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:

STONE, Ordinance for Zone Change (RZ20-010) to rezone a 10.24± acre parcel from RE-5:MX:O-1 (Residential Estate, Five-Acre Minimum: Mobilehome Exclusion Combining and Open Space-1) to A-10:MX:O-1 (General Agricultural, Ten-Acre Minimum: Mobilehome Exclusion Combining and Open Space-1) district under Title 17 of the Tuolumne County Ordinance Code.

The project site is located approximately 1,610 feet southwest of the intersection Tuolumne Road North and Knox Drive. Within a portion of Section 16, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor’s Parcel Number (APN) 048-610-013.

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Discussion on returning to in person meetings.

2. Adopting Resolution PC2022-004 authorizing remote teleconference meetings of TCPC for the period of May 20 to June 20, 2022.

3. Reports from Commissioners and Staff

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

4. Report from the Board of Supervisors Planning Committee Representative

5. Report from the Agricultural Advisory Committee Representative

6. Minutes of the Meeting of April 20, 2022

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday through Thursday, 8:30 a.m. to noon and 1:00 p.m. to 3:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

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

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

County of Tuolumne

FINDINGS OF THE TUOLUMNE COUNTY PLANNING COMMISSION (TCPC)
AUTHORIZING REMOTE TELECONFERENCE MEETINGS
OF THE TUOLUMNE COUNTY PLANNING COMMISSION (TCPC)
FOR THE PERIOD MAY 18, 2022 TO JUNE 18, 2022
PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, all meetings of Tuolumne County Planning Commission (TCPC) and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, a required condition of Government Code section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558(b); and

WHEREAS, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine or has determined by a majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California Emergency Services Act (Government Code section 8625); and,
WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did not rescind the proclaimed state of emergency; and,

WHEREAS, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and other Executive Orders but did not rescind the proclaimed state of emergency; and,

WHEREAS, as of the date of this Findings, neither the Governor nor the state Legislature have exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent Findings the state Legislature; and,

WHEREAS, the California Department of Industrial Relations has issued regulations related to COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel more than six feet, especially indoors; and,

WHEREAS, the Tuolumne County Planning Commission (TCPC) finds that state or local officials have imposed or recommended measures to promote social distancing, based on the California Department of Industrial Relations’ issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D); and,

WHEREAS, as a consequence, the Tuolumne County Planning Commission (TCPC) does hereby find that it shall conduct its meetings by teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by Government Code section 54953(e)(2).
NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Tuolumne County Planning Commission (TCPC), County of Tuolumne, State of California, in regular session assembled on May 18, 2022 does hereby resolve as follows:

Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this Findings by this reference.

Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social Distancing. The Tuolumne County Planning Commission (TCPC) hereby proclaims that state officials have imposed or recommended measures to promote social (physical) distancing based on the California Department of Industrial Relations’ issuance of regulations related to COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).

Section 3. Remote Teleconference Meetings. The Tuolumne County Planning Commission (TCPC) is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of these Findings including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date. These Findings shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 13, 2021, or (ii) such time the Tuolumne County Planning Commission (TCPC) adopts a subsequent Findings in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).

ADOPTED this 18th day of May, 2022 by Tuolumne County Planning Commission (TCPC), by the following vote:

YES:

NO:

ABSENT:

ABSTAIN:
STONE

DATE: May 18th, 2022

SURFACE/MINERAL RIGHTS OWNER: Rich Stone

APPLICANT: Rich Stone
Phone number: (209) 352-0740
Email: richstone1951@gmail.com

PROJECT AND LOCATION

PROJECT DESCRIPTION: Ordinance for Zone Change (RZ20-010) to rezone a 10.24± acre parcel from RE-5:MX:O-1 (Residential Estate, Five-Acre Minimum: Mobilehome Exclusion Combining and Open Space-1) to A-10:MX:O-1 (General Agricultural, Ten-Acre Minimum: Mobilehome Exclusion Combining and Open Space-1) district under Title 17 of the Tuolumne County Ordinance Code.

LOCATION: The project site is located approximately 1,750 feet southwest of the intersection of Tuolumne Road North and Knox Drive. Within a portion of Section 16, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor’s Parcel Number (APN) 048-610-013.

GENERAL PLAN: The project site is designated Rural Residential (RR) by the Tuolumne County General Plan land use diagrams. The 2018 Tuolumne County General Plan indicates that the (A-10) and (O-1) zoning districts are consistent with the RR designation.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the Zone Change 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. This project involves a zone change to A-10 which would reduce the development potential of the 10.6± acre site, since the A-10 zoning would not allow division of the site.

RECOMMENDATION

1. Community Development Department (CDD) Staff recommends approval of Zone Change RZ20-010 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 district.
D. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

GENERAL INFORMATION

Site Description

1. The project site, Assessor’s Parcel No. 048-610-013, is 10.6± acres in area and is located at 22444 Knox Drive, approximately 1,750 feet southeast of the intersection of Tuolumne Road North and North Knox Drive, to the west of the Sherwood Forest Subdivision. This parcel contains structures listed in Table 1 below, as well as a water well and an on-site sewage treatment and disposal system. The zone change would allow for the completion of the second residence on the site, which is currently under construction. No new structures are proposed. Vegetation on this parcel consists of ponderosa pines, incense cedar, California black oak, manzanita, buck brush, and annual grassland.

2. The project site is currently developed, with the six main structures and accessory structures as shown in the chart below:

<table>
<thead>
<tr>
<th>Type of Structure</th>
<th>Location on Parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Residence w/ attached Garage</td>
<td>Southwest</td>
</tr>
<tr>
<td>Secondary Single-Family Dwelling (SFD) and Garage</td>
<td>Northeast</td>
</tr>
<tr>
<td>Accessory Dwelling Unit (ADU)</td>
<td>Center of parcel</td>
</tr>
<tr>
<td>Music Studio</td>
<td>Center of Parcel within O-1 (Legal Nonconforming)</td>
</tr>
<tr>
<td>Arena</td>
<td>West</td>
</tr>
<tr>
<td>Barn and Stables</td>
<td>Southwest</td>
</tr>
</tbody>
</table>

3. The project site is located at elevations ranging from 3,650 feet to 3,850 feet above mean sea level. Slopes on the site range from 10 to 15% and angle generally downward from the northwest to southeast. Parcels on the north, south, and southwest are designated for Rural Residential (RR) development. Parcels to the east are designated for Low Density Residential development (LDR). The State Highway 108 corridor is located along the northwest property boundary.

Project Site History

4. 1992: An application for Conditional Use Permit 92CUP-029 was received to operate a daycare facility for up to 12 children in the main residence on the project site. The CUP was issued on August 7, 1992.

5. 1997: An application for Conditional Use Permit 97CUP-028 and Zone Change 98RZ-013 was received to operate a guest cottage (existing structure northeast of the main residence) for overnight guests and a commercial stable accommodating a maximum of 30 horses, including the boarding of horses, riding lessons, trail rides from the site, and a covered 80 foot by 120 foot riding area on the existing 5.0± acre parcel. A Negative Declaration was adopted for the project. Mitigation measures included placing 0.86± acre of O-1 zoning on the east and northern perimeter of the then-existing 5.0-acre parcel for the mitigation of cumulative impacts to wildlife. The Planning Commission added a condition to limit the number of horses
present on the site to a maximum of 10, to minimize odors and flies on neighboring properties. Use Permit 97CUP-028 was approved by the Tuolumne County Planning Commission on November 4, 1998 with the 10-horse limit. The Zone Change was approved on December 8, 1998 by the Board of Supervisors.

6. 2003: On April 29, 2003, a Notice of Exemption was filed for Tentative Parcel Map 03T-40 to adjust a 5.0± acre portion of a 20.04± acre parcel (neighboring property) to the Stone parcel, which then became 10.6± acres. The O-1 zoning was no longer located along the eastern perimeter, and with the revised lot layout, became more centralized to the north of the main residence and east of the guest cottage.

7. 2008: On June 16, 2008, an application was received from Richard and Michelle Stone for Tentative Parcel Map T08-029 to divide their 10.6± acre parcel into two parcels of 5.1± and 5.5± acre size. A Negative Declaration and Tentative Parcel Map T08-029 were approved by the County Surveyor on August 2, 2011. A Final Map was never recorded to divide the property, due to the costs of the required road improvements.

Project Description

8. An application for Zone Change RZ20-010 was submitted to the CDD on November 3, 2020 to rezone a 10.24± acre parcel to A-10:MX:O-1. On the initial application the applicant requested to relocate the Open Space -1 zoning to be clustered in the southeast corner of the parcel on the southern side of Knox Drive. A revised map was submitted on January 11, 2022 to clarify the proposed zoning and to show that the Open Space – 1 zoning would not be changing from that previously adopted in Ordinances 2449 and 2270, which are shown in Attachment # 2. The current location of the O-1 zoning district contains a portion of the guest cottage (which has now been converted to an ADU), a portion of a garage/workshop (which is now the Music Studio), a gravel road, and a minimal amount of conifer trees. It has been determined that the structures within O-1 zoning are a legal non-conforming use pursuant to Chapter 17.58 of the TCOC. Therefore, the use is permitted to continue in accordance with Chapter 17.58.

9. The Zone Change is being requested to facilitate permitted uses under the A-10 zoning district. It would allow for the applicant to have two primary single-family dwelling units and the ADU, which would thereby bring the parcel into compliance with the Ordinance Code. Pursuant to section 17.12.020, permitted uses include one SFD per parcel and one additional SFD or one guesthouse when the parcel is ten acres or larger. Pursuant to section 17.52.200, Accessory Dwelling Units less than 1,200 square feet are a permitted use in the A-10 district.

10. Staff has concluded that pursuant to the adopted ADU Ordinance 3388 and justified by the 1998 Initial Study which allowed a legal non-conforming use, the utilities for the ADU (Building Permit #B2021-01723) are allowed to cross the O-1 zoning to connect to the future septic system for the secondary single family dwelling (Building Permit #B2018-00936).

General Plan

11. The project site contains the Rural Residential (RR) General Plan land use designation. The RR designation provides country estate-type living conditions while maintaining large areas of open space, dedicated to agricultural pursuits, grazing, or left undisturbed. This designation is found in areas which have limited public services. Typical uses allowed on a parcel in the RR designation include one single-family dwelling, one secondary single-family dwelling, and agricultural uses. The project site is developed with two-single family dwellings and is served by private wells and private sewage disposal systems, which is consistent with the RR
property owners did not want to apply for a Conditional Use Permit, which would be subject to Conditions of Approval for the continued use of the second residence on the site. The property owners have applied for the Zone Change to A-10 to allow the second residence.

<table>
<thead>
<tr>
<th>Zoning Ordinance</th>
<th>Requirements</th>
<th>Project Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 17.28.010-</strong> of the Tuolumne County Ordinance Code states that within any RE-5 zoning district, one primary single-family dwelling is permitted per parcel. One guesthouse or one detached secondary single-family dwelling, not exceeding one thousand two hundred (1,200) square feet of living area is also permitted, when the parcel complies with the requirements of section 17.52.200, or one attached secondary single-family dwelling unit, not exceeding one thousand two hundred (1,200) square feet of living area.</td>
<td>This parcel is allowed two single family homes, one of which cannot exceed 1,200 square feet without obtaining a Conditional Use Permit. The project site contains twice the minimum acreage for the existing RE-5 zoning district. The pending second residence exceeds 1,200 square feet; however, the property owners did not want to apply for a Conditional Use Permit, which would be subject to Conditions of Approval for the continued use of the second residence on the site. The property owners have applied for the Zone Change to A-10 to allow the second residence.</td>
<td>The project site currently contains a permitted primary residence, a pending permit for the secondary residence, an Accessory Dwelling Unit and general farming and ranching activities. General farming and ranching is a permitted use in the RE-5 and A-10 zoning district. The site is currently not in compliance as the pending building permit for the second residence has not been completed.</td>
</tr>
<tr>
<td><strong>Section 17.12.010-</strong> of the Tuolumne County Ordinance Code Section 17.12.010 states that the purpose of the proposed A-10 (General Agricultural, Ten Acre Minimum) zoning district is to provide for country-estate type living on parcels less than twenty acres in area while maintaining areas for the commercial production of food and fiber where such agricultural uses can exist without the encroachment of incompatible land uses.</td>
<td>The project site is 10.6± gross acres in area which meets the minimum parcel size for the A-10 zoning district. General farming and ranching is allowed in the A-10 zoning area.</td>
<td></td>
</tr>
</tbody>
</table>
**Section 17.12.020** - of the TCOC states that once single-family dwelling per parcel is a permitted use in addition to one additional single-family dwelling or one guesthouse when the parcel is ten acres or larger.

The proposed Zone Change would allow the project site to have two full size residences and an ADU since their parcel is greater than 10 acres in area. The zone change would allow the applicants to complete their building permit (B2018-00936) submittal for the second residence.

Building Permit B2021-01723 is to convert the existing guest cottage into an ADU.

**Section 17.15.010** - of the Ordinance Code states that the intent of the O-1 district is to preserve and protect areas of valuable wildlife habitat consistent with the wildlife policies of the General Plan or areas of significant cultural resources. The 0.86± acre of existing O-1 zoning on the project site was placed there in 1997 as a mitigation measure for cumulative impacts to wildlife resulting from Conditional Use Permit 97CUP-028 that allowed the operation of a commercial stable.

As a result of a 2003 lot line adjustment with a neighboring property that created the current 10.6± acre parcel, a portion of the existing O-1 zoning district became located in a centralized location on the site which now contains a portion of the ADU, a portion of the previous garage (now Music Studio) and a gravel road.

As stated above in #11 in this report, these structures are now legal non-conforming within the Open Space – 1 zoning.

**Section 17.48.010** - of the Ordinance Code states that the Mobilehome Exclusion Combining (:MX) district is intended to be combined with any principal zoning district in which the use of older mobilehomes as residences on individual parcels would conflict with the aesthetic, social or economic development of any such principal zoning district. Section 17.48.020 indicates within any :MX district, no mobilehome may be used as a permanent residence on any individual parcel unless it is installed on a foundation system as set forth in the most current edition of the California Building Code and in accordance with Section 18551 of the California Health and Safety Code, with skirting around the mobilehome, and no more than ten (10) years have elapsed between the date of the manufacture of the mobilehome and the date of the application for a building permit to install the mobilehome.

No mobilehomes or manufactured homes are proposed for the current project.

---

**Wildlife and Habitat**

14. The Tuolumne County Wildlife Map for the USGS Standard 7.5 Minute Quadrangle indicates that the project site supports the Montane hardwood conifer (mhc) and Annual grassland (ags), habitats as follows:
<table>
<thead>
<tr>
<th>Habitat Type</th>
<th>Priority Rating</th>
<th>Approximate Acreage</th>
<th>Percentage of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montane hardwood conifer (mhc)</td>
<td>3rd</td>
<td>10.4±</td>
<td>98%</td>
</tr>
<tr>
<td>Annual grassland (ags)</td>
<td>4th</td>
<td>0.2±</td>
<td>2%</td>
</tr>
</tbody>
</table>

15. The ags habitat type is considered a fourth priority habitat pursuant to Appendix B of the Tuolumne County Wildlife Handbook (TCWH). Fourth priority areas are of relatively low value for wildlife and no mitigation is required for cumulative impacts to wildlife. The mhc is a third priority wildlife habitat. Page III-3 of the Tuolumne County Wildlife Handbook specifies that mitigation for impacts to wildlife is applied to all discretionary projects except those that are exempt from CEQA. The project involves a zone change that is exempt from CEQA; therefore, no mitigation for cumulative impacts to wildlife is required.

16. 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. The 10 percent canopy cover may apply to the individual stand of vegetation and not to the entire project site. The requirements of Section 21083.4 of the Public Resources Code do not apply to California black oaks where commercial coniferous species occur or have occurred in the past. Section 21083.4 identifies various measures that may be used to mitigate the impacts of development on the oak woodland, including conservation through the creation of conservation easements, replanting an appropriate number of trees, restoration of former oak woodlands, and the contribution of funds to the Department of Fish and Wildlife Oak Woodland Conservation Fund. The project site does not contain an oak woodland since California black oak trees are the only type of oak on this site.

17. A 2009 Initial Study created when the parcel was previously divided identified the Three-Bracted Onion (*Allium tribracteatum*) on the site. The Three-Bracted Onion is classified by the United States Fish & Wildlife Service as a species of concern, by the United States Forest Service as a sensitive species, by the California Department of Fish and Wildlife Natural Diversity Database as a special plant, by the California Native Plant Society as a plant rare and endangered in California and elsewhere, and identified by the Tuolumne County General Plan as a Priority 2 species. In 2009, the location of the existing O-1 zoning on the parcel remained to protect the habitat of the Three-Bracted Onion species occurring in the vicinity of the project site. In May 2022, a CDD staff biologist walked the area of proposed disturbance within the O-1 zoning, to see if specimens of this plant were present. Staff did not locate any specimens of this species while conducting a site inspection, and also noted that the area of the proposed future trenching of septic utility lines (Attachment 3) contains a gravel surface with no potential for habitat for this onion species.

**Cultural Resources**

18. Pursuant to Section 14.10.070 of the Ordinance Code, a cultural resources study is required when certain indicators are found on a project site. The cultural resource indicators include containing or being adjacent to a parcel that contains known archaeological or historic sites, or the site containing 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. The Tuolumne County Database of Cultural Resources has
been reviewed to determine the presence of known cultural resources on the project site. No known cultural resources or other indicators are located on the site. For this reason, no cultural resource study was required for the proposed project.

Adjoiner Comments

19. On February 8, 2022, 176 owners of property located within 1,000 feet of the project site were notified off the proposed project. The CDD received one (1) response on support, one (1) in opposition and one (1) neutral response via voicemail. The individual in opposition voiced concerns regarding the project being within a high fire hazard severity zone, potential strain on fire services, and having a time of drought with additional wells drawing water that would put additional strain on the water table. All comments have been attached to this report, as well as noting a neutral opinion, voiced via voicemail, which has been archived in the electronic project files.

Fire Concern
The letter addressed concern over increased fire hazards associated with additional single-family dwellings. The project was reviewed by the Tuolumne County Fire Prevention Division, who provided no comment. The existing single-family dwelling and any new single-family dwelling are required to provide adequate defensible space and clearing to reduce fire hazards. Furthermore, building permits are reviewed to meet the Wild Urban Interface (WUI) requirements as well as meet required building setbacks. The project will not result in an increase in the number of parcels, nor the number of single-family dwellings allowed to be developed under the proposed A-10 zoning district. Currently under the RE-5 zoning, there is the potential to have an increase in density if the property owner did elect to split the parcel into two RE-5 parcels. The maximum density would be one primary single-family dwelling and one accessory dwelling unit per parcel totaling a maximum density of four dwelling units. A zone change to A-10 would bring the maximum allowable density to three dwelling units.

Water Supply
The letter addressed concern over increased water use. New and existing wells are reviewed for compliance under Title 13 by the Tuolumne County Environmental Health Division.

Agency Review

20. The application for Zone Change RZ20-010 has been reviewed by various County agencies including the Fire Prevention Division of the Tuolumne County Fire Department, and the Engineering Division, Building and Safety Division, Survey Division and the Environmental Health Division of the Community Development Department. No comments were received from these agencies.

Tuolumne Me-Wuk Tribal Council
The Tuolumne Me-Wuk Tribal Council reviewed the proposed project and indicated that they have no concerns at this time. Prior to excavation, the Tribe asked that inadvertent discovery protocols be put in place.

Pursuant to chapter 14.10.040, the CDD shall review the County’s Database of Cultural Resources for all well, sewage treatment and disposal, and grading permits and for building permits other than building permits for demolition and assess whether the proposed permits have the potential to disturb known cultural resources. When a search of the database determines that no known resources occur within the proposed area of disturbance, then the standard condition described in Section 14.10.150 shall be attached to the permit.
Zone Change Findings

21. 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 staff’s responses to each requirement:

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

Consistency with the General Plan is discussed and demonstrated in #12 and #13 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 #14 and the table 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 discussed in #4, #5, #6 and #7 above in this report. The land uses on site are consistent with those of the proposed A-10:MX:O-1 zoning district.
Attachment 1: Agenda Map

Project: RZ20-010
Owner: Richard Stone
Applicant: Richard Stone
APN: 048-610-13
Acres: 10.24± acres
Current Zoning: RES:MX & O-1
Current General Plan Designation: RR
Project Description: Ordinance for Zone Change to rezone a 10.24 acre parcel from RE-5:MX & O to A-10:MX & O under Title 17 of the Tuolumne County Ordinance Code.
Attachment 2: Vicinity Map

Esri Community Maps Contributors, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, Geo Technologies, Inc., METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA
Attachment 3: Future Proposed Septic lines crossing O-1 zoning
Attachment 4: Adjoiner and Advisory Agency Comments

Staff Contact: Cheydi Gonzales
(209) 533-6841, cgonzales@co.tuolumne.ca.us

AGENCY/NAME: **JEFFERY T. BRITTON**

COMMENTS: **HAVE NO ISSUES WITH PROPOSED CHANGE. PLENTY OF ROOM FOR 2 HOUSES + ACCESSORY DWELLINGS.**

All property owners within 1,000 feet of the proposed project and agencies/organizations will be notified of future public hearings. Property owners do not need to request future notification. Please note that all comments that are submitted are part of the public record for the project.

Signed by: **[Signature]**
Agency: **Resident**
Date: **2-8-22**

RECEIVED
FEB 10 2022
Community Development Department
AGENCY/NAME: William Kendall

COMMENTS: I have concerns as this property has high fire hazard severity in a time where fires are a concern. This will put additional potential strain on fire services. Also during a time of drought, it is not advisable to put more strain on the water table which can be affected by additional wells drawing water.

All property owners within 1,000 feet of the proposed project and agencies/organizations will be notified of future public hearings. Property owners do not need to request future notification. Please note that all comments that are submitted are part of the public record for the project.

Signed by: [Signature]
Agency: home owner
Date: 2-18-22
February 11, 2022

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

RE: Zone Change RZ20-010
Assessor’s Parcel Number: 048-610-013

Dear Ms. Gonzales,

We are in receipt of your communication dated January 31st, 2022 regarding the above referenced project. Upon reviewing said documentation and the project area, the Tribe has no concerns at this time as the land is considered disturbed. Prior to any excavation, the Tribe would propose that inadvertent discovery protocols be put in place. Thank you for keeping us updated.

Best regards,

Kyle Cox
Cultural Resource Manager
All property owners within 1,000 feet of the proposed project and agencies/organizations will be notified of future public hearings. Property owners do not need to request future notification. Please note that all comments that are submitted are part of the public record for the project.

Signed by: [Signature]

Agency: [Agency Name] Date: 2-16-22
CALL TO ORDER/WELCOME:

Chair Morrow called the meeting of April 20, 2022, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

Chair Morrow asked staff to roll call the Commission.

Chair Morrow: Present  
Commissioner Gustafson: Present  
Commissioner Beil: Present  
Commissioner Jordan: Present  
Vice-Chair Emerson: Present  
Commissioner Santa Maria: Present  
Commissioner Bechtle: Present

Quincy Yaley, Community Development Department Director, noted that there was a quorum.

PLANNING COMMISSION BUSINESS:

1. Discussion on returning to in person meetings.

Commissioners discussed returning to in person meetings. They discussed the option of having both in person and zoom for future meetings.

Ms. Yaley noted that the County does not have the resources to accommodate both options.
It was moved by Commissioner Jordan and seconded by Chair Morrow to return to in person meetings for the May 18, 2022 Tuolumne County Planning Commission meeting.

Chair Morrow asked staff to roll call the Commission.

Chair Morrow: Aye
Commissioner Gustafson: Aye
Commissioner Beil: No
Commissioner Jordan: Aye
Vice-Chair Emerson: No
Commissioner Santa Maria: Aye
Commissioner Bechtle: No

Chair Morrow called for the vote. 4 Ayes, 3 Noes, 0 Abstain

Motion carried: 4 – 3 – 0 With Vice-Chair Emerson and Commissioners Beil and Bechtle voting no.


It was moved by Commissioner Jordan and seconded by Chair Morrow to approve Resolution RC2022-003 authorizing remote teleconference meetings for TCPC for the period of April 20, 2022 to May 20, 2022.

Chair Morrow asked staff to roll call the Commission.

Chair Morrow: Aye
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: Aye
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Chair Morrow called for the vote. 7 Ayes, 0 Noes, 0 Abstain

Motion carried: 7 – 0 – 0

3. Reports

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

Dave Ruby, Planning Manager, gave an overview of the new Stakeholder notification procedures.

4. Election of a new Board of Supervisors Planning Commission Representative

Chair Morrow offered to be the new Board of Supervisors Planning Commission Representative.

It was moved by Commissioner Gustafson and seconded by Commissioner Jordan to appoint Chair Morrow to be the Board of Supervisors Planning Commission Representative.
Chair Morrow asked staff to roll call the Commission.
Chair Morrow: Aye
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: Aye
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Chair Morrow called for the vote. 7 Ayes, 0 Noes, 0 Abstain

Motion carried: 7 – 0 – 0

5. **Report from the Board of Supervisors Planning Committee Representative**

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

6. **Report from the Agricultural Advisory Committee Representative**

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

7. **Minutes of the meeting of March 16, 2022**

It was moved by Commissioner Gustafson and seconded by Commissioner Beil to approve the minutes of April 20, as written.

Chair Morrow asked staff to roll call the vote.

Chair Morrow: Aye
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: Aye
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Chair Morrow called for the vote. 7 Ayes, 0 Noes, 0 Abstain

Motion carried: 7 – 0 – 0.

**PUBLIC COMMENT:**

Chair Morrow opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the Agenda. Seeing no one, he closed the public comment period.

**PUBLIC HEARING:**

**LEE AND CHIU,**

1. General Plan Amendment GPA21-004 to amend the General Plan land use designation of a 0.98± acre parcel from General Commercial (GC) to Mixed Use (MU).

2. Zone Change RZ21-011 to rezone a 0.98± acre parcel from C-1:D:MX (General Commercial: Design Review Combining: Mobile Home Exclusion Combining) to M-U:D:MX (Mixed Use: Design Review Combining: Mobile Home Exclusion Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
3. Conditional Use Permit CUP21-012 to allow the conversion of existing office and retail space into residential apartment units.

The project site is located at 18701 Tiffeni Drive, located northeast of the intersection of Twain Harte Drive and Tiffeni Drive in the community of Twain Harte, within a portion of Section 9, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian, within Supervisorial District 3. Assessor’s Parcel Number 048-680-050.

Natalie Rizzi, Senior Planner, gave a PowerPoint presentation on the proposed project’s location and description.

Some Commission members raised concerns over the size of the apartment units, specifically with one of the units being 290 square feet.

Ms. Rizzi clarified that all proposed units would need to meet the size requirements as indicated in the building code.

The Commission asked questions regarding building and fire code.

Ms. Rizzi responded that during the building permit submittal, the plans for the conversion would be reviewed for consistency with building and fire code.

Commissioner Jordan noted Twain Harte residents’ concerns with project notifications.

Ms. Rizzi noted that all the noticing requirements in the Tuolumne County Ordinance Code and Brown Act were adhered to.

The Commission noted that the community was confused, with this project and a similar one proposed in the Twain Harte Shopping Center.

Ms. Rizzi explained that although the two projects are in proximity to each other, they are not related.

Chair Morrow asked if there were any more questions from the Commission. Seeing no one, he opened the public comment period and asked if there were any members of the public who wished to speak on the proposed project.

There were two members of the public who spoke in opposition to the proposed project. They raised concerns with the notification distance and the aesthetics of the project site. They also questioned how the proposed project can be considered urban and the relation with other projects in the area.

Twain Harte Community Services District spoke neutrally on the proposed project. They gave an overview of what the applicant would need to ensure service.

There was one member of the public who spoke in favor of the project.

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

It was moved by Commissioner Gustafson and seconded by Commissioner Santa Maria to recommend approval of General Plan Amendment GPA21-004 based on Findings A through D, and recommend approval of Rezone RZ21-011 based on Findings A through D.

Chair Morrow called for the vote.

Chair Morrow: No
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: No
Vice-Chair Emerson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye

Chair Morrow called for the vote. 5 Ayes, 2 Noes, 0 Abstain

Motion carried: 5 – 2 – 0 with Chair Morrow and Commissioner Jordan voting no.

It was moved by Commissioner Gustafson and seconded by Commissioner Santa Maria to approve Conditional Use Permit CUP21-012 based on Findings A through G and subject to Conditions 1 through 23.

Chair Morrow asked staff to roll call the vote.

Chair Morrow: No
Commissioner Gustafson: Aye
Commissioner Beil: Aye
Commissioner Jordan: No
Vice-Chair Emerson: No
Commissioner Santa Maria: Aye
Commissioner Bechtle: No

Chair Morrow called for the vote. 3, Ayes, 4, Noes, 0; Abstain,

Motion failed: 3 – 4 – 0 with Chair Morrow, Vice-Chair Emerson and Commissioners Jordan and Emerson voting no.

No second motion was made, therefore the Conditional Use Permit CUP21-012 was denied.

ADJOURNMENT:
Chair Morrow adjourned the meeting.

Respectfully,

Quincy Yaley, AICP
Community Development Department Director
QY:tv