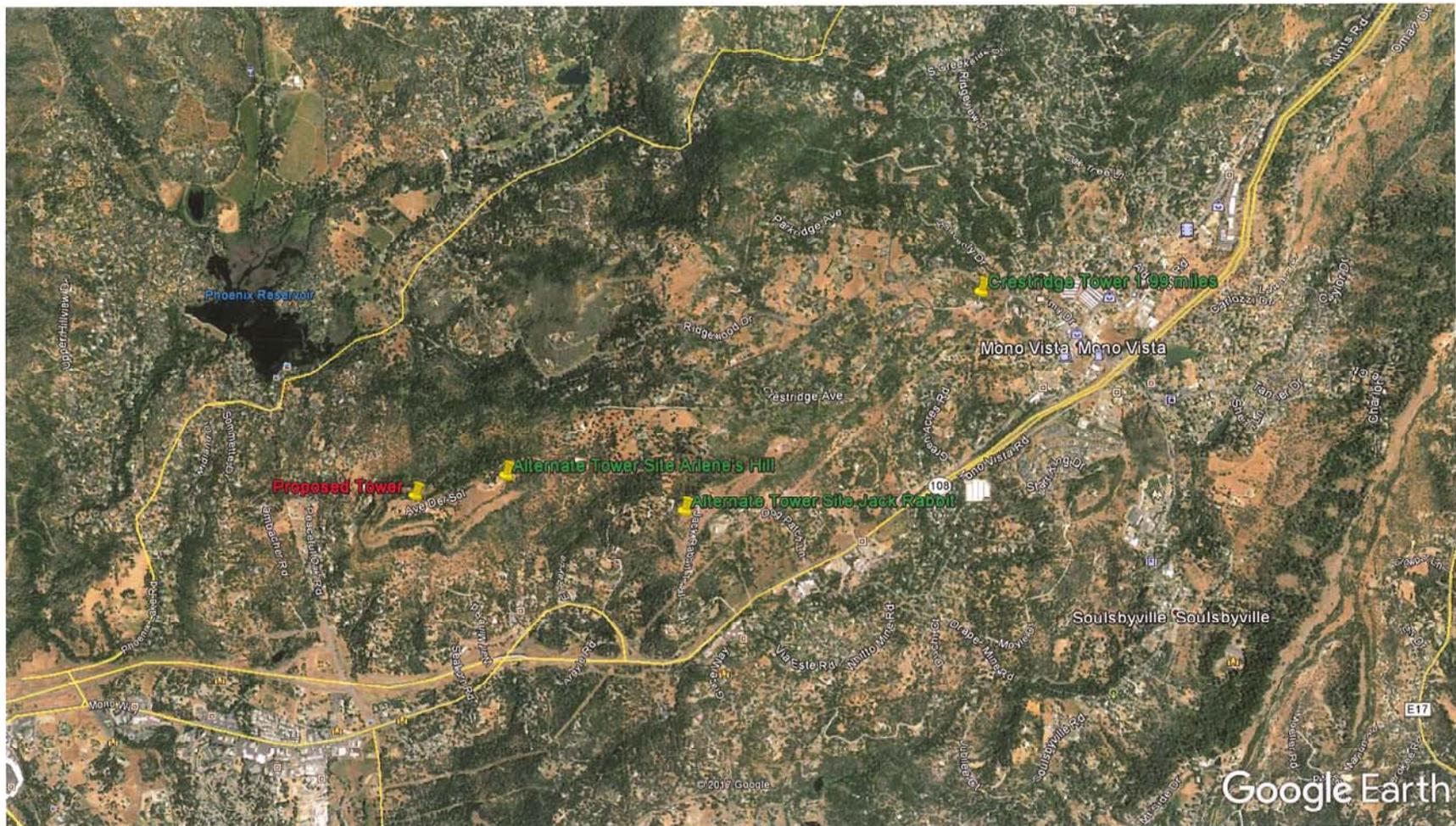
Attachment 4: Five Mile Facilities Map

B5: Related Facilities in the "network" located within 5 miles (Telegraph Hill, White Fang Tower and Hobby Hill Tower)



Attachment 5: Two Mile Facilities and Alternative Sites Map

B6 Alternate Tower Sites Considered/ B10 Wireless Facility within 2 miles (Crestridge Tower)

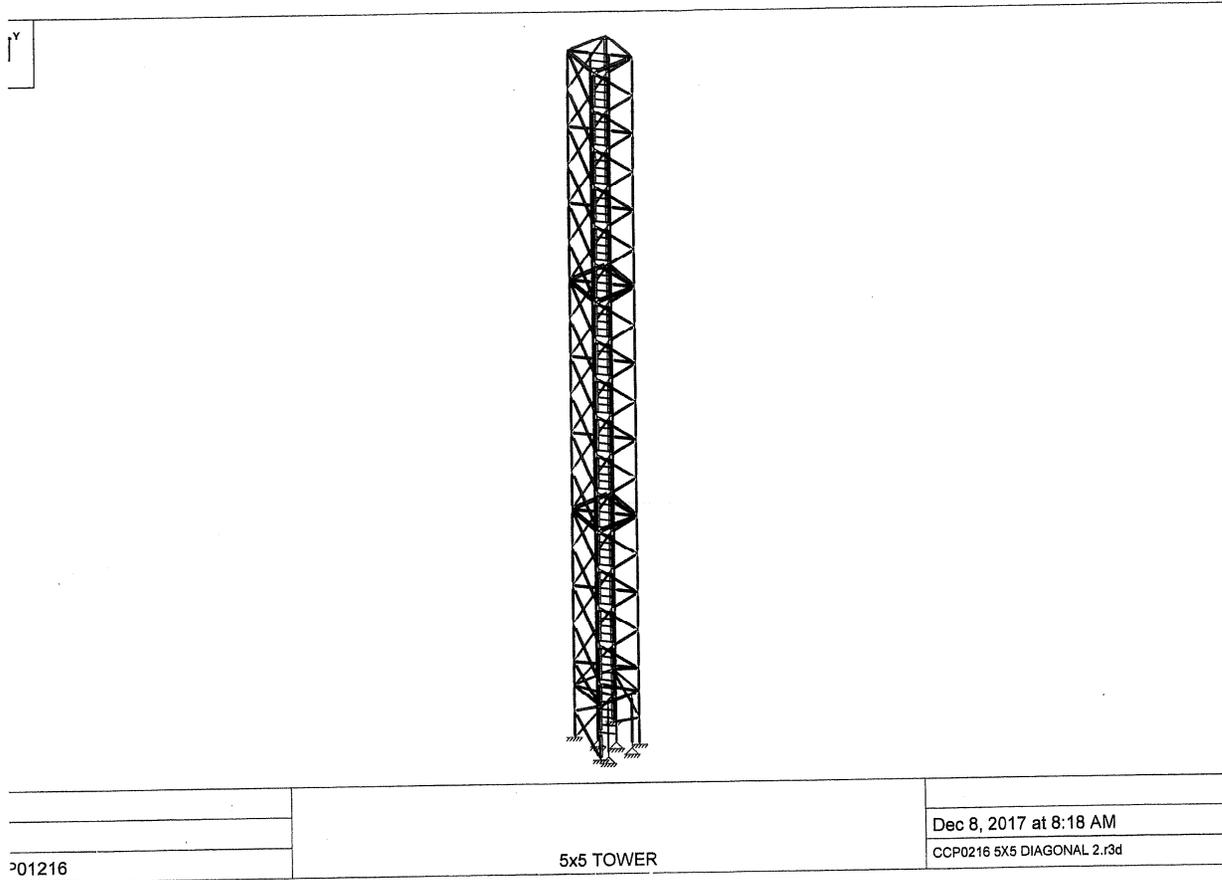


Attachment 6: Electrical Plan



Attachment 7: Tower Design

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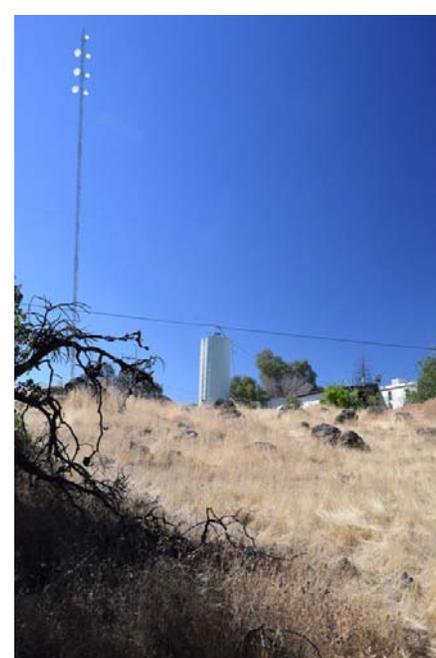


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Community Resources Agency

Attachment 8: Visual Simulations



Attachment 9: Visibility

Figure 7: View from Ridgewood Subdivision Looking S/SW from Ridgewood Court near cul-de-sac

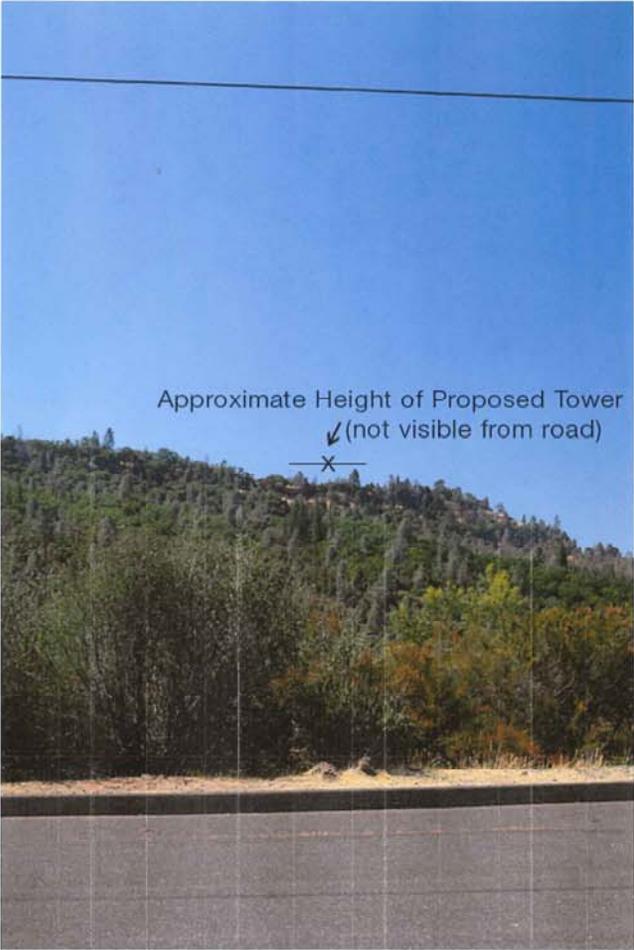
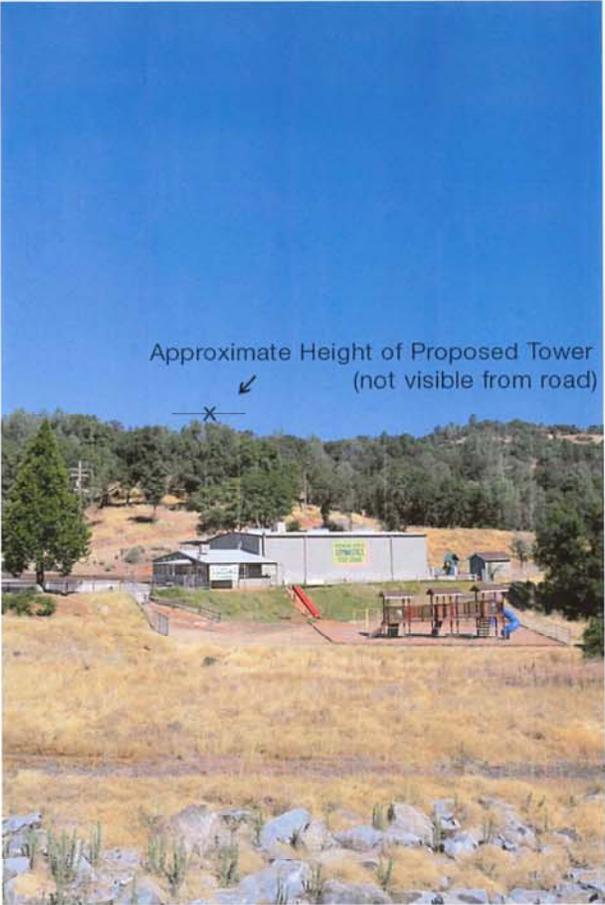


Figure 8: View from SR 108 By-Pass looking N and slightly W





**OFFICE OF
ENVIRONMENTAL COORDINATOR**

Quincy Yaley, ACIP
Environmental Coordinator

NOTICE OF EXEMPTION

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

PROJECT TITLE: Conditional Use Permit CUP18-003

**PROJECT
PROponent:** Conifer Communications

LOCATION: The project site is located at 15331 Avenida Del Sol, approximately 2,030± feet south of the intersection of Phoenix Lake Road and Avenida Del Sol. The project site is within a portion of Sections 27, 34 and 35, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District 4. Assessor's Parcel Number 038-320-010.

COUNTY: Tuolumne

**PROJECT
DESCRIPTION:** Conditional Use Permit CUP18-003 to replace an existing 68± foot high internet tower with a new 150± foot tall high-speed internet tower, related equipment, and a new 12± foot by 15± foot equipment shed on a 89.06± acre parcel zoned AE-37 (Exclusive Agricultural District, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

**APPROVING
AGENCY:** Tuolumne County Planning Commission

EXEMPT STATUS (check one)

- Ministerial (Sec. 21083, 21084; 15303(d))
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
 Categorical Exemption Sec. 15303
 Exemption (Sec.21083, 21084; 15303(d), 15304(a))

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines because the project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. 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.

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley, AICP
Environmental Coordinator

Date: _____

QY:nr



COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CI
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

March 8, 2018

48 Yaney Avenue, Sonora, CA 95309
Mailing: 2 S. Green St. Sonora, CA 95309
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(209) 536-1622 (F) (209) 533-5616 (C)
(209) 533-5909 (fax - E) (209) 588-9064 (fax - F) (209) 533-5698 (fax - R) www.tuolumnecounty.ca.gov

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MAR 22 2018

COUNTY OF TUOLUMNE
Community Resources Agency

To: Adjoining Property Owners
From: Natalie Rizzi, Project Planner
RE: Davis Trust Conditional Use Permit CUP18-003
Assessor's Parcel Number: 038-320-009

The Tuolumne County Community Resources Agency requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process. Your participation at this early stage can eliminate or minimize conflicts that may arise from the project proposed.

We have received the application of Phillip Davis Trust and Conifer Communications for the following project:

Conditional Use Permit CUP18-003 to remove an existing 68± foot internet tower and replace it with a new 100± high speed internet service tower, relative equipment, and a new 12± foot by 15± foot equipment shed within a 500± square foot area near the western portion of Assessor's Parcel Number 038-320-009. The project is a 127.1± acre parcel zoned AE-37 (Exclusive Agricultural District, Thirty Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code. The tower will simulate a broadleaf tree.

The project site is located at 15331 Avenida Del Sol, approximately 2030± feet south of the intersection of Phoenix Lake Road and Avenida Del Sol. A portion of Sections 27, 34 and 35, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 038-320-009. Within Supervisorial District 4.

Because you own property located within 1000 feet of the project site, we would like your opinion of this proposed project. Please list your comments below:

I am not in favor of this project!

Angelina J. Zapew
Your Name(s)

20210 Overholtzer Rd.
Mailing Address Sonora, CA 95370

If we do not receive your comments by Friday, March 23, 2018, we will assume that you have no objections.

For additional information relative to this project, please contact me by telephoning (209) 533-5633, by emailing me at nrizzi@co.tuolumne.ca.us, or by visiting the Community Resources Agency's office located at 48 Yaney Avenue in Sonora, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Descriptions of the permitted and conditional uses in all zoning districts are available on the County website, www.tuolumnecounty.ca.gov, through the Online County Ordinance Code by selecting Title 17 and the appropriate chapter.

Thank you for your assistance in reviewing this application.

Natalie Rizzi

From: A and K Brown <aandkbrown@mlode.com>
Sent: Thursday, March 22, 2018 9:57 AM
To: Natalie Rizzi
Subject: Davis Trust Conditional Use Permit CUP18-003 - Assessor's Parcel No. 038-320-009

Hi Natalie,

I am just getting around to looking at this proposal. My husband has been in a care facility recently, and I haven't been keeping up with my mail. I won't have time to write my comments on your letter and get it to you in the mail by tomorrow, so I am emailing you my concerns. Hope that is OK.

We live directly down the hill from this project-we share a property line (Ken and Ann Brown, 20181 Waif Mine Rd, Sonora). I don't have a problem with this proposed project as long as it doesn't interfere with any of our satellite services that we currently use or might use in the future. Can you guarantee that this won't be a problem? Other than that, I do not have any comments/concerns.

Please reply to my concern.

Thank you,
Ann Brown
20181 Waif Mine Rd.
Sonora, CA 95370
209-533-4202



COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CBO
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

March 8, 2018

RECEIVED

MAR 26 2018

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95371
(209) 533-5631
(209) 536-1622 (Fleet)
(209) 533-5616 (fax)
(209) 533-5909 (fax - EHD)
(209) 588-9064 (fax - Fleet)
(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

To: Adjoining Property Owners

From: Natalie Rizzi, Project Planner

RE: Davis Trust Conditional Use Permit CUP18-003
Assessor's Parcel Number: 038-320-009

COUNTY OF TUOLUMNE
Community Resources Agency

The Tuolumne County Community Resources Agency requests your assistance in reviewing this land development project proposed near your property. We value your comments and participation in our planning process. Your participation at this early stage can eliminate or minimize conflicts that may arise from the project proposed.

We have received the application of Phillip Davis Trust and Conifer Communications for the following project:

Conditional Use Permit CUP18-003 to remove an existing 68± foot internet tower and replace it with a new 100± high speed internet service tower, relative equipment, and a new 12± foot by 15± foot equipment shed within a 500± square foot area near the western portion of Assessor's Parcel Number 038-320-009. The project is a 127.1± acre parcel zoned AE-37 (Exclusive Agricultural District, Thirty Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code. The tower will simulate a broadleaf tree.

The project site is located at 15331 Avenida Del Sol, approximately 2030± feet south of the intersection of Phoenix Lake Road and Avenida Del Sol. A portion of Sections 27, 34 and 35, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 038-320-009. Within Supervisorial District 4.

Because you own property located within 1000 feet of the project site, we would like your opinion of this proposed project. Please list your comments below:

WILL WE HAVE ACCESS TO THE HIGH SPEED INTERNET?
POLICEMEN WE HAVE DISH TV FOR TV AND HUGHES NET
FOR INTERNET, WILL THIS "TOWER" CAUSE
INTERFERENCE WITH THESE SERVICES? HAS THERE
BEEN ANY STUDIES DONE? 65 GUERRERO APT #6

Your Name(s) JOHN WHATLEY / STEVE WILLIS Mailing Address S.F., CA 94103

If we do not receive your comments by Friday, March 23, 2018, we will assume that you have no objections.

BACK OF THIS LETTER

For additional information relative to this project, please contact me by telephoning (209) 533-5633, by emailing me at nrizzi@co.tuolumne.ca.us, or by visiting the Community Resources Agency's office located at 48 Yaney Avenue in Sonora, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Descriptions of the permitted and conditional uses in all zoning districts are available on the County website, www.tuolumnecounty.ca.gov, through the Online County Ordinance Code by selecting Title 17 and the appropriate chapter.

Thank you for your assistance in reviewing this application.

MAILED
3-21-18



COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CBO
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

March 8, 2018

RECEIVED

MAR 23 2018

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95371
(209) 533-5633
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To: Adjoining Property Owners

From: Natalie Rizzi, Project Planner

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Assessor's Parcel Number: 038-320-009

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Because you own property located within 1000 feet of the project site, we would like your opinion of this proposed project. Please list your comments below:

I do not want this new service tower to be installed
Mindy Shaw

Your Name(s)

Mailing Address

If we do not receive your comments by Friday, March 23, 2018, we will assume that you have no objections.

For additional information relative to this project, please contact me by telephoning (209) 533-5633, by emailing me at nrizzi@co.tuolumne.ca.us, or by visiting the Community Resources Agency's office located at 48 Yaney Avenue in Sonora, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Descriptions of the permitted and conditional uses in all zoning districts are available on the County website, www.tuolumnecounty.ca.gov, through the Online County Ordinance Code by selecting Title 17 and the appropriate chapter.

Thank you for your assistance in reviewing this application



COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CB
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

March 8, 2018

RECEIVED

MAR 26 2018

COUNTY OF TUOLUMNE
Community Resources Agency

48 Yaney Avenue, Sonoma
Mailing: 2 S. Green Street
Sonoma, CA 95376
(209) 533-5633
(209) 536-1622 (Flee
(209) 533-5616 (fa
(209) 533-5909 (fax - EHI
(209) 588-9064 (fax - Flee
(209) 533-5698 (fax - Roads
www.tuolumnecounty.ca.gov

To: Adjoining Property Owners
From: Natalie Rizzi, Project Planner
RE: Davis Trust Conditional Use Permit CUP18-003
Assessor's Parcel Number: 038-320-009

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Because you own property located within 1000 feet of the project site, we would like your opinion of this proposed project. Please list your comments below:

No! We do not want the ~~cell~~ an internet tower on this location. Concerned about the electromagnetic radiation exposure. Also, will have negative impact on house values!
Your Name(s) *on* Mailing Address *No 9*

If we do not receive your comments by Friday, March 23, 2018, we will assume that you have no objections.

For additional information relative to this project, please contact me by telephoning (209) 533-5633, by emailing me at nrizzi@co.tuolumne.ca.us, or by visiting the Community Resources Agency's office located at 48 Yaney Avenue in Sonoma, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Descriptions of the permitted and conditional uses in all zoning districts are available on the County website, www.tuolumnecounty.ca.gov, through the Online County Ordinance Code by selecting Title 17 and the appropriate chapter.

Thank you for your assistance.

DATE: April 24, 2020
TO: Tuolumne County Planning Commission
FROM: Taryn Vanderpan, Commission Secretary
SUBJECT: Minutes of February 19, 2020

The Minutes of the February 19, 2020, meeting will follow under separate cover. Thank you for your patience, which is greatly appreciated.